

MEMORANDUM

To: Students, Faculty, Staff and University Contractors

From: Adonna Bannister Green, Esq., MBA

Director, Office of Equity Compliance, University Ombudsperson

RE: **Policy in Practice: Understanding Gender - Identity Discrimination in the Classroom and Workplace**

The Bowie State University campus has a richly diverse community of people representing many backgrounds, age groups, professional disciplines, and beliefs. We are a space to which young minds migrate at different stages of their lives to discover and decide who they are. For faculty and staff, one of the purest pleasures is participating in our students' development, often while we continue to grow as professionals. It is also one of our greatest privileges. Developing the whole person has always been a part of the excellence model of HBCU's, and as the oldest in Maryland, BSU must continue to advocate for inclusive and equitable living, working and learning opportunities for all who enter.

Unfortunately, members of the transgender community are often the target of societal actions ranging from inappropriate to discriminatory. In a world where transgender and gender-diverse people remain at consistently high risks of assault and murder, we can neither afford to disrespect a person's identity nor fail to protect their privacy. This memo offers specific instruction about the ways that gender-identity discrimination can occur on our campus, the potential harm to the University, and how to get additional assistance if you are navigating a transition while on campus.

Policies at BSU on Gender Inclusivity in the Classroom and Workplace:

The BSU EEO Statement on Non-Discrimination and our Policy on Sexual Harassment and Other Sexual Misconduct outline protections against discrimination and harassment afforded through Federal and State laws (See <https://www.bowiestate.edu/about/administration-and-governance/legal-and-government-affairs/university-policies/section-vi-general-administra/vi-140-sexual-misconduct/.a0> Title VII of the Civil Rights Act of 1964, as amended, Title 20 of the State Annotated Code of Maryland, and Title IX of the Education Amendments of 1972 all state that individuals within our community are to be free from discrimination based on their sex. That means biological sex, gender, sexual orientation, gender identity. Title IX also specifies that gender-based harassment includes unwelcome conduct based on a student's actual or perceived sex, or gender identity expression. Additionally, BSU has a Policy on Non-Discrimination Based on Sexual Orientation and Gender Identity of Gender Expression <https://bowiestate.edu/about/administration-and-governance/legal-and-government-affairs/university-policies/section-vi-general-administra/vi-1.05-policy-sexual-orientation-gender.php>.

Mis-gendering as Potential Sexual Harassment:

Per the U.S. Equal Employment Opportunity Commission (EEOC), "...intentionally and repeatedly using the wrong name and pronouns to refer to a transgender employee could contribute to an unlawful hostile work environment" and is a violation of Title VII (See [Protections Against Employment](#)

Discrimination Based on Sexual Orientation or Gender Identity). These actions can range from statements based on preconceived notions about how masculinity and femininity are “performed” (gender expression or behavior); or they can be personal offenses, including refusal to use their stated pronouns and chosen name. Among other harms, these targeted actions may inform others within the community of an individual’s biological sex without their consent. The potential damage to the mental and physical wellbeing of the community member can be immeasurable.

Based on our policies and general tenets of respect and civility, when a transgender student in our classrooms and educational spaces informs us of their pronouns and chosen name, we are expected to use them. Refusal to do so may be considered sexual harassment if that refusal is intended to, or has the effect of, interfering with a student’s ability to participate in an educational opportunity.

Support and Assistance For Transitioning Community Members:

It is important that members of the transgender and gender-diverse community make their supervisors, colleagues and faculty aware of their chosen name and pronouns as soon as practical. The decision on how and when to inform others of a transition is a deeply personal one, requiring compassion and consideration on all sides. For employees requiring guidance on how to inform your immediate supervisors, colleagues, etc. of your transition, please follow this helpful link provided by the Human Rights Campaign: <https://www.hrc.org/resources/transitioning-in-the-workplace-a-guide-for-trans-employees>. Students seeking similar guidance on speaking with their faculty members, please contact Amani Jennings, Ph.D., Dean of Students. If after providing notice and an opportunity to affirm your name you or someone you know experiences sex-based discrimination, please contact the Office of Equity Compliance at eeo@bowiestate.edu. You may also visit our webpage: <https://www.bowiestate.edu/about/administration-and-governance/legal-and-government-affairs/office-of-equity-compliance/sexual-misconduct/index.php>.