



## University Senate TRANSMITTAL FORM

<b>Senate Document #:</b>	14-15-03
<b>Title:</b>	Policies and Procedures Governing Preferred/Primary Names and Sex/Gender Markers in University Databases
<b>Presenter:</b>	Charles Delwiche, Chair, Senate Equity, Diversity, & Inclusion (EDI) Committee
<b>Date of SEC Review:</b>	March 27, 2017
<b>Date of Senate Review:</b>	April 6, 2017
<b>Voting (highlight one):</b>	<ol style="list-style-type: none"> <li>1. On resolutions or recommendations one by one, or</li> <li>2. <b>In a single vote</b></li> <li>3. To endorse entire report</li> <li>4. For information only</li> </ol>
<b>Statement of Issue:</b>	In fall 2014, a proposal was submitted to the Senate Executive Committee (SEC) requesting that the Senate review and revise how the University records and changes personal identity information, particularly names and sex/gender markers. The proposal noted that these practices are particularly problematic for individuals who are transgender or gender nonconforming, and that the process for updating information is unnecessarily cumbersome. The proposal also identified concerns over the use of honorifics, and proposed that no honorific should ever be assigned based on the sex/gender marker recorded for a student or employee. On September 9, 2014, the SEC charged the EDI Committee with reviewing the proposal and recommending changes to University practices or policies, as necessary. The charge also asked that the Student Affairs Committee consider the issues related to primary names for students and make recommendations to the EDI Committee.
<b>Relevant Policy # &amp; URL:</b>	N/A
<b>Recommendations:</b>	The EDI Committee recommends that the Senate approve the Policy Concerning Name, Sex, Gender, and Other Personal Identity Information in University Records immediately following the report. The committee also presents fifteen additional recommendations for consideration.
<b>Committee Work:</b>	In fall 2014, the EDI Committee began reviewing the charge. It met with the proposer, reviewed research on practices at peer institutions prepared by the Student Affairs Committee, and consulted with a representative of University Human Resources (UHR) regarding the technical and logistical concerns associated with the proposal.

	<p>In fall 2015, the committee conducted additional research on peer institution practices, as well as state of Maryland rules and regulations regarding the use of names and sex/gender data for state employees. The committee also considered whether the University should collect personal pronouns for distribution on class rosters. The committee met with the Vice President and Chief Information Officer; a representative of Database Services; the Assistant Vice President for Institutional Research, Planning, and Assessment (IRPA); the Office of Research Administration; International Student &amp; Scholar Services (ISSS); and the Associate Executive Director for Alumni Engagement and Outreach. They discussed limitations in current technology and principles of identity management.</p> <p>The committee found substantial problems in how the University collects, stores, and disseminates names, sex/gender markers, and honorifics/ titles. These problems place a disproportionate burden on people who are transgender or gender nonconforming, and are often the result of insufficiently integrated systems. The committee concluded that a formal policy was essential, and voted to develop one that would support the University's commitment to diversity and inclusion. A subcommittee convened to draft a policy covering personal identity information in University systems, and consulted with the Division of Information Technology, UHR, IRPA, ISSS, the Office of the Registrar, and the proposer.</p> <p>In fall 2016, the committee carefully considered feedback on the draft policy, and worked to refine the policy and accompanying recommendations to codify certain fundamental principles while allowing the University the flexibility to implement those principles in a responsible manner. The policy and recommendations were reviewed by IRPA, UHR, the Office of Data Administration, Enrollment Management, the Office of the Registrar, and University Relations, as well as the Office of General Counsel.</p> <p>On March 10, 2017, the EDI Committee voted unanimously to approve the Policy Concerning Name, Sex, Gender, and Other Personal Identity Information in University Records and accompanying recommendations.</p>
<b>Alternatives:</b>	The Senate could reject the proposed policy and recommendations and retain current practices for managing personal identity information.
<b>Risks:</b>	There are no associated risks.
<b>Financial Implications:</b>	Resources will be required to implement the recommendations. The significance of the financial implications depends on how the administration decides to implement the recommendations.
<b>Further Approvals Required:</b>	Senate approval, Presidential approval.

# **Senate Equity, Diversity, & Inclusion Committee**

## **Report on Senate Document #14-15-03**

### **Policies and Procedures Governing Preferred/Primary Names and Sex/Gender Markers in University Databases**

**March 2017**

#### **2016-2017 EDI Committee Members**

Charles Delwiche, Chair  
Jacinta Felice, Ex-Officio VP for Student Affairs Rep  
Steve Fetter, Ex-Officio Provost's Rep  
Anne Martens, Ex-Officio VP for Administration & Finance Rep  
Shaunna Payne Gold, Ex-Officio Director of ODI Rep  
Typhanye Dyer, Faculty  
Jennifer Dindinger, Faculty  
Pradeep Kapur, Faculty  
Beth St. Jean, Faculty  
Yukako Tatsumi, Faculty  
Maya Aduba, Exempt Staff  
Phyllis Dailey, Exempt Staff  
Leon Tune, Exempt Staff  
Jordan Carter-Reich, Non-Exempt Staff  
Qing Dong, Non-Exempt Staff  
Arif Nuri, Graduate Student  
Ashlee Wilkins, Graduate Student  
Aidan Lapierre, Undergraduate Student  
Sarah Eshera, Undergraduate Student

## **BACKGROUND**

In fall 2014, a proposal was submitted to the Senate Executive Committee (SEC) requesting that the Senate review and revise the University's practices for recording and changing personal identity information, particularly names and sex/gender markers. The proposal noted that the process for updating this information is much more cumbersome for students than it is for employees. The proposal also identified concerns over the use of honorifics and titles, and proposed that no honorific should ever be assigned based on the sex/gender marker recorded for a student or employee. On September 9, 2014, the SEC charged the Equity, Diversity, & Inclusion (EDI) Committee with reviewing the proposal, investigating the treatment of personal identity information at peer and Big 10 institutions, consulting with relevant offices on campus, and proposing changes to University practices or policies, as necessary (Appendix 4). The charge also asked that the Student Affairs Committee consider the issues related to primary names for students and make recommendations to the EDI Committee.

## **CURRENT PRACTICE**

Key elements of identity that are currently represented in University records include name, sex/gender, and honorific/title (definitions for these and other relevant terms appears at the end of this section). Most University records do not currently record personal pronouns. Personal identity information for current faculty, staff, and students is managed by two primary systems: information for employees (faculty, staff, and graduate assistants) is managed using the Payroll & Human Resources (PHR) System; undergraduate and graduate student information is managed by the Student Information System (SIS). Each of these systems can store different versions of an individual's name, as discussed in Appendix 1. The process for changing this information, however, varies significantly by population. Employees may easily update their information through the Administrative Resource Enterprise Services (ARES) web portal. Students, however, must visit the Office of the Registrar.

The collection, storage, and updating of personal identity information involves dozens of databases, and the information in them is not necessarily congruent (a partial list of systems is contained in Appendix 1). Additionally, there is no comprehensive map of information flow for the University, and the process by which databases and information systems are synchronized is complex. This creates difficulties whenever a member of the University community wishes to change or correct personal information, difficulties that are compounded when an individual has multiple roles (e.g., is both an employee and a student, as is described in Appendix 1). For the purposes of the report, the committee has adopted the following definitions (for additional information on how these concepts are reflected in current University practice, see Appendix 1):

- **Legal name** refers to the individual's name as recorded on official documents such as a birth certificate or passport (*payroll name* is used as a synonym in some University systems).
- **Primary name** is the name by which the individual wishes to be known (*preferred name* is used as a synonym in some University systems). An individual's primary name is used in the UMD Directory, on UMD ID cards, on course rosters, and anywhere a legal name is not required.
- **Sex** refers to the individual's legally recognized sex, which may not be the sex assigned at birth. Sex is a binary attribute in most University records (some of which use the term "gender," though with the same binary options).
- **Gender identity** refers to the gender with which the individual identifies; terms for this include man, woman, trans-man, trans-woman, gender-fluid, etc.
- **Honorific/title** refers to terms such as Mr., Ms, Miss, Mrs., Mx, as well as academic titles such as Dr.
- **University community** refers to active and retired faculty, staff, students, and alumni.

## **COMMITTEE WORK**

In fall 2014, the EDI Committee met with the proposer, and learned that many of his concerns result from lack of coordination, lack of clarity, too few options, and the absence of parity between employees and students when

updating personal information. He proposed that these issues could be resolved successfully with a University-wide policy. The EDI Committee reviewed a memo from the Student Affairs Committee presenting the findings of its peer institution research (Appendix 2), as well as minutes from the Student Affairs Committee's meeting with the Associate Registrar. The committee also met with the Assistant Director for Information Services in University Human Resources (UHR) to discuss the technical and logistical concerns any new policy would need to consider. Two pressing charges consumed the committee's attention the remainder of the spring semester, and the committee requested an extension until December 18, 2015. The SEC granted the request.

The EDI Committee devoted the 2015-2016 academic year to discussing the charge and developing a series of recommendations. The committee reviewed procedures for changing names, sex/gender markers, and honorifics/titles at peer and Big 10 institutions (Appendices 2 & 3). Most of the institutions reviewed distinguished between a student's legal name and primary (or preferred) name, and most allowed students to easily update the latter using various electronic forms. Most did not allow students to update their sex/gender markers or honorifics/titles. The EDI Committee also investigated state of Maryland rules and regulations regarding the use of names and sex/gender data for state employees (Appendix 3).

During the course of the committee's work, the proposer asked that the committee also consider personal pronouns, noting that the personal pronouns one uses—e.g., he/him, she/her, they/them, ze/hir—are increasingly important to UMD students. This is particularly true for transgender students, who frequently view the inaccurate use of personal pronouns as a significant concern. The proposer explained that some institutions provide mechanisms for students to indicate personal pronouns directly on class rosters. This benefits students, who no longer need to inform their instructors about personal pronouns, and it assists instructors in treating all students respectfully.

The committee met with the Vice President and Chief Information Officer; a representative of Database Services; the Assistant Vice President for Institutional Research, Planning, and Assessment (IRPA); the Office of Research Administration; International Student & Scholar Services; and the Associate Executive Director for Alumni Engagement and Outreach. They discussed the limitations of current technology, principles of identity management and management systems, and other database-related considerations.

**The committee found that there are substantial problems in how the University collects, stores, and disseminates names, sex/gender markers, and honorifics/titles, and that these problems place a disproportionate burden on people who are transgender or gender nonconforming. For example, the process of changing a primary name for students who are also employees requires multiple steps, and even then, outdated personal identity information can appear unexpectedly, which can be embarrassing and upsetting. This is amplified in some cases by *ad hoc* practices such as the assignment of honorifics (Mr., Ms, etc.) based on an individual's name or sex/gender/marker in the absence of information about how the affected individual would like to be addressed.**

A major mechanism underlying these problems appears to be the large number of inconsistently integrated systems that store personal identity information at the University. There have been past efforts, some as recently as 2008, to develop a comprehensive synchronization mechanism (in particular the development of a "circle of change"), but for various reasons this mechanism has never been fully effective. The committee learned that no comprehensive map of information flow exists for the University. Consequently, much of the difficulty in proposing a specific remedy comes from the information technology itself, which is outside the committee's purview and expertise.

The committee also learned that students can request that the Office of the Registrar change their primary name or their recorded sex with an in-person visit. Because of the risk of identity theft and fraud, such name changes are usually restricted to a student's first and middle name (changing the last name requires additional documentation). A student's primary name can be printed on the diploma at the time of graduation, but any subsequent change can only be to the individual's legal name (also to protect against identity theft and fraud).

The committee discussed possible courses of action, and considered proposing administrative recommendations, a new policy, or both. Some members expressed concern that an overly ambitious policy might simply be ignored, while others worried that recommendations alone would be less durable and unable to guide University practices going forward. The committee concluded that a formal policy was an essential part of a solution, and voted to develop a policy that would support the University's commitment to diversity and inclusion.

The EDI Committee established a subcommittee to craft a policy covering primary names, sex/gender markers, honorifics/titles, and personal pronouns. The subcommittee developed a draft using text suggested by the proposer and language from analogous policies at other institutions. The subcommittee also consulted with various offices that would be responsible for implementing any policy, as well as the proposer. On January 12, 2016, the EDI Committee requested an extension until March 11, 2016, which the SEC granted. The subcommittee requested feedback on its draft policy from the Division of Information Technology, UHR, IRPA, International Student and Scholar Services, the Office of the Registrar, and the proposer.

While the offices providing feedback uniformly supported the goals of the draft policy, several expressed significant concerns with the costs of implementing the policy as written. Creating a single identity management system capable of synchronizing changes across a large number of databases and systems would be a significant undertaking, potentially costing millions of dollars. The EDI Committee determined to revise the policy in light of the feedback and explore ways of narrowing its scope while still addressing the core concerns contained in the original proposal. As occurred previously, however, time-sensitive charges and requests prevented the EDI Committee from completing its work on the charge in the spring semester. In fall 2016, the committee requested an extension until March 31, 2017, which the SEC granted.

In the 2016-2017 academic year, the committee reviewed the research gathered since 2014, carefully considered the feedback provided on the subcommittee's draft policy, and worked to refine the policy and recommendations to create a proposal that would substantially improve the campus climate for transgender individuals and those who are gender nonconforming, and yet would be realistic regarding the significant resources required to overhaul existing information management systems. Representatives of the committee reviewed the revised policy with a group of stakeholders representing IRPA, UHR, the Office of Data Administration, Enrollment Management, the Office of the Registrar, and University Relations. The Office of General Counsel also reviewed the policy. The committee learned that the University is currently pursuing or considering several information technology modernization projects. Replacements for both UHR and SIS are planned, and these systems will be designed to communicate with each other in ways current University tools cannot.

The EDI Committee made additional adjustments to the policy and recommendations. Both the policy and recommendations reflect a commitment to codifying certain fundamental principles in policy while allowing the University the flexibility to implement those principles in a responsible manner. They support the University's goals of inclusion by proactively collecting and disseminating information on gender identity and personal pronouns. They further empower all members of the University community by giving them control over their personal identity information, and provide much-needed tools for particularly vulnerable populations.

While studying the University's handling of personal identity information in the context of gender identity issues, the committee learned of other communities who are also affected. Similar problems face individuals who changes their name (including because of marriage); people who use a single name, as is the practice in many parts of the world; those who use more than three names; and those whose names are not easily divided into first and last names.

**The current haphazard, and for students awkward, process of updating personal identity information, combined with the restriction of sex/gender to binary options, creates a less-than-welcoming atmosphere for people who are transgender or gender nonconforming. Although the committee found no reason to believe this is intentional, it fails to meet the University's ideals of equity, diversity, and inclusion. When fully implemented, the proposed policy is designed to remedy these shortcomings and help further the University's commitment to becoming a model for diversity and inclusive excellence.**

On March 10, 2017, the EDI Committee voted unanimously in favor of forwarding the Policy Concerning Name, Sex, Gender, and Other Personal Identity Information in University Records to the Senate for its consideration.

## **RECOMMENDATIONS**

The EDI Committee recommends that the Senate approve the **Policy Concerning Name, Sex, Gender, and Other Personal Identity Information in University Records** as shown immediately following this report, which ensures that each member of the University community retains control over their own personal identity. In addition, the committee makes the following recommendations:

- The University's information management infrastructure should permit all members of the University community to change their primary name, gender identity, personal pronouns, and honorific/title without undue difficulty.
- Primary names should be used in all contexts except where the legal name is required (e.g., for federal reporting).
- The University should collect and store gender identity markers for members of the University community. Gender identity should be used in all contexts except where sex is required. Options for gender identity should at least include man, woman, and non-binary.
- The University should collect and store personal pronouns for members of the University community. Specifying personal pronouns should be optional. When identified, personal pronouns should be distributed on course rosters and displayed in directory records. Options for personal pronouns should include he, she, and at least one non-binary option.
- When the University collects honorifics/titles for members of the University community, selecting an honorific/title should be optional. The current list of selectable honorifics for faculty and staff (n/a, Mr., Ms, Miss, Mrs., and Dr.) should be expanded to include at least one non-binary option.
- The University should periodically review the available options for gender identity markers, personal pronouns, and honorifics/titles, and update the choices available to members of the University community as appropriate.
- The University should improve the ability of its systems to accommodate individuals who use a single name, who have more than three names, or who have names that cannot be classified as either a first or last name.
- Information management systems should be designed so that individuals should only have to update their information a single time, and changes should be propagated across relevant systems with no further action by the individual. Until such systems are implemented, the University should improve its communication of how to update personal identity information.
- Individuals should be told at the time of information collection why it is being collected and how it will be used. The committee realizes there are certain situations in which the University is not directly collecting information, as is the case with admissions, which may make this impossible.
- Programs to educate the campus community on the use of personal identity information should be created, particularly to assist those whose gender identity differs from their sex or who do not identify with the categories used in University records. Training for those who deal directly with matters of personal identity (e.g., Health and Counseling Center staff, academic advisors, Office of the Registrar staff, and those in UHR) should be developed. In addition, the Faculty Handbook, the UHR website, and the Undergraduate and Graduate Catalogs, as well as programs and resources offered by the LGBT Equity Center and the Learning and Teaching Center, should be revised to align with these recommendations.
- The University should retain authority to review changes to a student's primary name, and should deny changes that:
  - Are intended to misrepresent a person's identity or misappropriate the identity of another person;

- Are intended to avoid a legal obligation; or
- Are derogatory, obscene, or convey an offensive message.

Students whose requests are denied should be able to appeal using procedures established by the University.

- Students should continue to be allowed to select either their legal name or their primary name to appear on their diploma.
- The committee strongly recommends that the information technology modernization currently underway be used as an opportunity to address the above recommendations and improve the handling of personal identity information. As the University develops new information systems, individuals' control over their personal identity information should be a key objective.
- The University should designate an office/individual to oversee implementation of this policy and its recommendations, and report annually to the Senate until the policy is fully implemented, beginning on March 1, 2018.
- The Senate EDI Committee should be charged with a review of this policy and associated appeal procedures in the fall of 2018.

## **APPENDICES**

Appendix 1 — Personal Identity Information and Current University Practices

Appendix 2 — Memo from the Student Affairs Committee (December 23, 2014)

Appendix 3 — State Policies and Additional Peer Research

Appendix 4 — Student Government Association Resolution in Support of the Original Proposal

Appendix 5 — Senate Executive Committee Charge on Policies and Procedures Governing Preferred/Primary Names and Sex/Gender Markers in University Databases (Senate Document #14-15-03)



## **POLICY**

### **UMCP Policy Concerning Name, Sex, Gender, and Other Personal Identity Information in University Records**

#### **I. Purpose**

The University of Maryland recognizes that name and gender identity are central to most individuals' sense of self and well-being, and that it is important for the University to establish mechanisms to acknowledge and support individuals' self-identification. With this in mind, the University of Maryland establishes the following policy on the use of names, sex and gender identity markers, and honorifics or titles recorded for all members of the University community (students, active or retired faculty and staff, and alumni).

#### **II. Policy**

It is the policy of the University of Maryland that, to the extent allowable under applicable law, all members of the University community should be in control of their own personal identity information. Important attributes of identity that are recorded in University records may include name, sex, gender identity, personal pronouns, and honorifics or titles. University recordkeeping and information dissemination systems shall be designed, whenever practicable, to facilitate the individual's control over their own identity information.

The University shall not assign sex, honorific, or title based on name, and no identity marker will be assigned or chosen based on another marker.

The University shall provide notice of the intended purpose and use of the sex and gender identity information it collects.

#### **III. Procedures**

The University shall establish and supervise mechanisms for changing personal identity information, for reviewing and updating these mechanisms as necessary, and for informing any individual whose requested change is denied.

#### **IV. Appeals**

The University shall identify an appeals process to follow if a requested change is denied, and to address any violations of this policy.