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**Effective:** Upon Approval  
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**Owner:** Donna Smith: Assistant VP for Equal Opportunity/Title IX  
**Area:** Equal Opportunity/Title IX  
**References:**

## Gender Inclusion

### POLICY STATEMENT

The University of North Dakota (University/UND) is deeply committed to on-going efforts to cultivate a welcoming living, learning, and working campus climate for all members of the University community. To further this end, UND prohibits discrimination on the basis of sex, including gender identity and gender expression, and provides equal access to University-sponsored programs and activities for community members of all gender identities and expressions.

This policy serves as a supplement to UND's Discrimination and Harassment Policy and UND's Title IX and Sexual Violence Policy. Failure to follow this policy will be considered a violation of the Discrimination and Harassment Policy or the Title IX and Sexual Violence Policy if the conduct is found to constitute discrimination or harassment or Title IX sexual harassment, respectively, as defined by that policy.

### REASON FOR POLICY

UND strives to ensure every member of the UND community is free from discrimination based upon their gender identity and/or gender expression and has equal access to UND-sponsored programs and activities.

### SCOPE OF POLICY

- President
- Vice Presidents
- Deans, Directors & Department Heads
- Area Managers & Supervisors
- Faculty
- Staff
- Students
- Others: Campus Visitors

### RELATED INFORMATION

UND Policy - Title IX and Sexual Violence Policy	<a href="https://und.policystat.com/policy/9247155/latest/">https://und.policystat.com/policy/9247155/latest/</a>
UND Policy - Discrimination and Harassment	<a href="https://und.policystat.com/policy/9247142/latest/">https://und.policystat.com/policy/9247142/latest/</a>
UND Procedure - Resolving Title IX and Sexual Violence Reports	<a href="https://und.policystat.com/policy/9484544/latest/">https://und.policystat.com/policy/9484544/latest/</a>
20 USC §§ 1681 – 1688 - Title IX of the Education Amendments of 1972 (Title IX)	<a href="https://www.justice.gov/crt/title-ix-education-amendments-1972">https://www.justice.gov/crt/title-ix-education-amendments-1972</a>
42 USC § 2000e – Title VII of the Civil Rights Act of 1964 (Title VII)	<a href="https://www.eeoc.gov/laws/statutes/titlevii.cfm">https://www.eeoc.gov/laws/statutes/titlevii.cfm</a>
State Board of Higher Education (SBHE) Policy 520 – Title IX – Sexual Harassment	<a href="https://ndusbpos.sharepoint.com/w:/s/NDUSPoliciesandProcedures/Ee0MFZxmihRMk7YJH6n-KiilB2Cf-U6MPRSNV091hOnPkOQ?rtime=SVlnGq12Eg">https://ndusbpos.sharepoint.com/w:/s/NDUSPoliciesandProcedures/Ee0MFZxmihRMk7YJH6n-KiilB2Cf-U6MPRSNV091hOnPkOQ?rtime=SVlnGq12Eg</a>
State Board of Higher Education (SBHE) Policy 503.1 – Student Free Speech and Expression	<a href="https://ndusbpos.sharepoint.com/w:/s/NDUSPoliciesandProcedures/EX8AUokbJNJGpjo2LpwHygQBSrJ1XHYCAuppXP SJhkcoOg">https://ndusbpos.sharepoint.com/w:/s/NDUSPoliciesandProcedures/EX8AUokbJNJGpjo2LpwHygQBSrJ1XHYCAuppXP SJhkcoOg</a>
NCAA Inclusion Transgender Student-Athletes	<a href="https://ncaaorg.s3.amazonaws.com/inclusion/lgbtq/">https://ncaaorg.s3.amazonaws.com/inclusion/lgbtq/</a>

<b>Handbook</b>	<a href="#">INC_TransgenderHandbook.pdf</a>
<b>State Board of Higher Education (SBHE) Procedure 503 – Use of Chosen Name</b>	<a href="https://ndusbpos.sharepoint.com/:w:/s/NDUSPoliciesandProcedures/EZtPKr1haq9CrdmW3vuuSYoBZhVhDnU9Y2EPR-WwLNVTBQ">https://ndusbpos.sharepoint.com/:w:/s/NDUSPoliciesandProcedures/EZtPKr1haq9CrdmW3vuuSYoBZhVhDnU9Y2EPR-WwLNVTBQ</a>
<b>State Board of Higher Education (SBHE) Employee Policies and Procedures</b>	<a href="https://www.ndus.edu/makers/procedures/sbhe/">https://www.ndus.edu/makers/procedures/sbhe/</a>
<b>UND Equal Opportunity &amp; Title IX</b>	<a href="https://campus.UND.edu/equal-opportunity/">https://campus.UND.edu/equal-opportunity/</a>
<b>UND Code of Student Life</b>	<a href="https://UND.policystat.com/?lt=nEb9f5lPhIT42yu4MIKV8w&amp;next=/policy/6458913/latest/">https://UND.policystat.com/?lt=nEb9f5lPhIT42yu4MIKV8w&amp;next=/policy/6458913/latest/</a>
<b>UND Staff Handbook</b>	<a href="https://campus.UND.edu/human-resources/_files/docs/hr/und-staff-handbook.pdf">https://campus.UND.edu/human-resources/_files/docs/hr/und-staff-handbook.pdf</a>
<b>UND Faculty Handbook</b>	<a href="https://UND.policystat.com/?lt=nEb9f5lPhIT42yu4MIKV8w&amp;next=/policy/5300705/latest/">https://UND.policystat.com/?lt=nEb9f5lPhIT42yu4MIKV8w&amp;next=/policy/5300705/latest/</a>
<b>UND Pride Center</b>	<a href="https://und.edu/student-life/diversity/pride/index.html">https://und.edu/student-life/diversity/pride/index.html</a>
<b>North Dakota State Board of Higher Education Policy Manual Section 1202.3 – Data Privacy Policy</b>	<a href="https://ndusbpos.sharepoint.com/:w:/s/NDUSPoliciesandProcedures/EfB-R3PxW9ZPtX18Ntl33TIBUuLWdsv_8yqGsAqKqgwBAW">https://ndusbpos.sharepoint.com/:w:/s/NDUSPoliciesandProcedures/EfB-R3PxW9ZPtX18Ntl33TIBUuLWdsv_8yqGsAqKqgwBAW</a>
<b>UND Brand Standards – Diversity and Inclusion Guidelines</b>	<a href="https://campus.und.edu/brand/diversity.html">https://campus.und.edu/brand/diversity.html</a>

## CONTACTS

Specific questions should be directed to the following:

Subject	Contact	Telephone	Department/Office E-Mail Web Address
<b>Policy Clarification</b>	Equal Opportunity & Title IX Office Office of Student Rights and Responsibilities	701.777.4171 701.777.2664	<a href="mailto:UND.eo.titleix@UND.edu">UND.eo.titleix@UND.edu</a> <a href="https://campus.UND.edu/equal-opportunity/">https://campus.UND.edu/equal-opportunity/</a> <a href="mailto:UND.osrr@UND.edu">UND.osrr@UND.edu</a> <a href="http://UND.edu/OSRR">UND.edu/OSRR</a>
<b>Support for Students</b>	Student Diversity & Inclusion/ Pride Center Office of Student Rights and Responsibilities	701.777.5890 701.777.2664	<a href="https://und.edu/student-life/diversity/pride/index.html">https://und.edu/student-life/diversity/pride/index.html</a> <a href="mailto:UND.osrr@UND.edu">UND.osrr@UND.edu</a> <a href="http://UND.edu/OSRR">UND.edu/OSRR</a>
<b>Counseling Services for Employees (confidential)</b>	The Village	800.627.8220	<a href="http://VillageEAP.com">http://VillageEAP.com</a>
<b>Counseling Services for Students (confidential)</b>	University Counseling Center	701.777.2127	<a href="https://UND.edu/student-life/counseling-center/">https://UND.edu/student-life/counseling-center/</a>
<b>Report Possible Policy Violations</b>	Equal Opportunity & Title IX Office Office of Student Rights and Responsibilities	701.777.4171 701.777.2664	<a href="mailto:UND.eo.titleix@UND.edu">UND.eo.titleix@UND.edu</a> <a href="https://campus.UND.edu/equal-opportunity/">https://campus.UND.edu/equal-opportunity/</a> <a href="mailto:UND.osrr@UND.edu">UND.osrr@UND.edu</a> <a href="http://UND.edu/OSRR">UND.edu/OSRR</a>
<b>Make a Report to Department of Education</b>	Office for Civil Rights, U.S. Department of Education	312.730.1560	<a href="https://www2.ed.gov/about/offices/list/ocr/index.html">https://www2.ed.gov/about/offices/list/ocr/index.html</a>
<b>How to Change NDUS Identifier/username</b>	UND Tech Support	701.777.2222	<a href="mailto:und.techsupport@UND.edu">und.techsupport@UND.edu</a> <a href="https://campus.und.edu/campus-services/uit/">https://campus.und.edu/campus-services/uit/</a>
<b>How to Change Chosen Name (Student)</b>	Campus Connection	701.777.2711	<a href="https://und.edu/one-stop/personal-info.html">https://und.edu/one-stop/personal-info.html</a>
<b>How to Change Legal Name (Students)</b>	Office of the Registrar	701.777.2711	<a href="mailto:UND.Registrar@UND.edu">UND.Registrar@UND.edu</a> <a href="https://dmsforms.ndus.edu/iFiller/iFiller.jsp?fref=4dc2c4c7-55db-4a82-9a8c-e3505513b852">https://dmsforms.ndus.edu/iFiller/iFiller.jsp?fref=4dc2c4c7-55db-4a82-9a8c-e3505513b852</a>
<b>How to Change Chosen Name (Employees)</b>	Human Resources and Payroll Services	701.777.4226	<a href="mailto:UND.humanresources@UND.edu">UND.humanresources@UND.edu</a> <a href="https://campus.und.edu/human-resources/">https://campus.und.edu/human-resources/</a>
<b>How to Change Legal Name</b>	Human Resources and	701.777.4226	<a href="mailto:UND.humanresources@UND.edu">UND.humanresources@UND.edu</a>

## DEFINITIONS

<b>Chosen Name</b>	The name a person chooses to use and which can differ from the legal name maintained in University records to meet legal requirements.
<b>Employee</b>	Any person employed for wages or salary by UND, in either full-time or part-time capacity, in any location or job. Examples include officers, faculty, staff, medical residents, graduate assistants, and student employees. Employee includes temporary, probationary and regular employees
<b>Gender Expression</b>	The external appearances of one's gender identity, often expressed through behavior, clothing, mannerisms, physical characteristics, voice, etc. and may or may not conform to socially defined expectations of gender.
<b>Gender Identity</b>	An individual's own understanding of self in regards to gendered terms that may include, woman, man, transgender, genderqueer, genderfluid, gender non-conforming, intersex, non-binary, Two Spirit, agender, and more. One's gender identity can be the same or different from their sex assigned at birth. Gender identity differs from sexual orientation.
<b>Gender-Inclusive Language</b>	Language that does not discriminate against a particular sex, gender identity, or gender expression and does not perpetuate gender stereotypes. Gender-inclusive language does not make gender visible when it is not relevant for communication and does not assume a gender binary
<b>Legal Name</b>	A name that identifies a person for legal purposes. A person's first legal name is usually the name given at birth or recorded on the birth certificate.
<b>Legal Sex/Gender</b>	The sex/gender that is recorded in legal contexts, such as on current government-issued identification. A person's first legal sex/gender is usually the sex/gender recorded on the birth certificate.
<b>Sexual Orientation</b>	An emotional, romantic or sexual attraction to other people. Note: an individual's sexual orientation is independent of their gender identity.
<b>Sex Assigned at Birth</b>	The sex designated or recorded on an individual's birth certificate at the time of birth.
<b>Student</b>	All persons taking courses at and/or receiving instruction through the University, whether credit hours are earned, full-time or part time, pursuing undergraduate, graduate, non-degree, or professional studies. The term student includes all persons who withdraw after allegedly violating the <i>Code</i> , who are not enrolled for a particular term but have a continuing relationship with the University, who have been notified of their acceptance for admission, or who are living in University residence facilities designated for students regardless of their current enrollment status. The term student includes both a student acting as an individual and to students acting in a group and/or a student organization, unless otherwise noted.
<b>Transgender</b>	An umbrella terminology for individuals whose gender identity and/or expression differs from the sex they were assigned at birth

## PRINCIPLES

UND provides equal access to all University-sponsored academic programs, employment, and activities regardless of gender identity and expression. UND prohibits harassment, discrimination, and violence based upon sex, including harassment, discrimination, and violence directed at an individual because of the individual's perceived or actual gender identity or gender expression.

UND recognizes the right of all individuals to be addressed in a manner consistent with their gender identity and expression, as requested or indicated by the individual, except when legally prohibited.

## PROCEDURES

### Recognition of Gender Identity and Gender Expression

Individual campus members and departments will use the names, gender identities, and pronouns specified to them by others, except as legally or administratively required. Individual campus members will use others' gendered personal references, if any, that are consistent with the gender identities and pronouns specified by campus members. Intentionally misgendering an individual (addressing or referring to them with a name, pronoun, or in another manner that is inconsistent with their disclosed gender) may be considered a violation

of UND's Discrimination and Harassment policy.

## Use of Chosen Name and Pronouns

A student or employee may use a chosen name, rather than their legal name, whenever possible in the course of University business and education, as long as the use of a chosen name is not for the purpose of misrepresentation.

University members may also specify the pronouns and other gendered personal references used to refer to them. A student or employee need not provide documentation, medical or otherwise, to indicate their chosen name and/or pronoun. When a chosen name and/or pronoun is specified, UND will use that name and/or pronoun, except as legally or administratively required.

UND will use chosen name as specified under SBHE Procedure 503 (see related information) and at all other times in which a legal name is not required by law, policy, or business necessity. Examples in which a chosen name will be used include but are not limited to:

- Electronic advising reports
- Class/grade rosters
- Online learning management systems
- Email
- Online directory
- Early alert systems
- Diploma
- Name badges and business cards
- Building or departmental directories

## Use of Legal Name

Certain documents require the use of a legal name. A legal name will be used as specified under SBHE Procedure 503 (see related information). A legal name may also be used in the normal course of University business related to:

- Medical and healthcare provider records
- State and federal tax documents
- Employment verification and criminal history background checks
- Employee benefits applications
- Paychecks
- Other areas as required by law

A student or employee may request that UND change their legal name or gender by providing documentation of a legal name or gender change pursuant to relevant state or federal law. Students should provide documentation to the Registrar's Office and employees should provide it to Human Resources & Payroll Services.

## Programs, Activities, Facilities, and Benefits

University members may participate in University activities and programs consistent with their gender identities including, but not limited to, housing, recreation services and activities, and camp programs.

## Student Organizations, including Fraternities and Sororities

All recognized student organizations, including fraternities and sororities, must adhere to the University's policies, including nondiscrimination policies. However, fraternities and sororities are permitted under Title IX to set their own policies regarding the sex, including gender identity, of their members. Title IX does not prohibit a fraternity from admitting transgender men or a sorority from admitting transgender women if it so chooses.

## Transgender Student-Athletes

UND maintains practices consistent with NCAA guidelines regarding participation of student athletes.

## Use of Facilities

Students, employees, and visitors may access restrooms, locker rooms, and other facilities consistent with their gender identity and expression and are not required to use UND facilities inconsistent with their gender identity and expression or to use alternative facilities.

## Housing and Overnight Accommodations

Students are provided access to housing consistent with their gender identity and expression, as requested, and are not required to stay in single-occupancy accommodations. They are not required to disclose personal information to other students unless required by law or policy. UND will honor a student's voluntary request for single-occupancy accommodations if the student so chooses and if a single-occupancy accommodation is available. The regular single-occupancy rate will be charged.

## Medical Leave and Health Plan Coverage

Requests for leave for medical treatment related to gender identity or expression will be treated consistent with other requests for medical leave. All medical information will be treated consistent with other confidential medical information.

Inquiries concerning insurance coverage for medical treatments or surgeries should be made to the employee's or student's health insurance provider.

## Inclusive Language

UND expects the use of inclusive language and imagery, including gender-inclusive language and imagery, in UND signage, publications, policies, procedures, marketing materials and similar documents. All new signage, publications, policies, procedures, marketing materials and similar documents will use gender-inclusive language and imagery.

Using gender-inclusive language and imagery means communicating in a way that does not discriminate against a particular sex, gender identity, or gender expression and does not perpetuate gender stereotypes. Gender-inclusive language and imagery does not make gender visible when it is not relevant for communication and does not assume a gender binary.

UND expects adherence to campus-wide branding standards relating to diversity and inclusion.

## Privacy

UND, its departments, and its employees will take reasonable steps, as appropriate, to maintain the privacy of sexual orientation and legal sex/gender that are maintained in University records. Only University officials with a legitimate educational or administrative interest in knowing the sexual orientation or legal sex/gender of a student or employee maintained in University records will access, or be provided access to, this information. In addition, where a student or employee has indicated a chosen name, the legal name will remain private when possible.

All student and employee data will be handled in accordance with relevant NDUS policies, SBHE policies, and state, local, and federal laws.

## Data Collection and Reporting

Data collection and reporting done by UND, a University department, or an employee will use preferred names unless the legal name is required under this policy (see "Use of Legal Name").

University members do not have to respond to requests to disclose their legal sex/gender, sex assigned at birth, gender identity, gender expression, or sexual orientation except when legally required or when there is a legitimate University-related reason requiring disclosure.

## Reporting Harassment and Discrimination

Complaints of discrimination and harassment based upon gender identity or expression will be resolved according to UND's Discrimination and Harassment Policy or UND's Title IX and Sexual Violence Policy.

UND encourages anyone who experiences discrimination or harassment to immediately report the incident to

UND through the reporting options below. It is UND's policy to handle complaints at the earliest possible level to ensure a quick and effective response.

- Using the on-line EO/Title IX report (see Related Information and Forms)
- By contacting any of the following offices, as appropriate, in person, by phone, or in writing:
  - EO/Title IX Office – any report of harassment or discrimination
  - Office of Student Rights & Responsibilities - any report against a student
  - University Police Department – all reports of criminal activity

## RESPONSIBILITIES

Equal Opportunity & Title IX Office	<ul style="list-style-type: none"> <li>• Coordinate the University's compliance with state and federal anti-discrimination laws</li> <li>• Assist students and employees in understanding their rights, responsibilities, and options under this policy</li> </ul>
Office of Student Rights & Responsibilities	<ul style="list-style-type: none"> <li>• Assist students in understanding their rights, responsibilities, and options under this policy</li> <li>• Provide support to students</li> </ul>
Human Resources & Payroll Services	<ul style="list-style-type: none"> <li>• Process legal name changes of employees upon request when accompanied with required documentation</li> <li>• Assist employees with updating chosen names in relevant employment-related information systems</li> <li>• Provide general guidance to employees on leave policies and procedures</li> </ul>
Students, Employees, and other Campus Community Members	<ul style="list-style-type: none"> <li>• Use the names, gender identities, and pronouns indicated to them by others, except as legally or administratively required</li> <li>• Adhere to campus-wide branding standards relating to diversity and inclusion</li> <li>• Use words and actions to show our commitment to maintaining a safe campus</li> </ul>
Office of the Registrar	<ul style="list-style-type: none"> <li>• Process legal name changes of students upon request when accompanied with required documentation</li> </ul>
Facilities Department	<ul style="list-style-type: none"> <li>• Maintain and implement gender-inclusive guidelines for building construction and maintenance</li> </ul>
Student Diversity & Inclusion/Pride Center	<ul style="list-style-type: none"> <li>• Provide support for students</li> </ul>

## FORMS

Anonymous Crime Report Form	<a href="http://UND.edu/public-safety/report-a-crime.cfm">http://UND.edu/public-safety/report-a-crime.cfm</a>
EO/Title IX Report Form	<a href="https://campus.UND.edu/equal-opportunity/incident-report.html">https://campus.UND.edu/equal-opportunity/incident-report.html</a>

## APPENDICES

Q & A Document

### Attachments

No Attachments

### Approval Signatures

Approver	Date
Jennifer Rogers: Policy Office	pending

<b>Approver</b>	<b>Date</b>
Jennifer Rogers: Policy Office	09/2021
Jennifer Rogers: Policy Office	09/2021
Donna Smith: Assistant VP for Equal Opportunity/Title IX	09/2021

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