



# NAVIGATING with COURAGE

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# GLBT KC Sponsored Webinar...



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# The Future of Title IX

How your campus can prepare for the inclusion of  
gender identity and expression

December 2, 2014

Chicora Martin

# Introduction

- LGBT Director at the University of Oregon since 2000, National Consortium of LGBT Resource Professionals
- Supervise the Office of Student Conduct and Community Standards and leadership team for the the campus Title IX response process.
- NASPA Law and Policy Certificate Program and Title IX Investigator through ATIXA

# Map of the Presentation

Gender Identity and Expression at Mach Speed

Title IX in 2500 Words or Less

Why is all this coming up now?

Being Strategic

Questions!

# The Supersonic Gender Workshop



Image of gingerbread cookie

# Common Ideas of Sex and Gender

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

**Gender:** if someone is a man or a woman

**Gender Identity:** this is the same as gender

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

**These are simplistic and often incorrect.**



# Sex and Gender

## Sex

Biological, hormonal, physiological however we erroneously assume there are just two sexes that exist in a strictly binary system.

## Gender

“Traditionally considered a dichotomous social construction: one is either a man or a woman”  
(Bornstein, 1994) But gender isn't a binary and it isn't fixed through a person's lifetime.

# Gender Identity and Gender Expression

## Gender Identity

How a person identifies

Gender identity can be a conscience ongoing choice.

“ I am (gender queer, man, woman, trans, fluid, unlabeled etc.)

## Gender Expression

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

# Gender Neutral versus Gender Inclusive

## Gender Neutral

Neutral: of no particular kind, characteristics, etc.

## Gender Inclusive

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

Definitions from [dictionary.com](http://dictionary.com)

# Title IX

- “Title IX is a law passed in 1972 that requires gender equity for boys and girls in every educational program that receives federal funding.” (<http://www.titleix.info/>)
- **Ten Key Areas:** Access to Higher Education, Career Education, Education for Pregnant and Parenting Students, Employment, Learning Environment, Math and Science, Sexual Harassment, Standardized Testing and Technology.



# Focus in Higher Education

Access to Education

Equity within Education

Athletics and Access for Women

Sexual Harassment/Misconduct

# Title IX and Gender Identity

On July 24, 2013 the U.S. Department of Justice (DOJ) and Department of Education (DOE) released a letter to the Arcadia, CA Unified School District that applied Title IX and its protections to a transgender student in the K-12 system.

The district entered into a resolution agreement with the DOE and DOJ regarding this complaint.

<http://www.justice.gov/crt/about/edu/documents/arcadialetter.pdf>

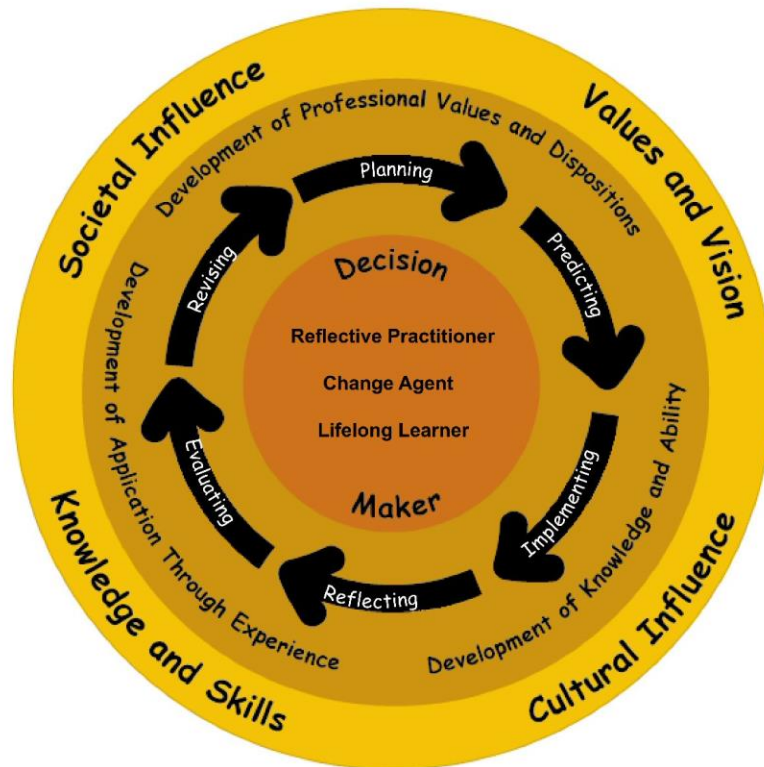
<http://www.justice.gov/opa/pr/2013/July/13-crt-838.html>

# Implementing Change

Philosophy

Policy

Practice



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



# **Summary of Resolution for the Individual School**



# Hire a consultant within 90 days

- This is a complex process and there is also no need to reinvent the wheel. There are national best practices.
  - Top Trans Friendly Schools
  - National Consortium of LGBT Resource Professionals
  - National Transgender Law and Policy

# Access to sex-specific facilities consistent with the student's gender identity

- Develop and commit to a standard where the gender identity of a student is self-defined
- Adopt policies that allow for utilization by this philosophy
- Ensure that spaces are usable and accessible including but not limited to bathrooms, locker rooms, residence halls and any other spaces that can be sex/gender segregated

# Provide private facilities if requested

- Planning process for new buildings and renovations should include single occupancy spaces.
- Spaces should not come at an additional cost or burden.
- Private spaces cannot be the ONLY options for students

# Treat the student as all other male students

- Very relevant for the exclusions to Title IX- sex specific housing, Greek organizations.
- Utilize process where binary gender is limited
  - Binary options on forms
  - Services in the Health center by needs
  - Use of gender inclusive pronouns

## Ensure the school records containing the student birth name or assigned sex are treated as confidential

- The sharing of birth name and sex assigned at birth is not just about confidentiality. It can be an issue of safety
- Be very critical of who really needs access to this information versus the assumption that gender is always needed for service.
- Provide specific training on the treatment of these records

# Develop a support team if at anytime the student or the parents request

- Consider offering a support/proactive team on an ongoing basis
- Proactive planning will always be more supportive than reactive responses
- Even the best planning can't plan for everything. Be open to being adaptive



# **Summary of Resolution for District Wide Policies**

# Revise and Communicate Policies Formal and Informal

- Non-Discrimination/Equal Opportunity Statements
  - include gender identity and expression- just including sex and gender does not fully meet this
- Bias, Bullying and Harassment Materials and Policies
  - Clearly articulate words like gender identity, gender expression, gender transition, transgender status, or gender nonconformity.
- “We always do it this way” Policies
  - Utilizing sex stereotypes may limit equal access and equal opportunity to participate in programs and activities





# Summary of Resolution for Instruction and Professional Development

# Summary of Resolution for Instruction and Professional Development

- Training should offer both preventative options to avoid gender-based discrimination and response strategies and protocols.
- This is not a “once and done”. This is an evolving field and there must be accountability to keep up with professional best practices for transgender students
- What types of efforts take place in bias awareness and bystander intervention? Does it include information and examples of gender-based discrimination?

# Strategies for Adopting Inclusive Practices and Policies

**Parallel Planning Process-** You must evaluate needs, make change, and plan for future change all at the same time.

**Develop a Floor (and above)-** Clarify from the best practices and those individuals who may most benefit what inclusive change looks like. Be critical of where gender is applied

**Evaluation of Campus-** What is already in place and how do we communicate that, what is missing or inadequate, what works.

**There is a Deadline-** Develop a sense of urgency and acknowledge this is no longer optional change or something far into the future

# Resources

## Documents

Arcadia Letter of Resolution Notice

<http://www.justice.gov/crt/about/edu/documents/arcadialetter.pdf>

Acadia Resolution Agreement

<http://www.justice.gov/opa/pr/2013/July/13-crt-838.html>

## Websites

Title IX Info <http://www.titleix.info/>

NASPA Law and Policy <http://www.naspa.org/focus-areas/law-and-policy>

Association of Title IX Administrators <http://atixa.org/>

## Books and Reports

Bornstein, K. (1994). *Gender outlaw: On men, women, and the rest of us*. New York: Vintage Books.

Beemyn & Rankin (2011). *The Lives of Transgender People*. New York: Columbia University Press.

Alabama State University (2013) "Educator as Decision Maker" framework . Retrieved November 20, 2012 from <http://coe.alasu.edu/NCATE/ConceptualFramework/default.htm>



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