

UNIVERSITY OF MICHIGAN



FROM INCLUSION TO ACCEPTANCE:

REPORT OF THE TASK FORCE ON THE CAMPUS CLIMATE FOR
TRANSGENDER, BISEXUAL, LESBIAN AND GAY (TBLG)
FACULTY, STAFF AND STUDENTS

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TABLE OF CONTENTS

Summary of Recommendations	i
I. Introduction	1
II. An Introduction to Transgenderism	2
III. The Climate for TBLG Persons at the University of Michigan	4
A. The Climate for TBLG Persons Generally	4
B. The Climate for Transgender Persons	9
IV. Recommendations for the University of Michigan	11
A. The Rights of Transgender Persons	11
B. Awareness, Education, and Safety	14
C. Services and Support	17
D. Health Care	23
E. Curricular and Scholarly Issues	26
F. Other Areas of Concern	27
G. Implementation	29
V. The University’s Interactions with External Organizations	30
VI. Becoming a Model Environment for TBLG People	33

APPENDICES

I. Charge to the Task Force and the List of Task Force Members	35
II. Information-Gathering Activities by the Task Force	38
III. Transgenderism and Transgender Rights	41
IV. The Legal Relationship Between Sexual Orientation and Gender Identity	55
V. Transgender Protection in Other Universities	57
VI. Adding “Gender Identity” to Ohio State University’s Non-Discrimination Policy	59
VII. New York Times Article: “On Campus, Rethinking Biology 101”	60

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Summary of Recommendations

The Rights of Transgender Persons

pp. 11-13

- We recommend that the Regents amend Bylaw 14.06 to provide non-discrimination and equal opportunity for all persons regardless of “gender identity.”
- We recommend that the University develop and adopt a Standard Practice Guide (SPG) for preventing discrimination based on gender identity, and that it also expand protections provided in other relevant SPGs and University policies to include gender identity.

Awareness, Education, and Safety

pp. 14-16

- We recommend that the Department of Public Safety, building on its current efforts, work to increase its contacts with the TBLG community and to improve its integration with TBLG life on campus.
- We recommend that the University significantly enhance its efforts to educate faculty, staff, and students about TBLG issues, especially with respect to transgenderism, about which there is a widespread lack of knowledge and understanding.
- We recommend that the University promote visible representation of TBLG persons as an important part of our institutional commitment to welcome and support TBLG members of the community.

Services and Support

pp. 17-23

- We recommend that the University Health System conduct an external review of the Comprehensive Gender Services Program in order to assess its services.
- We recommend that the Lesbian, Gay, Bisexual, and Transgender Affairs (LGBTQA) office be given additional resources, but that it also be directed to assume a more central role in improving the climate for TBLG students.
- We recommend that a small committee be formed to identify the full range of potential needs and issues that arise when transgender people change their names, and to develop resources and address problems accordingly.

- We recommend that the Housing Division continue and strengthen its current efforts to create a welcoming, supportive environment for TBLG student residents and to respond to homophobic actions.
- We recommend that the Facilities and Operations Division ensure the availability and accessibility of restrooms that provide adequate safety and privacy for transgender individuals.
- We recommend that the University consider expanding its current benefits for TBLG faculty and staff.

Health Care

pp. 23-26

- We recommend that the University Health Service (UHS) and other University health care providers considerably expand their efforts to prevent the spread of HIV and of other sexually transmitted diseases (STDs).
- We recommend that all health services on campus, including the University Health Service, Psychological Clinic and the Office of Counseling and Psychological Services, assess their services and take whatever steps are needed to ensure that TBLG students receive the same level of services as other students.
- We recommend that the Medical Campus more vigorously curb discrimination against TBLG persons.

Curricular and Scholarly Issues

pp. 26-27

- We recommend that faculty be urged to integrate TBLG issues in relevant courses and that existing course offerings on these issues be strengthened in order to provide both graduate students and undergraduates with a full and coherent representation of TBLG scholarship and concerns.

Other Areas of Concern

pp. 27-29

- We recommend that the Department of Intercollegiate Athletics and the Recreational Sports Unit reexamine their policies pertaining to the safety and participation of TBLG persons.
- We recommend that the University campuses at Flint and Dearborn undertake to assess and improve the climate for TBLG persons.

Implementation

p. 29

- We recommend that the Provost's Office establish a TBLG Implementation and Oversight Committee to supervise the execution of the recommendations in this report.

I. Introduction

In September 2002, President Mary Sue Coleman met with representatives of the Queer Visibility Caucus, a group made up of transgender, bisexual, lesbian, and gay individuals and groups within the University and from the greater Ann Arbor community. At that meeting, the group proposed that a task force be formed to learn more about the campus climate for TBLG faculty, staff, and students, and to develop recommendations aimed toward improvements.

With the full support of President Coleman, Provost Paul N. Courant established the Task Force on the Campus Climate for Transgender, Bisexual, Lesbian, and Gay (TBLG) Faculty, Staff, and Students. Provost Courant charged the Task Force to collect information about the current climate at the University for TBLG people; to learn about relevant practices and policy within the University, at other institutions of higher education, and in the private sector; and then, based upon the Task Force's findings, to develop a set of recommendations, including a set of principles to guide the University's interactions with outside organizations that do not share the University's views with regard to TBLG-related matters. The full charge appears in Appendix I.

The Task Force met for the first time on March 31, 2003. The lateness in the school year compelled postponing formal public announcement of the Task Force until the beginning of the Fall Term, but during the summer months its members met individuals from within the University and outside, work that continued throughout the fall term. We normally met every other week.

Members of the Task Force undertook the following activities to gather information:

- Familiarizing ourselves with the history of TBLG policies here at Michigan, particularly since *From Invisibility to Inclusion: Opening the Doors for Lesbians and Gay men at the University of Michigan* ("The Lavender Report"), a comprehensive study issued by the Affirmative Action Office in 1991, which set the basic lines for subsequent University policies;
- Collecting opinions from TBLG faculty, staff, and students, as well as from other members of the University community, especially through anonymous responses to our website and in two "town hall" meetings;
- Consulting with persons inside and outside the University who have expertise on TBLG issues, particularly as to the needs of transgender people;
- Learning more about TBLG policies and practices at other institutions of higher education and in the corporate sector;
- Meeting with staff and administrators in University offices to learn more about existing resources for TBLG people;
- Examining and analyzing data from UM surveys related to TBLG faculty, students, and staff; and
- Identifying and reviewing books and journal articles of interest.

Appendix II provides a list of people and groups with whom members of the Task Force met. The Task Force is most grateful to all of them for their time and assistance; we have encountered nothing but cooperation and good will. Appendix II also includes more detailed information about other information-gathering activities. As a special consultant to the Task Force, Jim Toy, Program Associate in the Office of Institutional Equity, attended all meetings and contributed significantly to each phase of the Task Force's work. Also, the Task Force could not have carried out its charge without the excellent administrative support provided by Kerry Nisbett, Administrative Associate in the Office of the Provost and Executive Vice President for Academic Affairs.

II. An Introduction to Transgenderism

Because of the publicity it has received, sexual orientation is now a familiar concept. The same is not true, however, of transgenderism, which most people have encountered only incidentally, and about which they are therefore often poorly informed. For this reason we have included the following short introduction, which is based closely on the fuller discussion in Appendix III.

Transgender is an umbrella term describing persons whose gender identities, expressions, or behaviors are not those traditionally associated with their birth sex. Of transgender individuals, those most intensely challenged by traditional gender-role expectations are transsexual persons (usually called "transsexuals"), many of whom experience such profound discomfort with their birth sex that they may transition to the other sex by undergoing sex-reassignment surgery. By contrast, some less strongly affected transgender persons may live part- or full-time in a gender not their birth gender without desiring sex reassignment. Others may cross-dress on occasion while still normally identifying with their birth gender. In other words, transgenderism embraces a broad range of individual behaviors and identities.

The American Psychological Association classifies such gender dysphoria as Gender Identity Disorder, a "strong and persistent cross-gender identification" that can cause clinically significant distress or impairment in social, occupational, or other important areas of functioning. Since transgenderism is generally an intensely private matter, it is impossible to estimate its incidence, although clearly it is not extremely rare. It appears to occur with about the same frequency in both sexes and in all races, nationalities, and social strata; and it occurs throughout the life span.

Sexual orientation is not the principal issue for transgender people. Rather, the issue is a desire to live and to be perceived as a member of a gender different from one's birth gender. Transgender persons may be either heterosexual or homosexual with respect to their non-birth sex. In modern law, statutory or administrative protections for sexual orientation do not extend to gender identity except in unusual circumstances; see Appendix IV.

Transgender persons encounter severe difficulties in virtually every aspect of their lives, both internally in coping with their own feelings, and then socially in interacting with others. The considerable social stigma that still attaches to transgenderism leads not at all infrequently to verbal harassment and physical violence; but transgender persons also have experienced not only dismissal from jobs and eviction from housing, but denial of services even by the police and hospital emergency rooms. Even the most mundane of public amenities, such as secure and private restrooms, are commonly unavailable.

The roots of such hostile behavior are not easy to diagnose, but undoubtedly the most important cause is a prevailing lack of knowledge about transgenderism, a problem that is sporadically exacerbated by religious or ideological dogmatism playing upon this unfamiliarity. The consequence for transgender individuals is a climate of shame and fearfulness that often results in repression or extreme attempts at concealment. This climate, in turn, has hampered the development of effective services to assist transgender people.

Despite these obstacles, over the last half-century, and particularly during the last two decades, public recognition of the complex of issues related to transgenderism has rapidly increased. In large part this has occurred because transgender individuals themselves have found their voice (largely through the Internet) and developed a social and political presence, with specialized lobbies to press their interests.

As a result of that lobbying and of the growing awareness of transgender issues, an exponentially expanding list of state and local governments have adopted nondiscrimination statutes safeguarding transgender individuals. (For much further information, see the website of the Transgender Law and Policy Institute: <http://www.transgenderlaw.org/index.htm>). As of March, 2004, four states (California, Minnesota, New Mexico, and Rhode Island), nine counties, and some fifty cities (including Ann Arbor, Grand Rapids, Huntington Woods, and Ypsilanti in Michigan) prohibit some or all forms of discrimination on the basis of gender identity or expression. The resulting legislative patchwork of protections extends to about one quarter of the American population.

Companies have also moved in rapidly increasing numbers to provide protection. At present about sixty employers include gender identity in their non-discrimination policies. These employers are typically situated in the more “cutting edge” areas of the economy: computer and information technology (e.g., Apple, Hewlett Packard, IBM, Intel, NCR, and Xerox), finance and insurance (e.g., Aetna, Bank One, and J.P. Morgan), and other firms with strong public images (Eastman Kodak, Nike, and Walgreens).

Colleges and universities have moved more slowly, although the pace has accelerated in recent years. Currently about thirty institutions of higher education are known to have policies that prohibit discrimination on the basis of gender identity. These institutions range widely, from older private institutions (Brown, Massachusetts Institute of Technology, Wesleyan) to large public universities (Arizona State, California, Iowa, New Hampshire, Ohio State, University of Pennsylvania, Rutgers, Washington). There is no easy way to explain why nondiscrimination policies have been adopted at some universities and not at others, but it does appear that many if not most of our peers are currently considering changes in their policies. In Michigan, Kalamazoo College already

has a more comprehensive policy, and on December 5, 2003, the Board of Trustees of Michigan State adopted a policy prohibiting harassment on the basis of gender identity. (See Appendix V for a more complete list. We have included a policy statement from Ohio State as Appendix VI. Appendix VII is a recent New York Times article on how colleges have handled transgender students.)

This pattern of localized protection for transgender individuals will almost certainly expand substantially during the present decade. It is important to emphasize, however, that very little has yet occurred at the Federal level. The Employment Nondiscrimination Act has been stuck in Congress since 1974. Faced with political reality, its main sponsors have limited its scope to sexual orientation and thus have not supported transgender-inclusive language. Other potentially relevant statutes have provided little help; for instance, the Civil Rights Act of 1964 does not address transgenderism, while the Americans with Disabilities Act of 1990 specifically excludes gender variance. Courts have likewise been reluctant to interpret traditional constitutional and statutory rights in ways that would protect transgender people; and in some recent cases they have used legislation (such as the Defense of Marriage acts) in ways that remove from transgender persons rights that they previously enjoyed.

At the present time there is thus little likelihood that significant protections for transgenderism will be forthcoming from the Federal Government. Federal inaction is an important factor in further motivating efforts to protect the rights of transgender people through governmental action at the state and local level, as well as through the policies of individual business and educational institutions.

III. The Climate for TBLG Persons at the University of Michigan

A. The Climate for TBLG Persons Generally

A1. Measuring Climate. The Task Force operated with no pre-established definition of “climate.” Rather, we encouraged the members of the University community to define the concept for themselves. Most of our informants clearly understood “climate” to mean surrounding physical, institutional, and interpersonal conditions, as well as the more general “atmosphere” of the University for TBLG persons.

We undertook several efforts to collect information about the climate for TBLG faculty, staff, and students. Through our website, the Task Force received about 145 on-line submissions, some quite brief but many very lengthy. The site was constructed to provide anonymity, so we have no information as to the demographics of individuals who submitted comments, although all gained access only if they could sign on to University on-line resources. The submissions consisted largely of general comments on the climate for TBLG persons, individual experiences, and suggestions for change; however, disappointingly, we received no responses specific to bisexual interests. Some responses (about ten) questioned our effort and the use of resources it requires, or expressed resentment that the University is giving attention to TBLG matters. However, there were

no responses that could be described as manifestly homophobic or rancorous toward transgender persons.

In addition, the Task Force held two well-attended Town Hall meetings, one focussing on bisexual, lesbian, and gay people, the other entirely on transgender people. We were also able to make use of the extensive report by the Division of Student Affairs' Gender Identity Working Group (GIWG) and of the results from the Visibility 2000 research project by the Office of Lesbian, Gay, Bisexual, and Transgender Affairs (LGBTAA). Finally, many members of the University community spoke with some or all of us about pertinent policy matters; they are listed in Appendix II.

A2. General Comments. As we had expected, the comments we received at our website were various. Some were extremely positive, particularly as to the University in comparison with other American institutions (e.g., "The environment is very welcoming compared to most campuses and cities."); it is plain that many University members regard the Ann Arbor campus as a refuge from a hostile world. As one respondent put it, "Although Ann Arbor and the University are by far the most accepting environments in which I have lived, this serves to illustrate just how far towards acceptance these communities and the nation still have to go."

On the other hand, most comments were more critical, often suggesting, on the basis of individual experiences, that the University, while nominally receptive, is actually a rather chilly place for TBLG persons. It is hard to sample these observations, but typical are these: "My office is superficially accepting but uninformed and hostile in some ways"; "There are still feelings of hostility for people of alternate lifestyles"; "LGBT people are invisible in my department, and I think the department likes it that way"; "The climate is reasonably non-threatening, but there's a big difference between 'non-threatening' and 'welcoming'"; the environment is "borderline acceptable."

A3. Underlying Beliefs. These more critical observations seem to rest on two beliefs that were both widespread, although by no means universal. First, many TBLG persons have an abiding suspicion that the University is not entirely sincere in its commitment to TBLG equality. As one respondent observed, "As a whole the University does a fabulous job creating the façade of a diverse and accepting climate, but their follow through remains to be seen." (Other examples: "The policies are welcoming, but the implementation of these policies leaves much to be desired"; "I have felt isolated"; "The general climate is one of required acceptance, not desired acceptance. LGBT people are accepted only because departments and managers are told to be accepting and inclusive.").

The second belief is that the campus climate is characterized by considerable variability, both from place to place and from person to person. This was a repeated theme: "Efforts to help people of all types fit in differ greatly by department and school/college. Some work hard at diversity goals; others don't." (Other examples: "Some people are very accepting and open, but others are very close-minded"; "The campus environment varies"; "Overall I think the University is doing a very good job with LGBT affairs, but I have had several incidents of harassment, some of them on campus.") Some sense a lingering antagonism in many quarters ("I wish students and faculty would realize that people can sense hostility without having it stated openly";

“There are faculty who have been actively hostile to me and my work. When proposing or relating LGBT-themed work, faculty have repeatedly indicated that such work is not sufficiently scholarly and is too political, and that I am too personally involved in my work”). These themes were also taken up at our Town Hall meetings.

A4. Good Places, Bad Places. Many website respondents detected differences among various areas of the Ann Arbor campus. Although we were usually unable to verify the accuracy of these comments, the comments were nonetheless so compelling that we thought they should be given wider circulation.

Several respondents, for instance, observed that the Central Campus was “accepting,” “more comfortable,” and “much friendlier,” while North Campus was “less comfortable” and “generally less sensitive.” The one respondent who thought North Campus was the “most consciously accepting” of TBLG persons was referring, it appears, only to the Schools of Music and of Art and Design.

A surprisingly large number of respondents expressed concern about the Medical Campus and the Health System: “a more conservative environment” that was “not as gay-friendly as it could be,” with “few conversations about [TBLG] issues” – “not overly discriminatory but [with] awkward silences.” Wrote one respondent: “There are few on the medical campus who are conversant with issues of import to LGBT individuals. Many of the LGBT faculty/staff/students are so afraid about where they are that they stay in the closet.” Another: “The medical school (in particular the Program in Biomedical Sciences) is not as gay friendly as it could be. Gays and lesbians are underrepresented minorities in the biomedical sciences and should be included when discussing and dealing with diversity in biomedical sciences.”

With regard to specific units on campus, there were many emphatic expressions of support and gratitude for the LGBTA office, as well as more scattered praise for the School of Social Work, Women’s Studies, and the Residential College. By contrast, individual respondents expressed anxiety about the ambiance in the College of Engineering, the residence halls (especially South Quad), the library (especially at night), the Intramural Building, and the Athletic Campus. The most common underlying concern here is personal safety, which respondents often measure through perceptible evidence of homophobic attitudes (stray comments, graffiti, jokes). Although actual physical violence seems to be rare, a “climate of violence” – the lurking potential of physical assault – is still detectable in some zones. Respondents raise similar concerns about areas around the Central Campus: while State Street was reported generally safe, the fraternity areas were regarded as a frequent source of harassment and danger.

A5. Physical Safety. Our respondents’ observations concerning safety received considerable support from the survey results of the Visibility 2000 project. Self-identified lesbian, gay male, and bisexual respondents were asked whether it was safe for persons in their groups to be “out” – open about their sexual orientation – at the University. About sixty percent of respondents thought it was “very” or “moderately safe” for lesbian and bisexual women to be out; by contrast, only about ten percent thought it was “very” or “moderately” unsafe.

The situation of gay and bisexual men was perceived as significantly more perilous. Only around forty percent thought it was “very” or “moderately” safe for them to be out, while about twenty percent thought it was “very” or “moderately” unsafe. Certainly the Visibility 2000 question was very open-ended, but it can no doubt be assumed that most respondents interpreted “safe” as referring mainly to physical safety.

Interestingly, the heterosexual respondents largely shared these views both in general and in detail. In particular, they also saw the situation of out gay and bisexual males as significantly more dangerous than that of out lesbian and bisexual females. The explanation for this differential may lie in social evaluations of male as against female homosexuality, but it is perhaps easier to see males as exposed to greater risks through their heavier participation in athletics, public socializing, and other more visible activities.

One respondent to our website reported a physical attack: “[T]hough I have had a lot of positive experiences on campus, I have also been subject to a hate crime. As a victim of such an attack, I feel as though more should be done to prevent this: be it through education or activities promoting awareness and acceptance.”

Another respondent, who identifies himself as “a gay male undergrad engineering student,” has had what is probably a more typical experience: “While my sexual orientation is not identifiable from seeing me or talking to me, I do encounter gay-bashing around campus from time to time.” He then describes some extremely vulgar abuse he received “when walking across campus with a friend who fits a bit more of the gay stereotypes and is hence identifiable as gay. I believe behavior like this results in TBLG people often befriending their own kind. While I have many straight male friends, many of my gay friends do not. Additionally, many of my straight friends do not have other gay friends besides me.” (Another respondent, “a faculty member advising students on the engineering campus,” observes that: “TBLG engineering students feel very isolated amongst their peers.”) See below, Section III.B, for a summary of the survey results with respect to transgender persons.

A6. Resources for TBLG Persons. The Visibility 2000 project also asked about the amount of resources available for TBLG persons. Here the responses indicate considerable satisfaction. More than fifty percent of self-identified bisexual, lesbian, and gay male respondents thought there are “a lot” or “many” available resources, while only about ten percent thought there are “none” or “few.” (However, a large number, about thirty-five percent, took a middle response: “some.” It should be noted, in any case, that bisexual students were notably less favorable in their responses than lesbians and gay males.) But resources are thought of as isolated. The Visibility 2000 project report observes that, in its interviews with forty respondents, “half discussed their feelings that the LGBT campus centers serve as the *sole* LGBT resource on campus, or are often seen as *the* solitary voice of the LGBT campus community.”

In regard to the number of safe public spaces available, thirty to forty percent of these respondents thought there are “a lot” or “many,” while about fifteen to twenty percent thought there are “none” or “few”; but here the number of those opting for the middle course (“some”) increases markedly, to about forty to forty-five percent, with bisexual students particularly dissatisfied.

The contrast between the questionnaire results for resources and for safe spaces goes directly to the broader issue that respondents to our own website raised: the apparently widespread fear that while the University provides TBLG persons with reasonably abundant facilities, it does not entirely accept them as fully entitled members of its community. There are things that the University does that received widespread praise (such as the provision of domestic partner benefits to gay male and lesbian couples), but these very effective programs tend to be overshadowed by more general expressions of anxiety and complaint.

A7. How Welcoming Is the University? Much of this analysis is borne out in the responses to the Visibility 2000 project on another question: How welcoming is the University as a whole to TBLG faculty, staff, and students? Here the answers have a consistent pattern regardless of whether the respondent self-identifies as lesbian, gay male, bisexual, or heterosexual. The University is seen, for instance, as extremely welcoming to undergraduates generally (43.3 percent of all respondents describe it as “very” welcoming, 28.0 percent as “moderately” so, while only 4.4 percent describe it as “not” or only “somewhat” welcoming). For TBLG undergraduates, however, the statistics are markedly less favorable (14.7 percent describe the University as “very” welcoming, a further 23.5 percent as “moderately” so, but 12.2 percent think it “not” or only “somewhat” welcoming).

Statistics such as these were reproduced, with only modest variance, for each other group that was asked about: graduate students, faculty, and staff. The University was persistently seen as markedly less welcoming to TBLG persons than to persons generally. For example, one respondent to our website, a staff member, observes: “In my experience as a unit HR officer, regardless of the senior Administration’s public statements and policies and strong personal commitment, TBLG staff still feel the UM workplace is a ‘chilly climate’ for them. They feel isolated and not genuinely ‘included’ by their staff colleagues and cannot truly be themselves.”

Where does this perception of chilliness come from? A valuable clue is given by the Visibility 2000 questions concerning the small quantity of positive images of TBLG people at the University and the minute number of University publications that include TBLG persons. Here the response was fairly uniform irrespective of sexual orientation: less than thirty percent of respondents felt that there were more than “some” positive images of TBLG people at the University, and less than a sixth felt there were more than “some” publications that included TBLG persons. The LGBTQA office has examined University publications and concludes that this impression is correct: most make no mention of TBLG issues or persons even when such mention would be easy and appropriate, as for instance in publications dealing with diversity.

The result is a climate that is somehow less – and at times markedly less – than one might have expected. As one of our website respondents, a self-described “gay male graduate student in a humanities/social science program,” wrote, “Michigan is an institution noted for its history of social activism as well as its liberal educational philosophy, and yet being queer at U of M all too frequently seems to invite a kind of forced, grimacing accommodation on the part of others, a state of affairs which compels all too many scholars, both grad students and faculty, to conceal their sexual identities to colleagues and peers, even in allegedly more tolerant fields.”

A8. Conclusion. It is not easy to strike a line under all this evidence and come up with a neat phrase encapsulating the climate for TBLG persons. Plainly there is much that is positive about the environment here (in general, as we noted, the University's benefits for domestic partnerships are praised), but there is also much that could stand improvement. So we end simply by quoting one website respondent who perhaps best captures our own feelings of ambivalence:

“Sometimes I can't tell if it's safe or not to be 'out' in my department. I get the feeling like I'm supposed to be quiet. There is no overt discrimination, but there are sometimes awkward pauses or silence if I mention an issue related to sexual orientation, or if my identity comes up as part of a conversation. . . . We need to go well beyond tolerance (i.e. eliminating overt discrimination) to actually promote and foster an environment more accepting of diversity. This is not an issue of being P.C. [politically correct] as much as it is an issue of being respectful.

“We need senior faculty and administrators to be outspoken on this issue, so that others in the department (junior faculty and graduate students) will get the message that the environment is inclusive.”

B. The Climate for Transgender Persons

The situation for transgender persons is, as it appears, noticeably different from that for bisexuals, lesbians and gay males. This difference is most striking in the data from the Visibility 2000 project, which asked respondents how safe it was for male-to-female and female-to-male transgender persons to be out at the University. Two important results stood out. First, large numbers of respondents were unable to answer this question: more than a fifth of self-identified heterosexual respondents, but also between ten and fifteen percent of bisexual, lesbian, and gay respondents simply did not know enough to respond. As the authors of the Visibility 2000 project report suggest, such data may reflect several factors, including general ignorance or lack of familiarity with transgender-identified individuals. In any case, such high percentages indicate a need for increased campus education concerning transgender people.

Second, among those who did answer, overwhelming percentages judged the University climate unsafe for transgender persons. This was particularly true for bisexual, lesbian, and gay respondents, who seem more familiar with the position of transgender persons; between three-fifths and three-quarters of each group judged that it was either “moderately” or “very” unsafe for transgender persons to be out on this campus. These results, which showed little variance for male-to-female as against female-to-male, indicate that the climate is appreciably worse for transgender persons than for bisexual, lesbian, and gay persons.

What is harder to determine are the elements of campus climate that contribute to these perceptions. One proposition underlying this report is that perceived lack of safety is generally correlated with lack of information; in other words, ignorance about people who are “different” (particularly from a culturally dominant group) breeds misunderstanding, misjudgment, and in some cases hatred and violence. We believe this to be true in general for TBLG persons, but particularly true for transgender persons.

B1. The Report of the Gender Identity Working Group. This report was submitted in June, 2003. Appendix III of the report summarizes the results of the Working Group's survey of just over three hundred UM community members, about ninety percent of them undergraduates or graduate students. Some twenty-five of the respondents self-identified as transgender. Of this latter group, a very large percentage reported harassment, in the following forms (arranged by frequency): prejudice in social settings (73.7%); verbal harassment, such as hate speech or derogatory comments, because of actual or perceived gender identity, presentation, or expression (68.4 %); shunning because of gender identity, presentation, or expression (50%); threats of physical violence (36.8%); property destruction or vandalism (26.3%); physical assault (15.8%). These figures not only indicate a rather high level of every form of violence, but also suggest why a climate of fear surrounds transgender issues on this campus.

One transgender student reported on an incident as follows: "This was a number of years ago, but a group of my friends and I were physically assaulted after attending a dance in one of the residence halls. We were targeted because we appeared to be queer. I had a car window shattered in my face even though I had not said one word to the attacker (someone else in my party did). Later he confessed to have felt most threatened by 'the one who looked like a man.'"

Respondents to the Task Force website reported similar incidents. One respondent wrote: "A [transgender] woman student I know got beat up a few years ago right out in the open near the diag, by a couple of male students who didn't like her appearance and thought she shouldn't be using the same women's room as their girlfriends." Such assaults, although perhaps less than common, certainly can serve to create an atmosphere of extreme caution if not of fear.

B2. Accommodations for Transgender Persons. This continues to be a central issue. The University already displays considerable flexibility in accommodating transgender persons, but it does so mainly in an *ad hoc* fashion that consumes both time and resources; for instance, a single recent case in Housing generated a mountain of paperwork and eventually required the intervention of a high-level administrator. As one administrator described the University's accommodations (in a response to an inquiry from a committee at Michigan State), generally an "'informal' resolution of issues is attempted." For example: "Allegations that University of Michigan employees have experienced discrimination and harassment on the basis of 'gender identity' have been addressed by management in consultation with" specialist staff members.

However, by and large these informal accommodations are not regarded as sufficient; in the GIWG survey, of those transgender persons who had encountered problems owing to gender identity, only a third were satisfied with the official University response. A particularly sore subject is that the University still does not have an established policy on "unisex" restrooms that ensure safety and privacy for transgender persons. As one website respondent remarks, "I definitely think that unisex bathrooms should be much more prevalent, perhaps having a ratio of unisex bathrooms to sexed bathrooms in every building, especially those with commonly used classrooms." The LGBTQA office has in fact developed a list of unisex restrooms, but that list has still not been made widely available. This issue is important because, as one website respondent observes, "Dressing rooms and restrooms are the most risky public places for a

[transgender or transsexual] person to be, and it is likely that at least some other students would be made uncomfortable right now by my choosing either ‘side’ of the locker rooms. I also know that in the recent past more than one other LGBT student has been physically assaulted by other students because they perceived them to be in the ‘wrong’ restroom and were upset by it.”

Although restroom, restroom, and locker facilities are one critical issue for transgender persons at the University, there are many other issues, some of considerable importance, that are addressed elsewhere in our report. The bottom line is that we are, by common consent and empirical evidence, not yet remotely successful in addressing the needs of transgender persons.

IV. Recommendations for the University of Michigan

A. The Rights of Transgender Persons

A1. We recommend that the Regents amend Bylaw 14.06 to provide non-discrimination and equal opportunity for all persons regardless of “gender identity.”

At present, Bylaw 14.06 bars discrimination on the basis of “race, sex, color, religion, creed, national origin or ancestry, age, marital status, sexual orientation, disability, or Vietnam-era veteran status.” The additional language would protect against discrimination (including harassment) because of a person’s actual or perceived gender, including that person’s appearance or behavior. There is today widespread agreement that because gender identity cannot be reliably protected through interpretation of “sex” or “sexual orientation,” the issue must be addressed through a distinct policy statement.

All those with whom we have consulted, including not only many members of the University’s transgender community but also the UM administrators who implement the nondiscrimination policy, agree that such a change in the Bylaw would be of great consequence both real and symbolic. By adopting this amendment, the Regents will send a forthright, unambiguous signal that this University is committed as an entirety to protecting its transgender members from arbitrary discrimination. Such a decisive signal is clearly preferable to the confusion and anger caused a decade ago by the University’s lengthy, embarrassing delay in adopting the sexual orientation amendment.

The proposed change in wording closely accords with the current trend in policies at our peer institutions, a large and steadily increasing number of whom have either adopted this change in their nondiscrimination policies or are currently considering doing so (see Appendix V). It also coincides with the recent alteration in the University’s Statement of Student Rights and Responsibilities; the amendment was also endorsed in the report of the Gender Identity Working Group. The cities of Ann Arbor and Ypsilanti have adopted similar nondiscrimination language.

Because this change could involve additional liability for the University, we asked David Masson and Lynette Kosky of the General Counsel’s office to examine the experience of other Big Ten Universities: Iowa, Minnesota (by virtue of State statute),

and Michigan State (which recently forbade harassment). (The change in policy at Ohio State occurred too recently to be considered.) Iowa's experience is especially pertinent: the General Counsel's office there reports that: "There have been very few issues, if any, in the student arena but there have been two complaints in the last 5 years from a transgendered employee concerning issues of the restrooms. . . . Although no issue had come up regarding student housing, it was decided that a transgendered individual would be provided with a private room with his/her own restroom or with a single-staff unisex bathroom." At Minnesota there have also been "no transgender or gender identity lawsuits filed. Generally problems arise at the time of restroom transition but the staff works on these on a case-by-case basis to the satisfaction of the parties involved." Michigan State has had no experience to report as yet.

The General Counsel's office also examined relevant case law. They report that: "[C]ourt decisions as well as the experience from other Universities indicate that the University would be free to exercise its discretion to determine the most appropriate manner in enforcing a gender appropriate use of restroom, shower, and locker facilities. However, on a case by case basis the University may well be faced with the need to provide access to single-occupancy facilities." Nothing indicates, however, that the legal implications of our proposed policy change would be large, or indeed that very much more would be required than the University's current *ad hoc* efforts to accommodate transgender students and employees. The change in policy would, however, make the University's accommodations far more overt and deliberate than at present.

Since our Task Force began meeting in late March, 2003, more than a half million faculty, staff, and students at other American universities (Arizona State, Massachusetts Institute of Technology, Ohio State University, University of Pennsylvania, and the entire University of California system) have come under regulations forbidding discrimination on the basis of gender identity. It is manifest that nondiscrimination policy is now headed in this direction right across the country. We believe that Michigan should be identified with pace-setting institutions in a rapidly emerging area of human rights.

A2. We recommend that the University develop and adopt a Standard Practice Guide (SPG) for preventing discrimination based on gender identity, and that it also expand protections provided in other relevant SPGs and University policies to include gender identity.

Establishing and revising University policy is a crucial immediate step to ensure the protection and rights of members of the University community with regard to gender identity. In a ripple effect, the adoption of an official University policy requires units across the University to modify procedures and practices to abide by that policy. Therefore, in addition to our key recommendation that the Regents revise Bylaw 14.06 to include gender identity (as stated above), and irrespective of whether a Bylaw revision occurs, we also strongly recommend that the University immediately proceed to develop a Standard Practice Guide whose aim is to prevent discrimination on the basis of gender identify. To this end, SPG 601.6 *Preventing Discrimination Based on Sexual Orientation* is an appropriate model.

Sexual orientation is not the principal issue for transgender people. Rather, the issue is a desire to live and to be perceived as a gender different from one's biological sex at birth. Since transgender persons may be either heterosexual or homosexual with respect to their non-birth sex, existing University policies that offer protections with respect to sexual orientation cannot be seen to cover the issue of gender identity (see Appendix IV). Rather, new policies must be developed and existing policies must be revised.

One important part of this process will be to determine what constitutes "reasonable accommodation." Because, as we observed above in Section II, "transgender" is an umbrella term, recognizing and dealing with discrimination on the basis of gender identity is not necessarily a straightforward matter. The SPG will need to work out:

- First, a means whereby a transgender person, who wishes accommodation under the nondiscrimination policy, can register with an appropriate office that will gather information and determine the person's eligibility for accommodation in a timely manner on a case-by-case basis;
- Second, a means for strictly protecting the personal privacy of transgender persons to the maximum extent that is consistent with implementing accommodations; and
- Third, an evolving repertory of the accommodations that may be provided in particular circumstances.
- These policies would apply to most transgender persons. However, post-operative transsexuals must presumably be treated, under state law, as members of the sex to which they now belong, rather than through an accommodation model.

It may well be that different forms of accommodation will be required depending on circumstances (e.g., for decisions about room assignments in University Housing). Nonetheless, evidence from other institutions, especially the University of Iowa, suggests that these issues can, in fact, be resolved without undue fuss; and similar problems also frequently arise in applying other aspects of the existing nondiscrimination policy.

In addition to a new SPG proposed above, existing policies should be reviewed and modified to include protection for gender identity at both the central University and unit levels. An excellent example of this type of policy modification is the Statement of Student Rights and Responsibilities, which was revised in July 2003, to include "gender identity" in its statement on student rights. Other SPGs that would need to be revised include 201.16 Employment Agencies and Search Firms, 201.35 Non-Discrimination, 201.59 Testing, 201.60 Training Programs, 201.72 Reduction in Force, 201.89 Sexual Harassment, and 602.2 Gift Acceptance.

If Regents' Bylaw 14.06 is revised, all units that produce documents which include the nondiscrimination clause will need to revise them within a reasonable amount of time.

B. Awareness, Education, and Safety

The Task Force regards these three issues as inextricably linked. The Task Force received only sketchy first-hand accounts of physical violence directed against TBLG persons, nor did DPS report any such accounts to us. Nevertheless, safety emerged as a significant concern among many of our informants. The Task Force is concerned that an absence of reported violence does not necessarily mean that the potential for serious violence does not exist; indeed we have some anecdotal evidence that serious violence has in fact occurred but has gone unreported. As we saw in Section III above, community members generally – heterosexuals and TBLG persons alike – believe that there are serious issues of physical safety in and around the Ann Arbor campus; and many of our sources report taking defensive actions, for instance by avoiding areas of the campus where oral harassment or graffiti are common enough to constitute a warning of more direct abuse.

Such a climate of indeterminate fear is not easy to address. We believe the best approach is through a combination of, on the one hand, a more determined effort to educate the entire community about TBLG matters generally and about transgenderism in particular; and, on the other, clear policy statements against harassment and discrimination (including those recommended in Section IV.A above) backed up by a strong commitment to enforce them.

B1. We recommend that the Department of Public Safety, building on its current efforts, work to increase its contacts with the TBLG community and to improve its integration with TBLG life on campus.

The Task Force has received no complaints about the services provided by the Department of Public Safety. However, as DPS officials have pointed out, this is a difficult area because victims may well be reluctant to report offenses, and then, if the alleged perpetrators are apprehended, to help prosecute them, because of the personal exposure that is inevitably involved in legal action. Also, some transgender persons report a general fear of the police based on widely reported incidents in which police officers elsewhere have mistreated transgender people; and the absence of reported physical violence against transgender people on the UM campus and locally is not sufficient to allay such fear. As a result, it is likely that hate incidents directed toward TBLG persons are substantially underreported and underprosecuted.

Although there are no simple or straightforward ways to address this complicated problem, the Task Force recommends the following. First, although the present “in house” training of DPS recruits has a block of time dealing with diversity issues on campus, the time devoted specifically to TBLG issues has been cut back in recent years. We strongly urge DPS to restore a four-hour training block on TBLG matters, including discussions of sexual orientation, transgenderism, and the sorts of practical policing problems that can arise in relation to them. This educational opportunity should also be offered on an on-going basis to DPS veteran officers, administrators, and support staff.

Closely related to these educational efforts is outreach. In recent years DPS has actively attempted to integrate itself more fully in campus life, for instance by assigning officers to “beats” that allow them to develop personal familiarity with specific campus “neighborhoods.” Despite these efforts, DPS has experienced difficulty in developing

close contacts with TBLG groups; in fact, contacts seem actually to have decreased in the last few years. We urge the LGBTQA office and other responsible campus offices to foster opportunities for TBLG people to interact with DPS representatives. One means might be to set up open meetings in which DPS representatives could provide information to the TBLG community, who could, in turn, ask questions and express concerns.

DPS apparently does not maintain a running file of reported “hate incidents” that are less than crimes (for instance, oral taunts or graffiti), or where the victim may not wish to prosecute in order to avoid losing anonymity. The LGBTQA office has kept such a file for some years. We urge DPS to cooperate with the LGBTQA office in this matter, since such a file may offer valuable information on patterns of harassment around the campus. It is a source of regret that the current version of the Campus Safety Handbook does not even indicate how to report such “hate incidents.”

B2. We recommend that the University significantly enhance its efforts to educate faculty, staff, and students about TBLG issues, especially with respect to transgenderism, about which there is a widespread lack of knowledge and understanding.

Knowledge, understanding, and acceptance of differences among people are inextricably linked. Based on the information the Task Force has gathered, we are convinced that by and large faculty, students, and staff at the University know little or nothing about transgenderism or the special challenges to the transgender members of our community. Further, we believe that this extreme lack of knowledge in the community is linked with the perception, as revealed by the results of the Visibility 2000 survey, that transgender people are at significant risk with regard to discrimination and harassment.

Therefore, we recommend that the University significantly enhance its efforts to educate the community in the following ways:

Orientation programs for all incoming students, new faculty, and new staff should include content that acknowledges and welcomes TBLG persons as valuable members of the community, reinforces the rights and protections due to *all* members of the community, provides a general introduction to transgenderism, and provides information about resources available to TBLG persons.

We also recommend that sufficient funds be allocated to ensure that key components of such educational efforts are available, including, for instance, a speaker’s bureau that includes students, faculty, and staff; relevant skits by the Center for Research on Learning and Teaching (CRLT) Players; and funds to create a videotape/documentary on sexual orientation and transgenderism similar to the videotapes on disabilities and depression.

Finally, University initiatives and training programs that focus prominently on matters of diversity should acknowledge sexual orientation and gender identity as integral parts of “diversity,” and therefore worthy of discussion and attention.

B3. We recommend that the University promote visible representation of TBLG persons as an important part of our institutional commitment to welcome and support TBLG members of the community.

TBLG members of the University community experience a sense of invisibility through the pointed absence of TBLG images and references in University publications, programs, classrooms, and other settings. This invisibility sends a painful message to TBLG members of the community of not belonging, of not being tangibly acknowledged as a valued part of the community. It also can convey a “Don’t ask, don’t tell” attitude, which sends a negative, hurtful message: stay hidden.

Numerous comments submitted to our web site expressed concern about the invisibility of TBLG people and issues at the University. A few examples of these comments are these: “The LGTB community and its supports are fairly invisible on this campus...[Outside the LGBTQA office], being queer here is a fairly lonely road,” “Usually, I felt invisible in my classes and when participating in specific programs at Michigan . . . because nothing about sexual orientation as an identity that lacks privilege was ever brought up unless I made it a point to come out in my class...and then talk about my experiences. Usually, this meant I was tokenized. This makes me feel as if I am not a valued group on this campus.” “Though LGBT issues are occasionally raised in School of Education classes, I’ve never heard them mentioned once in any setting in [my] department (class, seminar, meeting, etc.). LGBT folk are invisible [here], and I get the impression that the department likes it that way.” “[Transgender] people are not visible on this campus...,” and “...there seems to be something of a ‘glass ceiling’ in terms of seeing an out and visible presence anywhere in the upper administration.”

In addition, according to the report of the LGBTQA office’s Visibility 2000 survey, “Only 29 percent of respondents felt that there were more than ‘some’ positive images of LGBT people at University of Michigan, and only 16 percent felt that there were more than ‘some’ *publications* with inclusion of LGBT people at University of Michigan. [The] document analysis generally supports these perceptions as well. A significant percentage of reviewed documents made no mention of sexual orientation or gender identity in their literature. Only 2 percent of all reviewed documents made any mention of LGBT students, faculty or staff in their literature where appropriate.”

Although some lack of visibility may be the result of benign omission, even the well-intended should be reminded of how important it is that the University’s outer expressions represent the full diversity of our campus.

To address this lack, we recommend that University leadership at the top levels should periodically urge leadership at all levels to take deliberate steps to include images of TBLG people in University publications at all levels (photographs and text), in recruitment materials, on University websites, in orientation programs and in other programming, in content on University-owned media (e.g., Michigan TV and Michigan Radio). Steps should also be taken to ensure that staff at University-operated offices that develop publications (e.g., Biomedical Communications and Marketing and Communications) are knowledgeable about these issues and encourage the units that employ them to include such visibility. In addition, the LGBTQA audit of University publications should be periodically updated to assess progress.

C. Services and Support

C1. We recommend that the University Health System conduct an external review of the Comprehensive Gender Services Program in order to assess its services.

The University of Michigan Health System's Comprehensive Gender Services Program (CGSP) was created in 1993 and has served over 450 clients since that time. Their services include primary health care, speech/voice therapy, surgery, and assistance with work-transition issues. Although the Program's clientele is almost entirely from outside the University, CGSP is the only full-services facilitator to transgender persons living in southeastern Michigan, and as such its continued presence is also crucially important to the climate for transgender persons within the University.

The Task Force strongly believes that this program should be designed, structured, and staffed toward the end of providing high quality care to its clients, using up-to-date approaches to transgender matters. We have heard from a wide variety of sources expressing concern about the guidance and services that CGSP provides to clients who are either questioning their gender identity or are transitioning to a new gender identity. Much of the concern centers on the rigidity with which, so it is alleged, CGSP interprets and applies the pertinent medical standards. We have received many reports of transgender individuals who, frustrated by what they perceive as the excessive inflexibility of CGSP, have resorted to stratagems that circumvent it.

We make no judgment as to whether this criticism is justified. We do feel, however, that now may be a good time for the Health System to determine, through an external review, whether CGSP is functioning as effectively as it could, especially in light of the standards of care prevailing elsewhere in the field. Although we are not in a position to develop a charge for the program review, we suggest several key questions that should be included:

- What is the most suitable clinical model for providing services through the CGSP?
- Given recent and ongoing developments in the study of gender identity, what is the most suitable set of "standards of care" under which the CGSP should operate?
- Where should CGSP be placed administratively to ensure effective oversight and the most advantageous linkages within the UM Health System, given the services CGSP provides?
- Is the current staffing appropriate and sufficient with regard to credentials and expertise? Depending on program changes recommended as an outcome of reviewing the program, what staffing changes should be made?

C2. We recommend that the Lesbian, Gay, Bisexual, and Transgender Affairs (LGBTQA) office be given additional resources, but that it also be directed to assume a more central role in improving the climate for TBLG students.

TBLG students widely express great appreciation for this office and the work that it does. As one website respondent, who self-identified as a lesbian, remarks, "I

especially appreciate the work and accessibility of the LGBTA office on campus. I attend programs there regularly, have my questions answered, and know that they are there to offer support and advocacy. And that is a good thing!” For many TBLG students, college involves a difficult rite of passage into adult sex and gender roles. The LGBTA office provides resources, including discussion groups, to make this passage considerably less traumatic than it otherwise would be.

Many students feel, however, that the LGBTA office is insufficiently funded, and that, more generally, the office needs to be more prominent in campus life. We agree with both these points, and note with dismay the recent reduction in the LGBTA budget, which threatens the effective campus-wide disseminating of information about sexual orientation and gender identity. Some of our website respondents felt that there was a clear need for additional LGBTA locations or spaces on campus. As one remarks, “Centralized information regarding TBLG resources must be in more locations; it is currently ghettoized in the LGBTA office, which is viewed on campus as a resource for students but not for faculty and staff.” A North Campus site would help to counter the perception, apparently widespread, that this area is less friendly to gays than the Central Campus. Even if this is not financially possible, however, many of our respondents believe that, at a minimum, the existing office needs better funding and expanded staffing.

It is worth considering, in this regard, whether the LGBTA office would profit from a general reorganization. Currently, it is placed under the Vice President for Student Affairs – a sensible arrangement because the office primarily services students. However, even in this respect, we believe that the LGBTA office should considerably expand the range of its services. In other portions of this report, for instance, we recommend a role for it in opening lines of communication to the Department of Public Safety and to the Department of Intercollegiate Athletics. The LGBTA office can potentially play a much larger role in improving campus climate at the margins. Ultimately, the office, which is and will doubtless remain the principal locus for TBLG advising and development on campus, needs to be integrated also with the newly formed Office of Institutional Equity.

It is extremely important for all offices that provide programs and specialized services to TBLG persons to be sensitive to their other social identities, for instance, their race, ethnicity, religion, and physical ability. For this reason we recommend that the LGBTA office, in liaison with other offices in the Division of Student Affairs and beyond, expand the range of services responsive to such diversity.

We also urge the LGBTA office to expand its programs with off-campus fraternities and sororities, which are widely perceived as sources of anti-TBLG harassment.

C3. We recommend that a small committee be formed to identify the full range of potential needs and issues that arise when transgender people change their names, and to develop resources and address problems accordingly.

The Task Force received several comments about the challenge of transgender students, faculty, or staff who initiate a name change. For example, this comment was made at the Task Force’s Transgender Town Hall meeting: “Changing one’s name at the

University is very hard. We should have an interim solution where people can use their initials only when they're waiting for a full name change. Even with the necessary documents, the old name will be around for years. This is a deeply troubling issue, especially for trans people who aren't out."

We echo and expand upon a recommendation of the Gender Identity Working Group that a small team of people be formed to identify the full range of potential needs and issues with respect to name changes and to identify and implement solutions to those problems. Specifically, such a team should include the Ombudsperson in the Office of the Vice President for Student Affairs and representatives from the Office of the Registrar, the Office of Human Resources Records and Information Services (HRRIS), Information Technology Central Services, the Office of the Provost, and other appropriate offices. The people appointed to the team should hold positions of sufficient influence to help implement the team's recommendations.

The team should be charged to undertake the following:

- Explore what the University can do to assist a newly-admitted transgender student or a newly-hired transgender staff or faculty member who is using a new name that aligns with his or her gender identity but who has not legally changed his or her name. This should include determining whether the University can accommodate, within legal constraints, a request from such a person to refrain from using his or her legal name in official records such as the UM directory (e.g., the use of a temporary alias or the use of initials only plus the last name).
- Determine the full range of record changes that need to be made after a transgender person has legally changed his or her name.
- Determine what steps need to be taken to be sure all appropriate name changes are made (e.g., develop a standard procedure for communicating with a set of designated offices, taking care to protect the person's privacy).
- Identify the people and offices that a transitioning or transgender student, faculty member, or staff member can contact to seek advice, assistance, and advocacy with respect to name change matters. Recommend resources on this issue (e.g., fliers or pamphlets and web resources) that need to be developed for transgender people on this issue.
- Identify the points of highest risk of the person's former name re-surfacing, and recommend how to minimize such occurrences.

C4. We recommend that the Housing Division continue and strengthen its current efforts to create a welcoming, supportive environment for TBLG student residents and to respond to homophobic actions.

The Task Force received comments about the University residence halls from respondents to our website and also in interviews with two male undergraduate students and a former Resident Advisor. Several concerns were expressed: a general lack of sensitivity to TBLG residents, homophobic comments on room door whiteboards, harassing comments and slurs written on the whiteboards of TBLG residents, residence

hall programming geared to heterosexuals, and insensitive Resident Advisors (a website comment described one RA as hostile).

The following comments (edited to ensure anonymity) illustrate these concerns: “As a first year student on campus, my expectation of the climate for LGBT students when I arrived on campus was that I would not have to deal with the same issues of intolerance that I dealt with in high school. Unfortunately, after only a week of living in the dorms, I received a threat in the form of a [homophobic] note written on my door. . . I was shocked, frightened, and terribly upset by this assumption that had been made about me. . . I am not an ‘out’ homosexual, and did not understand how someone who knew so little about me could make such an attack.” “When I was a student, I lived in [residence halls] for two years, always on mixed gender floors. During the first year, the resident advisor was supportive of LGBT persons. Although I would occasionally hear a sneer when walking down the hall, . . . there were no threats. In my second year, the resident advisor was openly homophobic. . . . One morning, I found a [homophobic, threatening] note on my board. . . . Fortunately, whoever wrote the note did not follow through on the threat. Due to the hostile attitudes of the resident advisor, I was afraid to ask him for help.” “[Speaking as] a student who has lived in Residence Halls there is still a lot of slander about roommates who are gay, or certain activities that take place throughout the school year.”

In discussion with Housing Division administrators, we learned that the Division is vigorously committed to addressing the housing-related issues identified by the Gender Identity Working Group. Housing requires all Resident Advisors and Minority Peer Advisors to enroll in Psychology 405 *Social Psychology in Community Settings*, a course designed for residence hall staff. The course includes a class that is designed to help students examine their personal values, biases, and attitudes about numerous matters, including sexual orientation. Another class focuses on identity, LGBT issues, and ally building.

We recognize that the residence hall climate for TBLG students hinges in part on the beliefs and actions of its residents and that it is therefore impossible to ensure TBLG residents a problem-free experience. That said, we strongly recommend that Housing continue its commendable efforts and that it explore ways to educate staff and students so as to create the kind of housing experience that all students, *including* TBLG students, deserve.

We also recommend that the Division develop a policy to govern decisions with respect to housing assignments for transgender students. First, however, a means must be developed that permits transgender students to register for accommodation (see Recommendation IV.A.2 above), an issue that should be addressed at higher levels of the University Administration. Once this is accomplished, the Housing Division will need to develop a policy that specifically addresses housing assignments for transgender students. We recommend that this be done as soon as possible because, in the absence of such a policy, the decision-making process, handled on a case-by-case basis, is bound to be difficult and hurtful to transgender students.

Finally, we urge that the Division consider designating a section of a residence hall for students who self-identify within a broad range of gender identity, similar to efforts recently undertaken at Wesleyan University.

C5. We recommend that the Facilities and Operations Division ensure the availability and accessibility of restrooms that provide adequate safety and privacy for transgender individuals.

Among transgender persons responding to our website or to whom we spoke, no single issue loomed so large as the provision of unisex (gender inclusive) restrooms. Three interrelated concerns are in play: restrooms accommodate private physical needs, but for transgender persons they are also a potential source of personal humiliation, and at times even of physical danger. One website respondent caught much of the frustration: “[T]he UM needs to have gender-neutral bathrooms in every building. Some of us are just as uncomfortable using single gender bathrooms as the people who are uncomfortable around us.” Wrote another: “More ‘gender neutral’ bathrooms are NECESSARY for the safety of students who do not fit the gender norms. Currently, the only bathroom of this kind is in the Union (3rd floor). This is a long walk to feel safe while using the restroom. Unisex bathrooms are easy to create from bathrooms that already exist – especially one-person bathrooms across campus. There is NO reason for these to be Male/Female when they can service all of us.”

Other respondents stressed the lack of availability of unisex restrooms in most buildings on campus, the inaccessibility of some of the available unisex restrooms, and the lack of adequate privacy in some of these facilities.

The LGBTA office has prepared an initial listing of the unisex restrooms on campus, and hopes to find a way to adequately format and disseminate this information for use by members of the transgender community. But this is at best only a temporary measure. The LGBTA list identifies only 45 buildings with unisex restrooms, and many of these are currently “Men’s” or “Women’s” single-stall restrooms. In any case, the LGBTA office lacks the resources to maintain and disseminate an inclusive catalog of unisex restrooms on campus; this effort would be better taken up by the Facilities and Operations Division.

We recommend the following measures:

- designate all single stall restrooms on the Ann Arbor campuses and hospital complex as unisex restrooms, and replace current signage to indicate this change in status;
- ensure that these unisex restrooms are securely lockable from within;
- provide full access to these restrooms without keys or combinations, at least at times when the buildings in which they are housed are generally accessible;
- prepare and maintain a comprehensive listing of all restroom facilities on the Ann Arbor campuses, with copies available from the LGBTA office;
- place signage beside all separate gender (Men’s and Women’s) restrooms to indicate the closest location of an unisex restroom;

- revise campus maps, building directories, and indoor hallway signage to indicate the locations of unisex restrooms;
- renovating existing University buildings to include unisex facilities, starting with those that are most heavily used; and
- include at least one unisex restroom on every other floor of new University buildings.

These changes aim to ensure that transgender persons can always find, within reasonable proximity, a restroom providing the safety and privacy that should be afforded to all persons in the university community, regardless of their gender and gender identification. Indeed these facilities should be available to all persons who for whatever reason require a measure of privacy.

Finally, we recommend that the University begin developing a policy to provide a modicum of privacy in shower facilities and dressing rooms, wherever this is possible. We are particularly concerned about dormitories, recreational buildings, and staff shower facilities.

C6. We recommend that the University expand its current benefits for TBLG faculty and staff.

The institution in 1994 of domestic partner benefits for gay males and lesbians represented a fundamental change in University policy, and one that has been instrumental in attracting and retaining homosexual employees. Many website respondents express their appreciation. A typical observation: “I am very pleased with the domestic partner benefits that are offered to UM staff and have found that very helpful for our family.”

At the same time, the value of such benefits is substantially reduced, and in some cases eliminated, because they are taxed as income. One website respondent complains that: “As a gay man with a partner, I’ve found it very difficult to use the partner benefits because of the large tax liability it would incur (which is not the case for married couples). It would be great if the University would truly make partner benefits equally accessible to all employees by including a tax reimbursement arrangement so that we have the same benefits as others.” Although many respondents wanted the University to “true up” benefits through additional payments to offset taxes, we understand the University’s reluctance to undertake such an arduous task. We do, however, urge the University to explore creative alternatives to alleviate this problem.

At the very least, in any case, we recommend that the Administration follow one respondent’s advice and “take a stand on issues such as discrimination in insurance and taxation of benefits.” It seems unlikely, however, that this problem will be fully solved until same-sex marriage becomes available.

The University also needs to reevaluate and expand its benefit packages for transgender persons. At present, faculty and staff benefits are available only to a limited extent for the actual process of transition, which can be quite expensive. (Only one health care package available to faculty and staff fully covers transition issues, and involves the highest out of pocket expenses of all the available plans. Health care plans available to students – UHS services, GradCare – currently do not include any transgender related

health care coverage.) Many transgender persons believe that access to medical services is a matter of personal security. Wrote one, “For a female-to-male trans person, chest surgery is listed as ‘cosmetic.’ Instead, it’s an issue of safety – men with visible breasts are much more in harm’s way.” Further, to the extent that hormone prescriptions are not available as benefits, individuals may act, in essence, as their own diagnosticians and purchase drugs cheaply on the web, which can be extremely dangerous. As it appears, for instance, M-CARE offers no services related to gender identity disorder except for psychological counseling. As a consequence, so we are told, doctors often invent diagnoses so that transgender persons can get the care they need. It would be helpful if the University were to open negotiations with health care providers and insurers on this issue.

Same-sex couples who have registered as domestic partners currently obtain domestic partner benefits from the University, but this arrangement is not extended to couples in which a transgender member of a committed opposite-sex partnership is ineligible for legal marriage. We urge the University to act with compassion in extending domestic partner benefits to such couples.

Finally, we note that transgender persons may experience considerable anxiety about completing paperwork relative to benefits. We urge the Benefits Office to identify specific staff members who are knowledgeable about and sensitive to transgender people, and that the Office post this information on its website or provide it in a brochure for transgender persons.

D. Health Care

D1. We recommend that the University Health Service (UHS) and other University health care providers considerably expand their efforts to prevent the spread of HIV and of other sexually transmitted diseases (STDs).

The Task Force believes that HIV and other STDs are an important TBLG health care issue on campus because not only do at least fifty percent of all new HIV infections occur nationally in people under age 25, but the highest rates of HIV/AIDS cases (52% in Michigan, but about 70% in our geographic region) occur in the population of men who have sex with men. These realities make it urgent that we be as effective as possible in protecting our community from this scourge. The recent discovery of an outbreak of HIV infections among the college population in North Carolina indicates what the consequences could be if we do not remain vigilant.

Currently, UHS offers free, anonymous, and confidential HIV testing to students; it has provided testing and counseling students to over one thousand students yearly for the past twelve years. Although the UHS testing numbers and return rates for results are excellent, concern has been expressed that most of those tested are the “worried well,” not necessarily those most at risk. Further, so UHS staff reports, STD assessments and HIV tests are done through separate appointments in different locations, thereby decreasing the likelihood that students will follow through on a physician’s recommendation of HIV testing. Anonymous HIV testing at UHS is done on a first-come, first-served basis; students who cannot be fitted in during the testing hours are requested to return at another time.

We urge UHS to consider taking steps to better reach high-risk populations, and also to explore the possibility of combining the STD clinical assessment and the anonymous HIV testing into the same visit and location.

HIV testing also occurs at other University locations (the University Hospital Emergency Room, its Primary Care Physicians, and the HIV/AIDS Treatment Program). For staff and faculty, HIV testing options that are both anonymous and free are limited to referrals to sites outside the campus area (community-based organizations like the HIV/AIDS Resource Center, local health departments, and so on) or the relatively new testing options offered through the HIV/AIDS Treatment Program located in Taubman Center. On the other hand, confidential testing (which becomes part of the subject's medical record) is available through Primary Care Physicians at many UM Health Centers; anonymous testing can be done at UHS for a charge. We urge the various University health care providers to increase their outreach on this issue to high-risk faculty, staff, and students, in part by encouraging HIV/AIDS testing at all sites.

For patients who have HIV symptoms but have not yet been diagnosed, there is a continuing problem with recognition of HIV-related diseases and symptoms that would prompt testing. Nationwide, this problem frequently arises with Emergency Room physicians seeing patients who repeatedly show in the ER with HIV-related symptoms, but who do not get HIV-tested. This problem occurs in part because Emergency Rooms are geared toward treating immediate symptoms; but HIV-testing requires a follow-up visit to obtain results. The University of Michigan Health System should make every effort to connect with facilities within the University that can provide both anonymous and confidential testing, as well as a point of contact for obtaining results outside the Emergency Room setting. The staff at the HIV/AIDS Treatment Program would probably be the best choice to provide testing for Emergency Room patients.

D2. We recommend that all health services on campus, including the University Health Service, Psychological Clinic and the Office of Counseling and Psychological Services, assess their services and take whatever steps are needed to ensure that TBLG students receive the same level of services as other students.

While the University Health Service and the Office of Counseling and Psychological Services have made commendable strides in being sensitive and inclusive providers, continued efforts are required to provide the best possible care.

In particular, students who are transgender or who are transitioning may have serious concerns about their reception when they seek basic health care services. Offices should take their needs into account, provide safe ways for them to identify themselves, and ensure they are treated with care and respect. Sensitivity should be exercised in the gender designation on forms, language used when referring to the patient, and knowledgeable treatment by support staff as well as providers. For certain types of services, it may be best to identify specific health care personnel who are sensitive to the needs of these individuals. If specific personnel are identified, the list should be made readily available to all transgender faculty, staff and students who may be seeking care by posting them on the UHS website and providing hard copies to the Office of LGBTA, Counseling and Psychological Services and UHS urgent care schedulers.

The provision of medical and other transition-related services to transgender students is complicated and may well have legal implications for the University. We recommend that a committee be formed to study this issue and make a set of recommendations, keeping in mind that many students may not have health care insurance and may have limited financial resources to seek care outside of the UHS system. If financially feasible options are not identified for such students, students may end up seeking hormones through less than optimal means (for example, over the internet) which does not allow for medical monitoring or follow-up. It is the Task Force's opinion that the provision of hormones and routine monitoring through UHS is well within the practice of primary care, and that every effort should be made to identify the means to provide this care on site at UHS. At the same time, the Task Force recognizes that there are distinct differences in needs between the following populations, for differing guidelines may be required:

- Transgender people who have already made primary medical decisions about their gender identity elsewhere, and who are under or have been under the care and guidance of health care providers outside the University and are medically stable on maintenance doses of prescription hormones;
- Students who are minors or young adults (age 18 or over) and who are questioning their gender identity, but who remain financially dependent on their families;
- Adults well over the age of 21, free of parental ties, and more likely to show mature, formulated thinking with regard to their gender identity and their decisions.

D3. We recommend that the Medical Campus more vigorously curb discrimination against TBLG persons.

As we observed in the section on climate (Section III.A), the Task Force received specific feedback regarding discrimination on the Medical Campus. At least some TBLG staff and faculty feel that the Medical Campus is not a safe environment and that being "out" could impact one's professional development and advancement. We feel that medical faculty should serve as models not only by demonstrating proper respect towards TBLG patients and colleagues but also by actively discouraging derisive comments made about them. It would doubtless help if the Medical School curriculum included more information both on dealing with diverse populations and on social and health issues specific to TBLG persons. We advise an increase in diversity training on TBLG issues as part of yearly mandatory and competency training for all Medical Campus staff.

Furthermore, we have anecdotal evidence of discriminatory practices in the University Health System's Emergency Room when a patient is determined to be transgender, bisexual, gay or lesbian. As one respondent put it, "The commentary and climate in the operating rooms should be addressed, particularly in orthopedic surgery." We urge a strict guideline that staff not discuss a patient's gender identity and sexual orientation unless this is directly relevant to the patient's care or medical status. When such information is discussed, it should be in a respectful manner, and not in public areas.

The Task Force also received specific complaints regarding accessing of medical records, a topic of particular concern to the TBLG population. For example, a gay male wrote that he had been harassed by a co-worker in the Medical Information department who consulted his file: "I now do not get seen for medical problems at the Medical center; I go to a clinic away from the Main Hospital." We recommend that Medical Campus staff be strongly reminded that unnecessarily accessing medical records of anyone, including coworkers, friends, and neighbors, is grounds for dismissal. Any violation of access to medical information or breach of confidentiality should be dealt with severely. Along with increased yearly diversity training on TBLG issues, staff should be reminded that medical information for these populations is not to be accessed unless this is specifically necessary to carry out work duties.

E. Curricular and Scholarly Issues

E1. We recommend that faculty be urged to integrate TBLG issues in relevant courses and that existing course offerings on these issues be strengthened in order to provide both graduate students and undergraduates with a full and coherent representation of TBLG scholarship and concerns.

Since the publication of the "Lavender Report" in 1991, the academic study of the culture, history, sociology and psychology of TBLG peoples has grown exponentially. The University of Michigan has encouraged scholarship in these areas, as well as rigorous debate and intellectual exchange. Some of the leading scholars in the broad area of TBLG studies are here, ranging from internationally renowned pioneers in various fields to a range of younger scholars in the humanities and social sciences. To date, much of the intellectual energy of these faculty members has been rather dispersed, with only the Lesbian-Gay-Queer Research Initiative, funded by the Institute for Research on Women and Gender, serving as an umbrella organization to sponsor speakers, forums and conferences. LGQRI has successfully sponsored speakers with Comparative Literature, English, History, Germanic Languages, Romance Languages, Sociology and Women's Studies. It holds a monthly Workshop, bringing together faculty and graduate students to share work in progress and to host guest speakers. In March 2003 it sponsored with the Institute for the Humanities a major international conference on the theme "Gay Shame." We applaud LGQRI's efforts to foster intellectual conversations across disciplines on TBLG issues, and recommend a sustained effort to bring together scholars on campus interested in these areas of research. We also note that to date few speakers have addressed issues related to bisexual and transgender peoples. Our public forums indicated a strong desire for speakers in these areas, as well as for "out" transgender scholars, regardless of field of specialization.

The College of Literature, Science and the Arts has offered an academic 15-credit undergraduate minor in "Lesbian, Gay, Bisexual and Transgender Studies" for four years. This minor is housed in the Women's Studies Program, which is in the process of changing its name to be more inclusive, thus reflecting the changing nature of current research in gender and sexuality. The requirements for this minor include one of two gateway courses, and four electives at the 300-level and above; at least two of these courses "need to pay primary attention to material drawn from areas other than post-World War II USA." A brief, but by no means exhaustive, list of courses is included on

the WS web page. The Women's Studies Program is currently developing a more coherent curriculum for the LGBT minor, and has added two more courses for next year, *Queer in the Middle East* and *Reading Queer*. The total number of students taking this minor remains small; one may speculate that this may be because of the limited number of available courses and/or because of limited demand. The gateway course, *WS 245: Introduction to Lesbian, Gay, Bisexual and Transgendered Studies*, includes the study of transgendered people, but no separate course exists. A new 200-level lecture course, *Introduction to Sexuality*, is at the planning stage. Greater publicity, a more coherent intellectual profile, and a set of clearly defined and regularly offered courses would enhance the visibility of this minor. A survey conducted this past fall in *WS 245* showed strong student interest in upper-division courses in the areas of legal studies, popular culture, history and psychology. Fortunately WS plans to offer an upper-division *Sexuality and the Law* course annually; it will include issues of transgender people's use of the law. Despite limited resources and faculty wholly drawn from different departments, a great deal has been accomplished in a short time.

Particular needs of the undergraduate minor and of graduate students interested in sexuality studies are tenure-track faculty members specializing in sexuality and psychology, US racial/ethnic minority sexuality, and non-Western sexualities. We recognize that the curriculum in the health sciences, especially for the M.S.W., B.S.N., M.S.N., and M.D. are already very full. Nevertheless, we recommend that the Schools of Social Work, Nursing and Medicine insure that all students have at least one unit on sexuality, including transgender, intersex, gay and lesbian health issues.

We suggest that the University of Michigan invite a cross-disciplinary committee of outside evaluators in fields that include medicine and TBLG studies to examine our curriculum and to advise the relevant academic units on the further integration of transgender issues and research into the curriculum. In order to educate faculty in these areas, key resource people should be invited for a series of conversations that could lead to the further integration of TBLG issues into the curriculum of mental and physical health care providers.

F. Other Areas of Concern

F1. We recommend that the Department of Intercollegiate Athletics and the Recreational Sports Unit reexamine their policies pertaining to the safety and participation of TBLG persons.

Homophobia in intercollegiate and intramural sports is an issue of long-standing concern, but it has only been addressed recently. As Michael S. Muska, the openly gay athletics director at Oberlin College, has observed, "The reality is that gay student-athletes and administrators are there, but they are afraid to come out. Athletics has been that last bastion of homophobia. It's one of the few places left where homophobia is tolerated. I think we have a responsibility to see to it that every student-athlete in our programs can feel safe and respected. And the reality is that for many of our gay, lesbian, and bisexual athletes, it is not safe in intercollegiate athletics." We have received substantial information indicating that the situation here at Michigan, although probably better than at many other institutions, is materially similar.

In recent years the National Collegiate Athletic Association (NCAA), through its program on Equity, Student-Athlete Welfare, and Sportsmanship (EWS) Issues, has begun urging its members to develop structures and policies that ensure the provision of a safe environment for all students, including student athletes with diverse sexual orientation. The NCAA has helped organize a group called Homophobia in Sports <<http://www.homophobiainsports.com>> that is seeking ways to combat homophobia.

The current cycle of NCAA certification for the University of Michigan includes, for the first time, a request that Michigan examine its own practices in this area. We have spoken with members of the Michigan EWS subcommittee, who indicate a need for substantially increased contact between the athletic department and the LGBT community, including especially the LGBTA office. We urge the Athletics department to vigorously implement the EWS subcommittee's recommendation calling for development of "a specific, proactive plan to educate student-athletes, coaches, and staff about issues of sexual orientation, and to provide a safe and supportive environment for persons of all orientations." As the EWS subcommittee observes, "Michigan has a special opportunity to provide national leadership in regard to this issue. We might provide a model for institutions across the nation in regard to sexual orientation issues."

In particular, we recommend that the Life-Skills Workshops, which Athletics has instituted for coaches, staff members, and athletes, be expanded to cover issues of sexual orientation. In general, it is important that the Athletics campus not be perceived as a "free-fire zone" in which homophobic feelings can be expressed without fear of consequence.

The Athletics Department also needs to develop, in association with the NCAA, nondiscriminatory policies for transgender athletes, perhaps by following the recent lead of the International Olympic Committee.

With regard to University intramural athletics, we note the recent formation of a student-run Queer Athletic Council (queergames@umich.edu), one goal of which is "to create a safe environment for LGBT athletes." Unlike with intercollegiate athletics, the University has full control over intramural athletics through the Recreational Sports Unit (RSU). To the extent that harassment of TBLG persons remains a problem in intramural athletics, we urge RSU to examine the problem and seek solutions to it.

F2. We recommend that the University campuses at Flint and Dearborn undertake to assess and improve the climate for TBLG persons.

Although this Task Force confined its investigations to the Ann Arbor campus, we received a small number of negative comments about the climate for TBLG persons at the two regional campuses. The implications of these comments appear to be borne out by the LGBTA Visibility 2000 study, which found widespread agreement among respondents about the scarceness of TBLG resources and representations on both branch campuses, outside relatively isolated centers for TBLG students. The result is a climate that is perceived as unfriendly, even hostile. One Flint campus respondent to the Visibility 2000 study put it this way: "The LGBT Center is hidden in a corner. I don't think that the faculty and staff encourage LGBT students to come to the LGBT Center and I don't think that the University supports LGBT events to the extent that they should . . . like with a full-time staff member or a decent budget."

Dearborn has no LGBT Center at all; it was apparently dissolved in the recent past. More than half the Visibility 2000 study's respondents from Dearborn thought that there were either no or few LGBT resources available there; and correspondingly, the Dearborn campus was rated by local respondents as markedly less safe for LGBT persons than the Ann Arbor campus.

We believe that the Chancellors of the branch campuses should initiate task forces similar to ours in order to improve the climate for TBLG persons.

G. Implementation

G1. We recommend that the Provost's Office establish a TBLG Implementation and Oversight Committee to supervise the execution of the recommendations in this report.

The Provost's charge asks us to: "Consider and report on ways the members of the Task Force can serve as an on-going campus resource," and also to: "Make recommendations to ensure continuing attention to University policies and practices with regard to its TBLG members beyond the work of the Task Force." The importance of these two charges emerged frequently in our Town Meetings and in other discussions with interested community members. It is widely believed that earlier University reports on TBLG matters were less effective than they might have been because of the failure to follow through on recommendations.

We believe that the best way to accomplish this goal is for the Office of the Provost to establish an Implementation and Oversight Committee, chaired by an individual in the Office of the Provost, which would assume responsibility for implementing the recommendations in this report. This committee should be small and primarily administrative in nature. Because the recommendations are relevant to offices and units that fall within many of the vice-presidential areas, we further recommend that the Implementation Oversight Committee be given clear authority to form Implementation subgroups, each of which would address an individual recommendation or a related cluster of recommendations, as needed.

The following offices should be represented on the Implementation Committee because they play an important role with regard to the issues covered in this report: the Office of the Vice President for Student Affairs, the Office of Lesbian, Gay, Bisexual, and Transgender Affairs, and the Office for Institutional Equity.

We also recommend creation of a separate but related TBLG Advisory Committee, with a composition mirroring the make-up of the Task Force, including at least two students, one undergraduate and one graduate. Such a group will ensure ongoing communication between members of the TBLG community and the Provost's Office and other University leaders, which will be essential to making continual progress on TBLG related issues. We hope that some members of the Task Force will be willing to serve on this advisory committee.

After the Implementation Committee has accomplished most of its goals, the Office of the Provost should formally revisit its existence.

V. The University's Interactions with External Organizations

Embedded within the University's rules and regulations is a commitment to a set of social values. Some of these values, such as freedom of inquiry and speech, are closely tied to the University's educational mission. Others represent positions that the University as an institution has taken with respect to broader social issues. Of particular relevance is Regents Bylaw 14.06 ("Nondiscrimination and Affirmative Action"), which "commit[s the University] to a policy of nondiscrimination and equal opportunity for all persons regardless of . . . sexual orientation." If our recommendations in IV.A are adopted, a similar nondiscrimination policy will arise for gender identity.

In the course of its operation, the University necessarily deals with many external organizations, not all of which may share its values. Examples of these organizations are the Federal Government; the governments of Michigan and of Ann Arbor; private contractors doing business with the University; labor unions representing University employees; charitable organizations such as United Way; businesses in which the University invests its endowment; and so on. The University also interacts on many fronts with international institutions. On occasion, the University may seek to project its own values during its interactions with these external organizations. Conversely, it may also feel obliged to protect its own values against the possibility of external intrusion.

It is not easy to isolate a set of principles determining how the University should conduct itself in such interactions. This problem has been, in recent years, of considerable importance to TBLG faculty, staff, and students because many external organizations do not share the University's commitment to nondiscrimination and equal opportunity for everyone regardless of sexual orientation. Indeed, some of these external organizations are either actively opposed to our commitment or at least indifferent. Recent controversies over military recruiters in the Law School and over the United Way's channeling of money to Boy Scouts of America illustrate how such conflicts can play out in the life of the University.

On the one hand, the University cannot successfully play the role of a "nanny," stubbornly insisting that all other institutions conform to its own values; for one thing, an active acknowledgement of the importance of a pluralistic social environment is also among the University's values. On the other hand, at times there is a significant danger that the University, by not pressing its structure of beliefs, or even simply by remaining silent, may seem to betray its core values, with significant adverse consequences for climate. Such cases may seem to call out for greater activism on the University's part.

There is no easy way to predetermine whether particular circumstances require tolerance or aggressiveness. There are, however, a number of factors that may be relevant:

- **The extensiveness of the University's involvement with the external organization.** When contact is only sporadic or short-term, the case for active engagement is substantially weaker. But as contact becomes more sustained, the opposite is true. A private contractor constructing a new building is considerably more tangential to the University's operation than is, say, a

private charitable organization that collects money through the University for many years.

- **The nature of the University's involvement with the organization.** To the extent that interactions impinge on the educational programs of the University or on the long-term welfare of our students, the University's motives for upholding its nondiscrimination policies are evidently stronger. Thus, for example, an external organization that wishes to influence the content of our curriculum would doubtless face stout resistance if it did not also accept our basic educational values and goals. So too, in general, would a job recruiter who sought to discriminate among our students on the basis of criteria that we reject, such as sex or ethnicity.
- **The symbolic character of the involvement.** The University's interactions vary considerably in their public character, but some are so highly visible as to risk causing confusion as to the University's internal or external image. For example, the University has traditionally permitted the local United Way special access to faculty and staff, even though United Way channels its charitable donations to organizations that discriminate on the basis of sexual orientation. This is a long-standing source of frustration for many in the TBLG community.
- **The extent of the University's leverage.** The simple truth is that the University is at times obliged to interact with external organizations that adamantly decline to accept its basic values. This is perhaps most evidently true for University dealings with various units of the federal government, including most obviously the Department of Defense, which, in recruiting military personnel, subscribes to a policy of discrimination on the basis of sexual orientation.
- **The nature and extent of the external organization's non-conformity with University policy.** Again, this is a complex matter. For example, as noted about, United Way does not discriminate against persons on the basis of sexual orientation, but it supports organizations that do.

There is no obvious formula for handling these various types of interrelationships, nor do we seek to detail the best solution is in each case. Depending on the circumstances, the University might wish, for instance, to adopt one of the following courses of action:

- making a strong statement of our values to the external organization, without otherwise specifically enforcing our nondiscrimination policy (this would be a bare minimum);
- negotiating the terms of the business relationship or contract so as to include, if possible, pertinent nondiscrimination provisions; or
- declining to enter into a particular relationship or postponing until agreement is reached on nondiscrimination terms acceptable to the University.

It would, in any event, contribute substantially to the climate for TBLG persons if the University were to develop a greater sensitivity to situations where external organizations openly discriminate on the basis of sexual orientation. For example, the

University interacts on many levels and in many units with the Department of Defense (DOD), whose employment policies and practices with regard to military personnel fail to conform to the University's Bylaw opposing discrimination on the basis of sexual orientation. In some cases, such as research contracts awarded by the DOD, there are likely to be few consequences. But in the area of military recruitment and the Officer Education Program, there are obvious and often painful costs.

First, since the DOD operates under a "don't ask, don't tell" policy that discriminates against out members of the TBLG community, military recruiting on campus directly limits the employment opportunities of TBLG students who wish to enter the Armed Forces. It is likely that, because of current Federal legislation, the University can do little to alter or affect military recruitment on campus. The symbolism of military recruiters on campus is of considerable importance to TBLG persons, as it is also to the DOD, which has fought for the right to use recruitment facilities at the University. In this case, the University needs to be mindful of the ways in which the active presence of recruiters can affect the climate for TBLG persons.

Second, and much more significant, is the problem raised by the on-campus presence of the Army, Navy, and Air Force Officer Education Programs (usually called ROTC programs).¹ Unlike the transient visits of military recruiters, these programs are an integral part of our campus and our undergraduate curriculum; as well, military officers are treated for many purposes as faculty. The University needs to acknowledge how the presence of the Officer Education Programs could give offense to TBLG members of our University community. The nature of this offense was well captured by one respondent to our website: "The presence of so many ROTC troops on campus and the fact that the military is discriminatory against LGBT individuals are two factors which make me uncomfortable. The University allowing ROTC on campus knowing that they so discriminate means the University is saying that it has no qualms allowing discrimination against the LGBT population to occur on campus, or at least sets a tone suggesting that such discrimination might be tolerated if it occurred on campus."

There are doubtless many reasons why the University considers it prudent to retain the Officer Education Programs. Nevertheless, we recommend that the Administration acknowledge the implications of this situation and its potential difficulties for TBLG students. In practical terms, the University should emphatically communicate to TBLG persons that its close relationship with and support of Officer Education Programs is not intended as an endorsement of DOD employment practices. Because the University engages in this relationship despite these discriminatory practices, it should also undertake measures to ameliorate the harm to the campus climate that the relationship occasions. Such measures might include increased University sponsorship of TBLG events and organizations, or other appropriate public gestures.

The policies of the DOD are only the most obvious example of legal discrimination based on sexual orientation. We recommend that the University remain alert to controversial or potentially controversial relationships with other external organizations.

¹ We did not interview instructors and students in the University's Officer Education Programs, and we do not maintain that as individuals they share the DOD's views on discrimination against gays.

VI. Becoming a Model Environment for TBLG People

This entire report has been premised on the aspiration that its title expresses. We firmly believe that our campus can become a place where faculty, staff, and students can successfully work and live together without regard to their individual sexual orientation or gender identity. We also believe that this transformation can take place in the immediately foreseeable future. The distance we have traveled already is considerably longer than the distance yet to go.

Yet we believe, with equal firmness, that reaching this goal will demand commitment from all of us. In particular, it will demand commitment from the center, from the Administration; and it is on this point that we wish now to pause.

The model for what not to do is clear. We think of Michigan as being always on the forefront when it comes to basic human rights. However, in the case of sexual orientation, for a long time we lagged behind our peers. The earliest general University policy prohibiting discrimination on the basis of sexual orientation was issued by President Harold Shapiro on March 21, 1984, but only after sizeable campus protests and over the objections of one openly homophobic Regent. This policy statement proved inadequate to the task of ending discrimination, and indeed it appears to have provoked increased harassment during the years that followed. (For information on this period we are indebted to Tim Retzlaff, *Outcast, Miscast, Recast: A Documentary History of Lesbians and Gay Men at the University of Michigan*, 1991.)

The turbulence of these years did not finally ease until the next decade, when in 1991 the Affirmative Action Office issued *From Invisibility to Inclusion* (informally called the “Lavender Report”), a comprehensive consideration of lesbian and gay life at the University. This report contained sixty-six specific recommendations for change, of which the first and most important was that: “The Regents amend Bylaw 14.06 to include a prohibition of discrimination on the basis of sexual orientation.” When the Bylaw was finally amended in 1993, the University of Michigan was close to bringing up the rear on issues of sexual orientation, but in the next few years the Bylaw change precipitated a host of other major policy changes, including, above all, the institution of domestic partnership benefits for same-sex couples (1994). Although many of the Lavender Report’s specific recommendations were not finally implemented, those that were adopted had deep influence in improving life for gay men and lesbians at Michigan.

We draw one main lesson from this tangled history: that change requires, as a necessary condition, commitment and leadership from the center, and above all from the Regents and the Administration of this University. Our existing TBLG institutions are certainly not lacking in talent and imagination, but they suffer from their location at the periphery and from their patently inadequate resources. It is time that the University moved its oversight and management of TBLG matters more closely to the administrative center.

On a symbolic level, this point was made to us repeatedly. A website respondent from Social Work, for instance, eloquently notes: “Some things I have been moved by at

UM that might serve as examples of what could be done more often: that our President went to the opening ‘bash’ at the LGBT office last week (I wasn't there, but it felt great to read about it); that the Dean of the Social Work School attends the opening potluck event held by the SSW Rainbow students group; that the SSW Rainbow students group potluck has often been held at the home of a ‘straight’ faculty member; that administrators have attended and spoken at coming out day rallies on the Diag. Some things I wish would have happened: that the UM had lowered the American flag on the Diag to half-mast when Matthew Shephard was killed (he was a university student, even though not one of ours); that the President would attend a ‘coming out’ day rally on the diag and speak at it[, and] perhaps even walk through the door to ‘come out’ as GLBT friendly. The point is that the critical mass need not be formed by only GLBT people. But it must be made of visible gestures, by public gestures of support as well as more behind-the-scenes moves, and by people at the top, not just the ones a couple of steps down.”

Gestures such as the ones this respondent describes clearly resonate. Even seemingly simple signals may have large symbolic consequence. A letter from the President, included in freshman orientation materials and specifically welcoming TBLG students to the campus, communicates two powerful messages: first, to TBLG students, that they have a friend in high places; second, to non-TBLG students, that certain forms of intolerance are strongly discouraged as contrary to the University’s ideals. A tone is set that may influence all the subsequent years of undergraduate education.

But of course, symbolism is not enough. The recommendations we have made in this report are intended to significantly improve the climate for TBLG faculty, staff, and students. By and large, we have been mindful of the current revenue crisis for the University, and we have tried to confine our recommendations to significant incremental measures that will effect genuine change without incurring unrealistic financial burdens. But even if our recommendations are not carried out to the letter, it is likely that real resources must now be committed to this effort.

In the end, however, much more meaningful will be the commitment of effort, of ingenuity, and of will. We call upon those in authority at the University of Michigan – the Regents, the President, the Provost, the Executive Officers, the Deans, Directors, and Department Heads – to bring about what we think is well within reach, attaining a climate of true acceptance for all TBLG faculty, staff, and students.

APPENDICES

APPENDIX I: CHARGE TO THE TASK FORCE AND THE LIST OF TASK FORCE MEMBERS

Charge to the Task Force - March 28, 2003

For over a decade, the University has been known as a national leader for practices and policies that protect and support lesbian, gay, and bisexual members of the University community. Many of these policies and practices have been implemented in response to earlier reports and recommendations, beginning in the early 1990's.

Since then, awareness and understanding of gender identity issues have increased significantly, particularly with respect to individuals who identify themselves as transgender or who are questioning their gender identity. Of special note is the work of the Office of the Vice President for Student Affairs' Gender Identity Working Group, created in April 2002. Although this group has focused on student concerns, much of what it has learned is also relevant to faculty and staff. Based on the discussion and work of this group and others, questions have arisen as to whether all members of the University community are sufficiently protected and supported as members of the community.

Therefore, after consultation with President Coleman and Vice President for Student Affairs E. Royster Harper, I am convening a Task Force on the Campus Climate for Transgender, Bisexual, Lesbian, and Gay (TBLG) Faculty, Staff, and Students. I expect the Task Force to draw upon the work of various TBLG offices and groups on campus, including Vice President Harper and her office's Gender Identity Working Group, the Office of LGBT Affairs, the Michigan Student Assembly LGBT Commission, TBLG groups in the Schools and Colleges, and other TBLG groups. As appropriate, the Task Force may choose to organize working groups that include members who are not themselves members of the Task Force.

TASK FORCE CHARGE

1. Examine the impact of the changes made since earlier reports and recommendations on the lives of transgender, bisexual, lesbian, and gay members of our community.
2. Revisit these recommendations and consider whether additional steps are needed.
3. Take advantage of existing data on the University climate for TBLG people and engage in or recommend additional data collection, within reason and as needed.

4. Gather information about relevant practices and policy at peer institutions and in the private sector to inform the Task Force’s development of recommendations for the University.
5. Review University policies and practices to ensure that all transgender, bisexual, lesbian, and gay members of the University community are supported and are protected from discrimination, harassment, and assault, and make recommendations accordingly.
6. Develop a set of prioritized recommendations to improve the climate for TBLG students, faculty, and staff at the University of Michigan.
7. Develop a set of principles to guide the University’s interactions with organizations that for various reasons may not share its views on TBLG matters.
8. Present findings and recommendations to the Provost and Executive Vice President for Academic Affairs, who will share this information in turn with the President, the other Vice Presidents, and other University leaders and who will then develop an action plan in conjunction with them.
9. Consider and report on ways the members of the Task Force can serve as an on-going campus resource.
10. Make recommendations to ensure continuing attention to University policies and practices with regard to its TBLG members beyond the work of the Task Force.

—Paul N. Courant, Provost and Executive Vice President for Academic Affairs

List of Task Force Members

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APPENDIX II: INFORMATION-GATHERING ACTIVITIES BY THE TASK FORCE

Web-based data collection:

LGBTQA Task Force website (advertised via an e-mail message to the UM Deans, Directors, and Department Heads, with a request to circulate the message as broadly as possible, and via advertisements in the Michigan Daily and University Record); about 150 messages received. The website was devised to preserve the anonymity of respondents. Respondents were informed that their comments might be used in our report. We have quoted respondents after correcting minor spelling and grammatical errors.

Meetings with individuals:

- William Bess, Director of the Department of Public Safety, and Captain Joe Piersante
- Sandra Cole, UM Adjunct Clinical Professor and original director of the Comprehensive Gender Services Program
- Dallas Denny, Editor-in-Chief, *Transgender Tapestry: The Journal of the International Foundation for Gender Education*
- Eryk Glenn, a leader of All-Us (the Lesbian Gay Bisexual Transgender People of Color Collective, a student group)
- Royster Harper, Vice President for Student Affairs
- David M. Hasen and Douglas A. Kahn, Professors, Law School (tax policy on domestic benefits)
- James Haskins and Brian Hull, student organizers of the ad hoc Queer Athletic Council, an ad hoc group that organizes athletic events for LGBT students, faculty, and staff and their allies.
- Robert Holmes, Student Ombudsman, Office of the Vice President for Student Affairs
- Mary L. Hummel and Archie Andrews, Associate Directors of Housing
- Traci D. Jarrett-Tenney, Program Associate, Health Service (HIV testing)
- Frederic MacDonald-Dennis, Director of UM LGBTQA Office
- David Masson, Assistant General Counsel
- Megan McCallister, Associate Director of Athletics

- Shannon Minter, Legal Director for the National Center for Lesbian Rights (transgender law)
- Lester Monts, Senior Vice President for Academic Affairs (Officer Education Programs)
- Sumer Pek, UM Professor Emeritus, Department of Internal Medicine-Endocrinology and Metabolism
- Richard Primus, Assistant Professor, Law School (discrimination law)
- Alfreda Rooks Jordan, Administrative Director, Comprehensive Gender Services Program (CGSP)
- Teresa Satterfield, Associate Professor of Romance Languages and Chair of the Equity Welfare Sportsmanship, a subcommittee for the NCAA's review of the University, and other members of the Subcommittee
- Jeff Souva, Co-Chair, Lesbian, Gay, Bisexual, and Transgender Affairs Commission of the Michigan Student Assembly
- Anthony Walesby, Assistant Provost and Senior Director for Institutional Equity
- Patricia Warner, Associate Hospital Director
- Robert Winfield, Director of the University Health Service, and Howard Saulles, Superintendent of Optometry in the Health Service Clinic Operations

Meetings with groups:

- Queer Visibility Caucus (May and July, 2003)
- TBLG Task Force Town Hall Meeting, with a focus on climate issues for lesbian, gay, and bisexual people (October 9, 2003)
- TBLG Task Force Town Hall Meeting, with a focus on climate issues for transgender people (October 15, 2003)
- Lunch meeting with invited TBLG students of color (December 15, 2003)

Survey data:

- Visibility 2000 Survey of faculty, staff, students, and alumni for all three campuses, with particular thanks to Frederic MacDonald-Dennis, Director of the Office of Lesbian, Gay, Bisexual, and Transsexual Affairs (LGBT); Jennifer Lyle, doctoral student in the

School of Social Work; and Carla Pfeffer, doctoral student in the Joint Doctoral Program in Social Work and Social Science (Sociology). A final version of this report is being prepared under the title: “From Invisibility to Inclusion: A Decade of Progress?” We received a provisional draft in advance of publication, and cite from this version.

- Gender Identity Working Group student survey; their Final Report is available at <<http://www.umich.edu/~inqueery/genderreport.pdf>>. The Gender Identity Working Group operated under the aegis of the Division of Student Affairs.

- “Campus Climate for Gay, Lesbian, Bisexual, and Transgender People: A National Perspective,” a study done by the Policy Institute of the National Gay and Lesbian Task Force.

APPENDIX III: TRANSGENDERISM AND TRANSGENDER RIGHTS²

Diversity is not for the squeamish. It means making (and taking) a space at the table that includes people you don't like, don't agree with, or who you think are just plain wrong.

—Alexander John Goodrum, disabled African-American bisexual FTM transsexual activist, 1960-2002

In 1952, news of Christine Jorgensen's sex reassignment hit the newsstands, opening debate on "the visibility and mutability of sex" (Meyerowitz, 2002, p. 1). Since then, an increasing number of people have come to identify as transgendered, transsexual, or otherwise gender-variant, and a self-aware transgender community has formed, matured, and begun to demand civil rights (Wilchins, 1997). Although the federal government has been slow to respond to the needs of this community, mainstream acceptance has grown since 1975, when the state of Minnesota passed legislation protecting transsexuals from workplace discrimination (Currah, Minter, & Green, 2000). Society at large, including widening numbers of state and local governments, employers, colleges and universities, and the legal system, now formally acknowledge and defend transsexual and transgendered individuals (Currah & Minter, 2000).

Definitions: Who is Transgendered?

In the early 1990s, **transgender** arose as an umbrella term to describe those with gender identities, expressions, or behaviors not traditionally associated with their birth sex, or who otherwise transcend conventional definitions of man and woman (Gender Variance: A Primer, 2003). Thus, transgender includes not only transsexuals and crossdressers, but all persons who chafe at restrictive gender norms, identities, and attributions (Bornstein, 1994, p. 4). Gender variance is found in approximately equal measure in both sexes and among all races, nationalities, and social strata, and it occurs throughout the life span.

The 1990s also saw the rise of the **transgender model**, which views gender variance as natural and healthy. This model has largely supplanted the older **medical model**, which views variance from traditional gender norms as a sign of psychopathology (see Levine & Lothstein, 1981). Unlike the medical model, which "postulated that there were but two sexes, and that the only alternative to remaining in the original gender role was to work hard and conform to the only available alternative" (Cole, et al., 2000, p. 160), the transgender model encourages more individual expressions of gender.

² Appendix III, which forms the basis of Section II of the Task Force Report, was researched and drafted, at the request of the Task Force, by UM Adjunct Clinical Prof. Sandra Cole; Dallas Denny, Editor-in-Chief of *Transgender Tapestry* magazine; and Piper Hendrix, a student in the UM Law School. The Task Force is deeply grateful to all three for their extraordinarily valuable help. The draft of Appendix III was completed in late Summer, 2003, and has not been systematically updated.

Transsexuals are the most intensely affected of those included under the umbrella term transgender. Transsexuals are profoundly uncomfortable in their natal sex roles, and many choose to transition to the non-natal role, undergoing medical, social, and psychological **sex reassignment** (Green & Money, 1969); this often but not invariably includes surgery to ensure genitals are consistent with the new gender role (Laub, 1973).

The American Psychological Association classifies the gender dysphoria experienced by transsexuals as **Gender Identity Disorder**, a “strong and persistent cross-gender identification” and not merely a desire for perceived cultural advantages of being the other sex. Gender Identity Disorder causes clinically significant distress or impairment in social, occupational, or other important areas of functioning (DSM-IV-TR). As they struggle with gender identities that are in conflict with their bodies and the social expectations placed upon them, in a society which looks upon them with disfavor and with little information about their condition, many transsexuals go through a period of significant clinical distress. “Coming out,” a process characterized by information seeking, contact with peers and helping professionals, and self-acceptance, reduces their distress.

Nontranssexual transgendered persons may live full-time in the non-natal gender role, or may crossdress only on occasion (Boswell, 1991). Increasingly, young people are experimenting with gender, particularly in colleges and universities (Beemyn, 2003).

Not all transsexuals change gender roles, and many nontranssexual transgendered persons *do* make this change. Transition, in which the individual comes to be socially recognized as a member of the non-natal gender, can cause significant disruption, including loss of emotional support at home and in the community, harassment, and loss of employment. However, nearly all transgendered and transsexual people report having experienced societal stigma, discrimination, or violence (Lombardi, et al., 2001). Persons of color and persons of lower socioeconomic status are at grave risk for disease and violence (Xavier, 2000).

Prevalence of Transgenderism

Because there is no mechanism for tracking them, the incidence of transgendered and transsexuals individuals is unknown. The *Diagnostic and Statistical Manual of the American Psychological Association*, Vol. 4, Text Revision (2001) gives rates of 1:25,000 for natal males and 1:100,000 for natal females seeking sex reassignment surgery (DSM-IV-TR, 2000). An estimate based on data from the Netherlands is 1:11,900 for natal males and 1:30,400 for natal females (Meyer et al., 1991). Conway (2003) estimates that as many as 20,000 male-to-female sex reassignment surgeries were done between 1990 and 2002 on U.S. citizens and residents, and her calculations indicate that the current prevalence of male-to-female sex reassignment in the U.S. is at least 1:2500.

These figures are based upon the number of individuals who have genital sex reassignment surgery, an expensive and invasive procedure. They do not address the

many transsexuals who cannot afford or otherwise do not have this surgery, nor the many nonsurgical nontranssexual transgendered persons, who are believed to outnumber transsexuals by more than an order of magnitude (Conway, 2003).

What Difficulties Do Transgendered Individuals Confront?

Transgendered and transsexual people face rejection by their families, peers, schools, employers, churches, civic organizations, and friends because they are visibly different or because, even if they “pass” as nontransgendered, they have been outed. Gender-variant youth and those who have transitioned gender roles are at increased risk of rejection and exploitation (Denny, 2003), but even nontransgendered individuals are at risk for violence based upon their appearance. For instance, in the 1990s in San Francisco, a heterosexual couple was beaten by attackers who misidentified the female as male. Even as simple a gender transgression as haircut or selection of jewelry can have severe repercussions [Alabama Gov. says earrings on men wrong! (2001)].

Public Access

The necessary act of using a public restroom is a challenge for transgendered and transsexual people, who risk harassment, beatings, arrest, and murder, whether they use the women’s or men’s room (see Farrell, 2000; Vade, 2002). Recently, in Nashville, a heterosexual man was murdered by a stranger who became infuriated because he was holding his girlfriend’s purse while escorting a blind male friend to the restroom (Burke, 2001).

Transgendered people are sometimes refused service in restaurants, bars, and stores (see Buffa, 2001), and are subject to security searches when flying or going through customs (NTAC, 2003). Churches often make them feel unwelcome. If their status is discovered, they are discharged from the U.S. military (Brown, 1989). Police officers sometimes detain them for no other reason than the way they are dressed. Clerks and officials often deliberately use pronouns calculated to be offensive to them. Judges sometimes deny their legal name changes. Transgendered and transsexual people can find it difficult to change their identifying documents to reflect their social role and appearance; this puts them in a vulnerable position when they must show their ID (Denny, 1994). They are often refused the right to marry and denied custody of their children based on their transgender status (Brown, 1999, Brant, 1997).

Transgendered and transsexual persons are sometimes denied the most basic medical services. In 1996, a transgendered woman named Tyra Hunter was severely injured in a motor vehicle accident in Washington, D.C. When firemen, who also served as paramedics, discovered that Hunter had a penis, they stopped treating her. At the hospital, Hunter’s life-threatening injuries were not promptly addressed, and she died (Bowles, 1996).

Sports

Participation in sporting events also poses a challenge for transgendered and transsexual individuals. The sports world began to confront issues of sexual identity as early as the 1960s, when sex testing was a regular part of international competition (Amdur, 1976). The International Olympic Committee discontinued the testing in 1999 (Pittaway, 1999). Most sports organizations have not adopted gender identity policies, leaving transgender athletes to wonder if they are eligible to participate in various sporting events.

Regardless of their choice of the mens' division or the womens' division, transgender participants risk enduring hostility from other athletes and public attention for something other than their athletic abilities. Some transgendered athletes have been accused of undergoing permanent, life-changing treatments merely to be able to compete as a member of a different sex (Fish, 2003, Pilgrim et al., 2003). Such assertions demonstrate the lack of public understanding about transgenderism.

Employment, Housing, and Education

Transgendered and transsexuals face severe discrimination in the housing, employment, and educational arenas. Many transgendered report a long history of harassment beginning in primary and grade schools (Lombardi, et al., 2001), and there are numerous reports of their dropping out of school so as to avoid this harassment.

Discrimination continues in the work force. Transgendered men and women have been dismissed from their jobs simply after their employers discovered they are transgendered. For example, Peter Oiler, a married man, was fired from his truckdriving job by Winn Dixie when his supervisors became aware that he sometimes crossdressed away from work. With the help of the American Civil Liberties Union, Oiler took his case to the U.S. District Court, but dropped his Supreme Court suit because he feared another loss in the conservative political environment (Gender Public Advocacy Coalition, 2003).

Anti-Transgender Violence and Murder

The lack of understanding of transgendered and transsexual persons is often expressed as hatred. The Remembering Our Dead website tracks anti-transgender violence and murder. From the late 1990s until 2002, the site documented an average of one murder per month. This year (2003) has seen double that rate. Our nation's capital has been particularly troubled. In 2002, two transgendered teens, Stephanie Thomas and Ukea Davis, were gunned down in their car at the same intersection in which Tyra Hunter was denied treatment by D.C. Firefighters (Fahrenthold, 2002). August 2003 saw a spate of transgender murders in D.C.

Transgendered sex workers and people of color are at highest risk for violence, but middle and upper class transgendered and transsexual people have been murdered in their own homes or while walking down the street. Riki Anne Wilchins has noted that murders of transgendered persons tend to be especially violent (Wilchins, 1997,p.23). These murders are sometimes labeled by the police as hate crimes, but more often they are not so classified, even in localities with hate crimes legislation.

Philosophical Opposition

Transsexualism and other forms of gender variance have been vigorously opposed by, among others, some religious leaders, governments, physicians, feminists, activists, and academicians. The Vatican recently sent church leaders a document “instructing Bishops never to alter the sex listed in parish baptismal records and say[ing] Catholics who have undergone ‘sex change’ procedures are not eligible to marry, be ordained to the priesthood, or enter religious life.” (Norton, 2003). Some psychiatrists have long claimed that gender variance, and especially transsexualism, is a mental illness (variously neurosis, psychosis, masochism, and a death wish), and have opposed sex reassignment on the grounds that they should treat the mind rather than the body (see Ostow, 1953). Feminists like Mary Daly and Janice Raymond have called transsexualism “Frankensteinian” (Daly, 1978) and claimed that sex reassignment is a plot to render women obsolete (Raymond, 1979). Governments in third world countries have implicitly and sometimes explicitly condoned the persecution and murder of gender-variant people (see Amnesty International, 1996), and governments in English-speaking countries have denied transgendered people, and especially transsexuals, customary human rights, including the right to marry, divorce, raise children, inherit, and make wills (see *The Advocate*, 2003). An argument that is commonly made is that transsexuals are merely homosexuals in denial. Most recently, Lawrence (1998) and Bailey (2003) have argued that male-to-female transsexuals are paraphilics (i.e., have a sexual perversion). Some (e.g. Raymond, 1979; Billings & Urban, 1982; Meyer & Reter, 1979) have claimed that genital surgery is unnecessary or harmful or ineffective. Authors like Mackenzie (1994) have claimed that by changing gender roles, transsexuals perpetuate binary gender norms.

All of these arguments are incorrect, and most are specious, but they have nevertheless had negative impacts on the lives of transgendered and transsexual people, who are often denied services or mistreated by those who cite them.

Psychological Issues

In addition to the external burdens from society, transgender and transsexual individuals struggle with internal decisions related to their gender identities. Transgendered people must ask whether and how to act on their feelings about their true gender. Many try to repress these feelings, and suffer psychological damage as a result (Denny, 1991). Many act without the information necessary to make informed decisions. Clergy, teachers, counselors, and others who would ordinarily be sources of support often have little or no information about transgender issues, or, worse, impose their private morality and opinions on the transgendered person. Before the advent of the internet, information was practically impossible to come by. Now information is only a few key clicks away, but material is of variable quality.

Those who transition gender roles find that sex-altering treatments, from hormone therapy to genital reconstructive procedures, to electrolysis, are not covered by health

insurance. Many transsexuals are unable to afford these treatments; others cannot have surgery because of medical reasons such as uncontrolled diabetes or heart conditions.

Transgendered people, and especially transsexuals, who have been unable to obtain information or tell their stories, can, after years of holding their feelings within, decompensate. It is at this point that they are most likely to come to the attention of helping professionals. Generally, simply talking about their situation and gathering information necessary to make life decisions can alleviate this crisis, but some transgendered people, whether because of religious conflicts or feelings of obligation to family or society, choose not to transition.

Moving Toward Acceptance: The Evolution of Transgender-Inclusive Policies

A variety of religious, civic, corporate, and governmental entities have formally addressed issues facing the transgender community. This acceptance of “others,” which publicly began in the 1960s with the civil rights movement, is still spreading today. Those with non-traditional gender orientations or identities have begun to enjoy some of the freedoms and protections mainstream society provides.

Law and Policy Impacting the Transgender Community

Transgendered and transsexual individuals now have a political voice. The Gender Public Advocacy Coalition lobbies members of Congress on behalf of gender-variant individuals while grassroots organizations support state-level reforms. While these groups have seen progress at the state level, as evidenced by the four states, nine counties, and 51 cities that prohibit discrimination on the basis of gender identity or expression, change at the national level has been slow (see Currah, Minter, & Green, 2000).

(The Lack of) Federal Legislation

In 1974, Christopher Shays (R-CT) introduced the Employment Nondiscrimination Act to the U.S. House of Representatives. Despite a wide base of support, this job-protection bill has been pending in Congress ever since. ENDA, which Senator Edward Kennedy (D-MA) calls the “unfinished business of America,” has never come close to passing both chambers of Congress. To date, the various versions have not included language to embrace transsexual and other transgendered people. Although the Human Rights Campaign, which vigorously lobbies for ENDA, recently added transgender to its mission statement, it has cited political expediency in explaining why it does not support transgender-inclusive language in ENDA.

With no realistic hope of federal legislation addressing gender identity in the near future, the judicial system must interpret existing federal and state laws to determine the scope of protection based on gender identity. However, of the two most likely bills, one does not address and the other specifically excludes gender variance (respectively, Civil Rights Act of 1964 and Americans with Disabilities Act of 1990).

To date, courts have been divided on the issue of discrimination against transgendered people under the Civil Rights Act of 1964. Using reasoning that may seem counterintuitive, early court decisions held that discrimination against a transgendered individual is not based on sex, but rather on *change of sex*, and that for this reason a transgender litigant is not covered by sex discrimination policies under Title VII (see Sharon M. Powell a/k/a Michael D. Powell v. Read's Inc., 1977). Other early decisions held that transgender litigants are neither male nor female and are therefore not part of a protected group (see Holloway, 1974; Swartz, 1997 for reviews).

More recent decisions find that the prohibition against harassment based on stereotypes about how men and women should act extends to transsexuals (cf Enriquez v. West Jersey Health System, 2001). A trial court in Minnesota recently allowed a male-to-female transsexual to collect widow's benefits after her husband's death despite objections from the Social Security.

Recently, female-to-male transsexual Michael Kantaras won custody of his minor child in a high-profile contested divorce (Doering, 2003). However, the conservative Liberty Counsel recently announced that it will provide *pro bono* legal help for an appeal by Kantaras' ex-wife, Linda (Liberty Counsel, 2003). Several years ago, a female-to-male transsexual in Ohio was jailed for marrying as a man (Resnick, (2000). Two recent U.S. cases, from Texas and Kansas, have invalidated the marriages of transsexual women (Strasser, 2003; Associated Press, 2003; Pesquera, 1999).

State and Local Legislation

Because action on the federal level seems unlikely, protections have tended to come from smaller institutional units. For example, rather than waiting for the federal government to take action, some state and local governments have passed their own antidiscrimination statutes. In 1975, Minnesota became the first state to pass a law against workplace discrimination based on gender identity. Today, four states, nine counties, and 51 cities prohibit discrimination on the basis of gender identity or expression (Currah, Minter, & Green, 2000). It has been estimated that about 1/4 of America's transgendered and transsexual people are now legally protected from discrimination.

Representative Chris Kolb of Ann Arbor introduced a bill this past summer (2003) to add gender identity and sexual orientation clauses to Michigan's anti-discrimination law. Legislative protection for transgender people at the state and local levels has been secured either by making gender identity and expression (or comparable terms) a protected status or by creating an inclusive statutory definition of gender, sex or sexual orientation.

In 1999, Ann Arbor passed a nondiscrimination ordinance with model transgender-protective language defining gender identity:

Gender Identity. A person's actual or perceived gender, including a person's gender identity, self-image, appearance, expression, or behavior, whether or not that gender

identity, self-image, appearance, expression, or behavior is different from that traditionally associated with the person's sex at birth as being either female or male. (City of Ann Arbor, March 1, 1999)

East Lansing, Grand Rapids, Huntington Woods, and Ypsilanti have similar ordinances.

Anti-Discrimination Policies in Industry and Education

Like the state and local governments who refused to wait for federal action, many employers and universities have proactively guaranteed protection to transgender people. Employers from the technology, communications, finance, airline and athletic apparel industries, as well as private and public schools, colleges, and universities, both large and small, have amended their antidiscrimination policies to protect transgender individuals.

Industry. In 1975, AT&T became the first American corporation to include sexual orientation in its policy against discrimination. Today, at least 2,162 U.S. employers cover sexual orientation in their nondiscrimination policies. According to <http://www.monster.com/>, the popular internet job broker, the higher a company is on the Fortune 500 list, the more likely it is to have both domestic partner benefits and a written nondiscrimination policy covering sexual orientation. Fifty-seven employers, including Aetna, American Airlines, J. P. Morgan Chase, Nike, and Lucent include sexual orientation *and* gender identity in their non-discrimination policies. Thirteen such companies earned a perfect score on the Human Rights Campaign's Corporate Equality Index in 2002. Even Cracker Barrel, after receiving an extremely low score in the 2002 rankings, has now updated its policy.

The trend among industry can be attributed to the well-planned advocacy of LGBT groups and the fact that many employers recognize the connection between worker satisfaction and productivity. The latter has led to an increased move in American society towards tolerance and even encouragement of diversity.

The low unemployment rate of the 1990s prompted many employers to seek creative yet inexpensive ways to attract the best employees. As an increasing number of workers were open about their sexual orientation, an increasing number of employers provided protection and benefits to those of nontraditional sexual orientations. Progressive workplace policies benefit these companies' images *and* wallets by providing a diverse, safe and productive work environment; this in turn improves recruitment and decreases turnover. Employees who do not endure the stress of hiding their personal lives are free to develop honest working relationships and labor more productively for their employers.

Colleges and Universities. While some colleges and universities are prohibited from discriminating against transgendered students under the non-discrimination policies adopted in their political jurisdictions, other schools have proactively changed their policies to include gender identity or expression regardless of the law in their city or state. Most of these schools simply added gender identity to their non-discrimination statements. For example, the University of Iowa's Non-Discrimination Policy reads:

The University of Iowa prohibits discrimination in employment and in 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. (Emphasis added.)

Brown University's policy is similar:

Brown University does not discriminate against any person because of race, color, religion, age, national or ethnic origin, disability, status as a veteran, sexual orientation, *gender identity*, *gender expression*, or sex, except where sex is a bona fide occupational qualification. (Emphasis added.)

Many other large schools, including the Universities of Illinois and Maryland, are currently considering adding gender identity or expression to their non-discrimination policies. A few years ago, Rutgers adopted protections for “people who have changed or are in the process of changing” their sex (see [Appendix IV](#) for a comprehensive list of schools that do not discriminate on the basis of gender identity).

Colleges have always been places for learning; while students encounter subjects like history, biology, and engineering in the classroom, they also discover how to develop their identities as members of society outside of the classroom. As society has grown more accepting of various sexual orientations and gender identities, GLBT individuals have begun to come out at increasingly younger ages. As a result, universities are uniquely situated as places where students will make life-long decisions about their professional, intellectual, social *and* gender identities.

Having no policy about gender identity puts students, staff, and faculty at risk for harassment, rejection, exclusion, abuse, disrespect, violence, conflict with peers and professors, compromised grading, promotion and tenure vulnerabilities, regardless of the eligibility of the individuals. This compromises the educational experience. However, “Things are changing fast, especially on America's campuses” (Greenaway, 2001). Many young people do not believe there is a dichotomy between the sexes and no longer take sexual identity for granted. As this message spreads and the transgender movement grows, more companies, government agencies and universities will continue to adjust their policies accordingly. Even those who don't approve of or understand transsexual and other transgendered people understand the need to change our assumptions about how men and women are *supposed* to be and to recognize the rights of those who feel their biological sex does not reflect their gender identity.

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For information about policies regarding transgendered and transsexual people, see <http://www.hrc.org>, <http://www.equal.org>, <http://www.gendersanity.com>, <http://www.monster.com>, <http://w3.abanet.org/home.cfm>, and <http://www.transgenderlaw.org>.

APPENDIX IV: THE LEGAL RELATIONSHIP BETWEEN SEXUAL ORIENTATION AND GENDER IDENTITY

Although not many judicial decisions have considered the relationship between sexual orientation and gender identity, most adopt the analysis in *Lie v. Sky Publishing Co.*, 15 Mass. L. Rep. 412 (Superior Ct. Mass., 2002). Plaintiff employee, a male-to-female transsexual, alleged unlawful discrimination by the defendant based upon sex, sexual orientation, and handicap. In the course of its decision upholding summary judgment for defendant as to sexual orientation, the court makes the following observations:

“ General Laws Chapter 151B, § 4(1), in relevant part, makes it illegal for an employer to discriminate against an individual in terms, conditions, or privileges of employment or to discharge an individual from employment because of the individual’s sexual orientation, unless based upon a bona fide occupational qualification. Under § 3(6), sexual orientation is defined as having an orientation for or, alternatively, being identified as having an orientation for heterosexuality, bisexuality, or homosexuality. Whether or not sexual orientation under Chapter 151B encompasses transsexualism is a matter of first impression for the Massachusetts courts, although the MCAD has considered the issue. See *Millet* (full commission holding finding that transsexualism is not a sexual orientation, noting in dicta, however, that it might be protected if the employer regarded it as such and discriminated on that basis).

“As previously discussed, transsexualism is best understood as an issue of gender identity unrelated to sexual orientation. A psychiatric diagnosis of gender identity disorder is independent of an individual having a heterosexual, bisexual, or homosexual orientation. DSM-IV at 534, 538; A.D.A.M., Health Illustrated Encyclopedia, National Library of Medicine, available at <<http://www.nlm.nih.gov/medlineplus/ency/article/001527.htm>> (last visited on Oct. 1, 2002). As a matter of law, a simple claim of discrimination due to one's status as a transsexual does not give rise to a claim of discrimination on the basis of actual sexual orientation. They are unrelated.

“The court nevertheless recognizes that those who transgress traditional gender roles and defy stereotypes associated with their biological sex are less likely to be perceived as heterosexual than the general population. See *Millet* at n. 3. The conflation of one's appearance with one's sexual orientation in this fashion may lead to discrimination actionable under the second prong of Chapter 151B’s definition of sexual orientation discrimination, that is, discrimination due to being identified as having an orientation for heterosexuality, bisexuality, or homosexuality, regardless of the person's actual orientation. See, e.g., *Rosa* at 214 (‘It is ... reasonable to infer ... that [the teller] refused to give [the plaintiff] the loan application because she thought he was gay, confusing sexual orientation with cross-dressing’).

“The plaintiff neither makes a claim regarding her sexual orientation nor presents sufficient facts in her complaint to support a claim that the defendant’s actions were motivated in any way by her actual or perceived orientation. Moreover, she does not aver

that the defendant confused her transsexual status with a sexual orientation, homosexual or otherwise. Therefore, judgment for the defendant on Count III is warranted.”

Similar in outcome is, for instance, *Enriquez v. West Jersey Health Systems*, 777 A.2d 365, 342 N.J.Super. 501 (Super. Ct. App. Div., 2001). See also the declaratory ruling in 2000 from the Connecticut Commission on Human Rights and Opportunities <<http://www.state.ct.us/chro/metapages/HearingOffice/HODecisions/declaratoryrulings/DRDoe.htm>>, concluding (at n.16): “Neither transsexual nor transgendered people are protected by prohibitions against discrimination based on sexual orientation. Protection from discrimination based on sexual orientation is guaranteed by Connecticut’s Gay Rights Law, CONN. GEN. STAT. § 46a-81a et seq. Sexual orientation concerns whom an individual loves or desires; gender identity concerns which gender an individual feels s/he is.”

Such cases indicate that modern law sharply distinguishes sexual orientation from gender identity, and that legal protection for the former does not extend to the latter except in unusual circumstances.

APPENDIX V: TRANSGENDER PROTECTION IN OTHER UNIVERSITIES

Colleges and Universities with Policies Prohibiting Discrimination on the Basis of Gender Identity:

American University
Arizona State University
Brown University
University of California (all nine campuses)
City University of New York
DePauw University
University of Iowa
Kalamazoo College
Knox College
Lehigh University
Massachusetts Institute of Technology
Middlebury College
University of New Hampshire
Ohio State University
University of Pennsylvania
University of Puget Sound
Rockport College, Maine
Rutgers University
University of Washington
Wesleyan University

Universities Currently Considering Adding Gender Identity or Expression to Their Nondiscrimination Policies:

Cornell University
Harvard University
University of Illinois
University of Kansas
University of Maryland
University of Michigan
Michigan State University
Northeastern University

Colleges and Universities Prohibited from Discriminating Because of Nondiscrimination Laws in Their Jurisdiction:

In addition to the colleges and universities that have proactively adopted transgender inclusive non-discrimination policies, colleges and universities located in jurisdictions that have passed transgender-inclusive non-discrimination laws or where courts have

interpreted existing nondiscrimination laws as covering transgender people are also bound by those laws (unless the law exempts particular kinds of educational institutions). They include:

- Colleges and universities in jurisdictions, including the states of Minnesota, New Mexico, and Rhode Island, that have passed transgender-inclusive nondiscrimination laws.
- Colleges and universities in jurisdictions where courts and/or human rights commissions have interpreted existing nondiscrimination laws as including gender identity or expression, including Connecticut, Massachusetts, and New Jersey.

Source: <http://www.transgenderlaw.org/index.htm> (the website of the Transgender Law and Policy Institute).

APPENDIX VI: ADDING “GENDER IDENTITY” TO OHIO STATE UNIVERSITY’S NON-DISCRIMINATION POLICY

[The following statement was prepared in 2002 by Brett Beemyn, Coordinator of GLBT Student Services at OSU. It served as the basis of subsequent deliberations that resulted, on February 2, 2004, in “gender identity” being added to OSU’s nondiscrimination policy. The undergraduate student government, the graduate student council, the university staff council, the university diversity council, and the university senate all supported the nondiscrimination policy change.]

Individuals who are perceived as transgendered (that is, people whose gender identity or expression does not fit stereotypical notions of “female” and “male”) are frequently the targets of hate incidents and hate crimes. Over the last decade, an average of one trans person per month has been killed in a reported hate crime – a trend which unfortunately shows no signs of abating, with two murders already this year. Instances of assault and harassment of people believed to be transgendered are even more commonplace, including on college campuses. For this reason, many transgendered students are extremely fearful about identifying themselves and some decide to leave school rather than risk possible disclosure and discrimination. In order to provide a more inclusive and safer environment for gender variant members of the Ohio State community, the University should add “gender identity” to its non-discrimination policy.

The University of Iowa, Rutgers University, Knox College, and DePauw University specifically recognize “gender identity” as a category in their nondiscrimination policies, and because the transgender civil rights laws in Minnesota and Rhode Island apply to educational institutions, the schools in those states also provide protection to gender variant people. The University of Michigan, the University of Kansas, the University of Pennsylvania, the University of Maryland, and Harvard University are currently considering adopting this language for their policies.

Among Fortune 500 corporations, Aetna, Agere Systems, American Airlines, Apple Computers, Avaya Communication, Eastman Kodak, Intel, JP Morgan Chase, Lexmark, Lucent Technologies, NCR, Nike, PPG Industries, and Xerox have amended their nondiscrimination policies to include gender variant people. None of the companies report any workplace problems or financial costs resulting from this change. On the contrary, they have benefited by being able to hire and keep well qualified workers whom they might otherwise lose.

By adding “gender identity” to its non-discrimination policy, Ohio State would be a leader on this important human rights issue and further demonstrate its commitment to diversity and inclusion.

APPENDIX VII: NEW YORK TIMES ARTICLE: “ON CAMPUS, RETHINKING BIOLOGY 101”

By Fred A. Bernstein; New York Times, March 7, 2004

Arriving in Providence last fall to begin his senior year at Brown University, Luke Woodward didn't have to tell friends what he had done on his summer vacation.

They could tell with one glance. Before the summer Luke had had the body of a woman. Now Luke's breasts were gone, leaving a chest more compatible with Luke's close-cropped hair, baggy jeans and hooded sweatshirts. Some classmates had chipped in to pay for the surgery; to cover the rest, Luke took out loans.

Thanks to the “chest surgery,” Luke said, “my quality of life is better.” Before, if Luke entered a women's bathroom on campus, “someone might yell, ‘Oh my God, there's a man here’ and call security,” he said. “In men's bathrooms I'd have to fold my arms over my chest and hope that no one would notice.” Now he and several other Brown students are pressing the university to create more single-stall bathrooms, so students who don't look clearly male or female can avoid harassment.

Luke, a 23-year-old international-relations major, is at the cutting edge of a new kind of campus activism: transgender students and their allies who are convincing colleges to meet needs that include private bathrooms and showers, specialized housing and sports teams on which students who don't identify themselves as either male or female can play. In the last year, transgender students have won accommodations from four East Coast colleges, including Wesleyan, Sarah Lawrence and Smith.

While it isn't clear if the number of students who consider themselves transgender is increasing, their openness – a generation after gay and lesbian students began identifying themselves on campuses – clearly is. Zachary Strassburger, a sophomore at Wesleyan University, in Middletown, Conn., said he “came out” to his parents as “trans” in the 10th grade. (Luke and Zachary, who were born female, asked to be referred to with male pronouns.)

Transgender is a term that describes, and unites, a broad category of people who are uncomfortable in the gender of their birth, said Dr. Ken Zucker, a psychologist who heads a child and adolescent gender-identity clinic in Toronto. Transgender students may also be transsexual – moving from male to female, or female to male with the help of surgery or hormones. (Luke considers himself a “female-to-male trans,” no longer fully female but not yet fully male.)

Some transgender students aren't moving between sexes; they're parked somewhere in the middle and prefer to describe themselves as “gender queer” – signifying that they reject the either-or male-female system.

Dr. Zucker said young people claiming a transgender identity “vary in the degree to which they want physical intervention.” He added: “Gender identity is distinct from sexual orientation. Gender identity pertains to how a person feels about being male or female; sexual orientation pertains to who are you attracted to sexually.”

Zachary, 19, said, “Some people think it’s important to be seen as a specific gender; that’s not me.” There are several dozen “gender queers” among Wesleyan’s 2,700 students, said Zachary, who changed his name at 18 and asked that his original first name not be published.

Brown and Sarah Lawrence, in Yonkers, will offer housing for the first time this fall to accommodate transgender students. Wesleyan has assigned a hallway for students who choose to live without designating their gender. A Wesleyan student who was born female but now looks and acts more male than female can have a male roommate. The Wesleyan campus health services clinic no longer requires students to check off “M” or “F” when coming in for a “wellness and sexual health visit.” Instead, they are asked on a form to “describe your gender identity history.” And this year, the former women’s rugby team eliminated “women’s” from its name, so that Zachary and several other transgender students would feel comfortable playing. “We don’t want people yelling, ‘Go, girls!’” from the sidelines, Zachary explained.

Mark Nickel, a spokesman for Brown, said members of its incoming freshman class will “fill out a housing questionnaire that will allow them to elect a gender-neutral option.” He said the policy “would give transgender students the option to live with other transgender students.” And they will be in dorms where there are “lockable bathrooms for use by one person.”

At Sarah Lawrence, the assistant dean for residential life, Sarah Cardwell, said the university planned to allow upper-class students to live with students regardless of their sex, and to designate certain bathrooms as “all gender.”

“We have a small population of transgender students,” Ms. Cardwell said, “and we decided to be proactive, rather than reactive.” One of the residents of Wesleyan’s transgender hallway, Paige Kruza, is biologically female but looks androgynous. Paige’s roommate is male and is extremely respectful, Paige said. When referring to Paige, he uses pronouns that have evolved in the transgender community: “ze” instead of “he” or “she”; “hir” instead of “him” or “her.”

Zachary began thinking about the housing issue when he was a senior at a high school in Pittsburgh, where he was harassed because of his masculine appearance. “I ended up threatening to sue the school for not protecting me,” he said.

He wanted college to be better. During visits to colleges, he made a point of identifying himself as transgender and asking the schools where he would live as a freshman. “Harvard was the most confused,” Zachary said. “They sent me from office to office, not knowing how to react. But I didn’t get in anyway.”

Wesleyan, by contrast, was the most responsive, Zachary said, adding, “I wanted to come to a college where I’d feel safe.”

In his freshman year, he chose to live alone – many Wesleyan freshmen have singles, so not having a roommate didn’t stigmatize him. And then he began lobbying for the special hallway. Under existing university policy, a student who was biologically female but dressed and looked male would have to live with another female student. But that could make the female roommate uncomfortable. A male roommate, or another transgender roommate, were better options, Zachary argued.

“Every college student, of any gender, should be able to have the experience of living with a roommate,” Zachary said. Now in its first year, 12 students have chosen to live on the freshman hallway, though it’s unclear how many identify themselves as transgender.

Zachary himself, now a sophomore, has chosen to room with mostly Jewish students, in one of a number of upper-class residences based around common interests. He also devotes much time to rugby – “my favorite part of college.” He said the team had been completely supportive, even paying to replace sweatshirts that said “Women’s Rugby” with ones that say “Rugby.”

On a sunny afternoon at Wesleyan, Zachary sat on the library steps, chatting with friends who are male, female and transgender. Although transgender people around the country have been victims of hate crimes, students like Zachary say they do not feel discrimination or fear on campus; they know they are lucky to live in environments – small private colleges – with traditions of tolerance.

“It’s a very small campus, and everyone knows everyone,” Zachary said. “It helps to have a sense of humor if you’re trans,” he added.

Dr. Davis Smith, the medical director at Wesleyan’s student health services, said about a dozen transgender students have identified themselves to him, and the administration, he added, “encouraged me to use a lot of my administrative time” to look at transgender health issues.

“For purposes of sexual health, it doesn’t matter if you call yourself male or female,” said Dr. Smith, an affable 35-year-old with photos of his wife and daughter in his office. He said that what matters is what a person is doing with his sexual partners.

Dr. Smith added that the transgender students have an influence larger than their numbers. “On this campus,” he said, “transgender students are real opinion leaders. He said that as far as he could tell, “there hasn’t been any backlash.”

At Brown, Sarah Lawrence and Wesleyan, most of the transgender students appear to be women who are fully or partially male-appearing. “I think it’s a lot harder if you’re male-assigned to come out as transgender,” Zachary said. At Hunter College in Manhattan, Dr.

Gerald Mallon, a professor in the school of social work and the author of a book on social services for transgender youths, said he knows a number of male-to-female transgender students.

“The transgender community is becoming more vocal and more visible,” Dr. Mallon said. “Some are asking for accommodations; others don’t need accommodations, but just want to be respected for the gender that they are. I think it may be where the gay movement was 10 or 15 years ago.”

At Smith, the women’s college in Northampton, Mass., students voted last year to eliminate female pronouns from the student constitution at the request of transgender students. “She” and “her” were replaced with the phrase “the student.”

Laurie Fenlason, a college spokeswoman, said that “the vote was undertaken by the students as a gesture of good will toward a handful of fellow students.”

But the change was not without controversy. “It contradicts the whole point of having a women’s college,” said Esi Cleland, a Smith sophomore. “I am opposed to it, because there’s something to be said for a women’s college, and a lot of us come here because we choose to be in an environment where women are the primary focus.”

Students at Barnard have also been grappling with the implications of the fact that some students at a women’s college don’t identify themselves as women. A recent article in *The Columbia Spectator* about transgender activism was headlined “Can a Man Attend Barnard College?” “Trans issues,” the article reported, “are gaining traction at Barnard.”

“We are a women’s college,” said Suzanne Trimel, the director of public affairs at Barnard. “But if a student began here as a woman and then wanted to change her gender, does that mean we would kick her out of college? No, it doesn’t. We are a sensitive and caring community.”

“That said, the question has not arisen,” Ms. Trimel added. “To the best of our knowledge, no Barnard student has changed gender.”

To parents, the phenomenon may be unsettling. Luke says his father’s reaction was, “I got married at 25, and that was too young.” His point was that changing genders is a big decision for a young person to make, Luke explained. But Luke said he isn’t worried that his chest surgery may be irreversible. “I don’t know who I’m going to be,” he said, “but I can integrate the decisions I make into the person I become.”

Luke said that when he arrived at Brown, he was a masculine-appearing lesbian, but had no plans to change sex. “I had questioned my sexuality, but not my gender,” Luke said. Then he spent a year studying in Cuba, where people “were genuinely shocked when I said I was a woman. It was disorienting and scary. And I had to really think about it: am I a woman?” After returning from Cuba, he said, “I took more and more pains to hide my

breasts and to pass as male.” After meeting several female-to-male transsexuals, he said, “I realized I had options.”

Luke said the reaction of “my immediate family has been awesome,” though “my extended family is having a harder time. My grandparents still refer to me as ‘she.’ ”

Some parents might think that gender experimentation in college is just a phase. “So what if it is a phase – why is that a value judgment?” asked Daniel Bassichis, a Brown sophomore who is a friend of Luke’s. “And if something goes wrong for Luke,” Daniel said, “his friends will be here to support him.”

But there are still issues for transgender students. Luke’s voice sounds female, which makes him reluctant to “assert myself vocally.” He is considering taking testosterone, which would lower his voice (as well as create facial hair and redistribute muscle), but hasn’t been able to afford the hormone treatment. (At Smith, a therapist the college hired to serve as a transgender specialist told *The Daily Hampshire Gazette* last year that a small number of students there were taking testosterone to acquire male characteristics.)

As to whether he will have further surgery, Luke said he hasn’t decided. “This is often the first thing people ask me – about whether I’ll get surgery ‘down there,’ and I think it is really weird,” Luke wrote in an e-mail message.

Most doctors require patients hoping for gender-reassignment surgery to live as a member of the opposite gender for a full year. Luke and others see that standard as unreasonable – “for a guy who’s 6-foot-2 to use ladies’ rooms for a year is a recipe for disaster,” he said.

Besides, the protocol negates the experience of students who don’t want to be one gender or another, but something in between, Luke said. “It erases the space between male and female,” he said. In an ideal world, he wouldn’t have to conceal his female past in order to achieve a more male persona, he said. “I wouldn’t be seen as male or female,” he said, “but a female-to-male trans.”

Luke will graduate this spring, but his effects on Brown may only be beginning. Some students predict that when Brown’s new policies become known, more transgender students will want to apply. And if they do, “they can’t just be plopped down,” Daniel Bassichis said. “We have to make sure they feel safe here and can live the way they want to live.”

Dr. Smith of Wesleyan said: “It takes a lot of courage to be out as a transgender person. I hope they’ll be able to do it in the outside world the way they can in college.”