

TRANSGENDER STUDENT SAFETY & EQUALITY FOR ALL STUDENTS

A White Paper by Log Cabin Republicans & Liberty Education Forum

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MAY 9, 2017



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EXECUTIVE SUMMARY

In the February 22nd, 2017 letter issued by the Department of Justice and Department of Education, rescinding a letter of the previous Administration on transgender students, the new Administration called for a continuance of upholding the laws against discrimination and bullying, but also for a need to “further and more completely consider the legal issues involved”. This White Paper has been prepared for that express purpose of further examining the issues involved and developing a way forward.

Building upon extensive research within the transgender community, and supplemented with a compilation of personal research with school districts across the nation, we have prepared a list of solutions moving forward which will ensure that both transgender and non-transgender K-12 students are protected, and which provide a basis for the guidance that may be issued by the Administration, including:

- Providing for affordable accommodations, such as relabeling single-stall restrooms as gender inclusive, assuring functioning locks in multiple stall restrooms, and using partitions in locker facilities.
- Recognizing the need for both Federal rules and flexible local implementation

- Addressing the issue of how schools can be made aware of transgender students with strict confidentiality, and by means of readily attainable documents, such as a letter from a medical provider, a parent, or a counselor.
- Avoiding stigmatizations that do harm to the ability of transgender students to receive the same education afforded to their non-transgender peers.

More and more Americans are showing a growing awareness and support for the transgender community², and among young people, there exists a broad consensus in support of transgender rights.³ A solution is vital to both the well-being of our children and the future of our nation.

This Administration has an opportunity to provide leadership in this matter. Recognizing the need to handle this as a Civil Rights issue to better defend students and offer guidance, and additionally recognize the application of Title IX in these circumstances is fully warranted and will protect both the student, as well as government entities from further litigation. By doing this, the Administration can effectively make its mark, achieve an effective degree of national consensus on the matter and Make America Great Again.

THE CHALLENGES FACING TRANSGENDER K-12 STUDENTS

As Americans, we are united in wanting the best for our future generations. To not only pass on the opportunities that we've been so fortunate to have had ourselves, but to further expand upon those opportunities so our children can succeed without enduring the struggles we've experienced. Our children carry our future and it is in our best interest as a country to ensure that they're able to prosper in an educational environment that treats them with dignity and respect.

Unfortunately, not all K-12 schoolchildren in the United States are ensured that freedom under law. For individuals who are transgender, social stigmatization and legal hurdles jeopardize their ability to achieve the same educational freedom and opportunities that many of their non-transgender peers experience. A combination of ingrained and outdated assumptions, often compounded by a rigid legal system, so often fail these schoolchildren and only further perpetuates a punitive "separate, but equal" status. Additionally, many adults continuously dismiss these students as simply troubled, confused, and—at worst—a dangerous threat to their fellow students.

As new research and advancements in the fields of medicine and psychology have become available, what many thought they knew about the transgender community is being revealed to be either unfounded or erroneous. The American Academy of Pediatrics sees such long-held views as fundamentally flawed and dangerous, stating that it is "critically important that children feel loved and accepted for who they are⁴", the American Psychiatric Association's DSM-5 no longer concludes being

transgender to be a mental disorder, but rather the associated gender dysphoria⁵, and the American Psychological Association echoes their sentiments and encourages "legal and social recognition of transgender individuals consistent with their gender identity and expression, including access to identity documents consistent with their gender identity and expression which do not involuntarily disclose their status as transgender for transgender people who permanently socially transition to another gender role."⁶

Even with the boon of prominent advances from just decades before, there still exist misunderstandings of the transgender community that continue to negatively affect the growing national discussion around transgender Americans. The use of restrooms and public facilities by transgender students has become one of the most controversial topics, intertwining with the greater discussion around transgender rights. Simply put, there exists an air of misunderstanding and misguided fear that seeks to stifle our nation from coming to a solution that works within our legal framework while preserving the basic civil rights and dignity that should be ensured to these transgender students.

Experience shows that ensuring transgender students the liberty to use the restroom and facilities that corresponds to their gender identity is not a pathway to danger, but a step towards offering students the freedom to exist within their educational system on the same grounds as their non-transgender peers. Former Republican U.S. Solicitor General Ted Olson stated about North Carolina's HB2, which restricts restroom access for

transgender people: “HB2 discriminates against fellow citizens because of who they are. This law directly challenges the legitimacy of the identity of transgender persons and then compels them to deny it every time they use a public restroom.”⁷

UNDERSTANDING GENDER IDENTITY

The perception of gender identity as an easily changeable concept for matters of ill-intent and convenience is one of the most dangerous misunderstandings of the transgender community. The transition process regularly includes a transgender person working with a committed therapist and meeting an often arduous set of requirements in order to transition safely under appropriate medical supervision. Many of these criteria are executed specifically to be best suited for students, their parents (while students are minors), and trained healthcare professionals. At the heart of these criteria are the guidelines provided by such professional organizations as the American Psychiatric Association⁸. Even for those who have not undergone medical transition, one’s self-identification as transgender is something accepted and asserted only after arduous consideration and, usually, counseling.

The changes that come with transitioning are not taken lightly, as they are permanent in many respects and identical to what is known as puberty. Most people are aware that puberty is a time that young people experience an increase in hormones which in turn drive secondary-sex characteristics. For example: the masculinizing hormone testosterone can cause an increase in facial hair, a deepening of the voice, and an increase and change in muscle mass; while the feminizing hormone estrogen can cause the development of breasts, softening of skin and redistribution of body fat.

For many transgender teens, puberty can be an extremely upsetting situation because they

are forced to take on a physical body that is incompatible with their mental gender identity. As a result, a large number of transgender teens choose to undergo Hormone Replacement Therapy (HRT) so that they will only develop secondary-sex characteristics which correspond to their gender identity. As previously discussed, this is a serious decision which we trust to the best suited parties to handle it: students themselves, their parents or guardians (while students are minors), and trained healthcare professionals.

This discussion of HRT, other than to highlight the depth and commitment a transgender individual undertakes, is meant to emphasize how little that the sex which one is assigned at birth determines one’s gender identity. On the one hand, we have a single letter recorded at birth based on a cursory examination of one’s genitals which creates a legal identity, and on the other we have a rich and complex system which may include (but not be limited to): social interactions and thinking processes, how an individual presents themselves, and their secondary sexual characteristics.

Opponents of transgender students using the facilities that correspond with their identity often cite the perceived threat to non-transgender students and privacy rights. In reality, this philosophy, if mandated by law, would require students to use a facility opposite to the sex they present themselves as, both socially and physically. This could create an uncomfortable situation for all students, and presents a particularly clear and present danger to these transgender students. It opens them up to ridicule, harassment, threat of violence and a violation of their own privacy rights as American citizens. It is vital that we uphold gender identity as the determining factor in regards to facility usage, in order to ensure against generating the very thing many of our critics invoke as a rallying cry: boys using the girls’ room.

When schools mandate that students must use facilities in accordance with their sex recorded

at birth they are actually enacting policies which will lead to boys in the girls room. This is because while a transgender high school boy may have a birth certificate which shows the letter “F”, he has been living as a boy, has every intention of growing up to be a man, and finally, due to HRT, he has likely been going through much the same puberty that all young men experience. To allow a school to mandate that he use girls’ facilities would be to allow for schools to require such boys use the girls’ facilities, based on an earlier legal document prepared for other purposes—a government-issued birth certificate.

STIGMA AND TRANSGENDER K-12 STUDENTS

While evolving medical knowledge and an increasing social awareness of the transgender community has started to address the old misconceptions, the community still struggles to shake off dangerous stereotypes. The many years of society treating transgender Americans as television parodies at best and threats at worst continues to be prevalent in the minds of many who’ve never met an openly transgender individual. The sense of shame and stigma, long imposed on the adult transgender community over the years, continues to trickle down and permeate the view of the transgender K-12 student community of today.

The sense of stigma that many transgender students continue to experience is something that can negatively impact their standard of living, affecting their family structure, health, housing, education, and future career prospects. Furthermore, any

such stigma developed at a younger age can haunt a transgender person well into the rest of their lives. As of this writing, approximately 20 states and the District of Columbia have attempted to tackle this stigma, relying on full employment and non-discrimination laws covering gender identity and sexual orientation.⁹

The Washington Post, citing an extensive study on the transgender community, reported that transgender respondents were twice as likely to be unemployed and “nearly four times more likely to have a household income of less than \$10,000, compared to the general population”¹⁰. Such economic conditions reflect the damaging effects of discrimination which many transgender Americans face. It has left many of them reliant on the need of public assistance to survive. These economic issues are directly tied into the social stigma that many transgender individuals face on a daily basis, starting in their youth.

A failure to ensure a transgender K-12 student the basic freedom and dignity to use facilities compatible with their gender identity, such as a gender-inclusive restroom and locker room, can only leave the student vulnerable to the same dangerous and discriminatory behavior that has caused irreparable harm to the prospects of those who came before them. Additionally, experience has shown that having special or separate transgender restrooms dedicated only for the use of transgender students fails to be an effective solution for any party, as it introduces and perpetuates the sense of “otherness” and a stigma of “being transgender” to both transgender and non-transgender students.

ESTABLISHING NEW GUIDELINES

The goals of fairness, privacy, and safety for transgender students is not mutually exclusive of concerns about privacy and safety for all. Both can readily be accomplished with the help of federal guidelines. On the other hand, a delay in establishing new, clear guidelines on this matter will leave transgender K-12 students in a state of legal limbo. Additionally, it would not only fail to defend the students who require the Administration's support the most; it would also fail to protect the government from the very litigation which it seeks to avoid in courts around the land.

To truly meet the Administration's stipulation that all schools "must ensure that all students, including LGBT students, are able to learn and thrive in a safe environment"¹¹, school districts need to be prepared to handle two very important issues: (a) Transgender students need to be reassured that they're not going to be singled out as second-class citizens and forced to use facilities that don't reasonably accommodate their safety physical needs as individuals. (b) Both transgender and non-transgender K-12 students need to be guaranteed a fair level of reassurance that no other students will be allowed to intentionally cause harm to them while attending school.

Fundamentally, on such a delicate issue, the government has no place in assuming the gender of a student. Gender identity is a deeply personal and permanent component of an individual's humanity; the institution of government lacks both the legal right and the moral authority to define the core identity of an individual. Just as the government would never have the authority to simply redefine

the core identity of a non-transgender student, this lack of authority must also exist for a transgender student.

For many non-transgender students, the concept of gender identity is easily established and understood. Transgender students should be allowed that same freedom to establish and authentically live their gender identity.

Based upon federal guidelines, the adoption of local, flexible policies that help clarify and protect the transgender status of students can serve to resolve tensions between parents and school districts who were apprehensive of language in the original "Dear Colleague" letter. It's absolutely vital for both the accommodations argued under Title IX and the basic respect and well-being of the student that these policies don't rely on difficult to obtain and costly documentation such as a birth certificate. For many students, getting a birth certificate can be a difficult and time-consuming process, dependent on specific state laws.

In one example of how this can be done, ch.4 §7 of Massachusetts General Law stipulates that "gender-related identity" can be established by *"providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held as part of a person's core identity; provided, however, that gender-related identity shall not be asserted for any improper purpose."*¹²

This language is also used in a recently signed Massachusetts transgender accommodations law, supported with bipartisan support and signed into law by Republican Governor Charles D. Baker on June 8th, 2016.¹³

Definitions of “evidence”, as understood in the passage cited above, need to have some flexibility and offer some choices, in order to satisfy the rule that they must not be unduly laborious, onerous to obtain, or dismissive of a student’s identity. For example, a school district should allow the student, at the very least, to provide any one of the following methods, while retaining the flexibility to use other methods not included in this list:

- A letter from a student’s parent or legal guardian
- A letter from a professional therapist
- A letter or notification of gender transitioning from a medical professional
- A letter issued by a guidance counselor or nurse in the aforementioned school district
- Assessment by school district personnel (in the case of a student frequently presenting as the gender they identify as without a formal document) with the intent to work with the student in determining what works best in their case.¹⁴

This would establish, administratively, a student’s transgender status. Pursuant to the Family

Educational Rights and Privacy Act, it would be the responsibility of the administrative staff to maintain confidentiality and not disclose the transgender student’s status to the student body, the student’s parents, or others, except as authorized by the student.

This also allows for ample flexibility for municipalities, whose school districts can add other options as acceptable criteria as long as they meet the baseline standard that evidence must not be unduly onerous or hard to obtain. At the same time, it fully addresses and resolves the concerns that have been expressed that non-transgender students might take advantage of the terms of the recently rescinded “Dear Colleague” letter.

As would be available to any student in the instance of an error in documentation, there should exist the freedom to allow transgender students the opportunity to submit updated information to change information that was provided during the student’s initial enrollment into the education system. While not as impactful as changing a residential or mailing address or even one’s name, changing the gender marker on student records should be as simple and uneventful.

Just as non-transgender students exercise their gender identity via the information provided to the school, including information provided by a parent upon enrollment, social security information, and from various forms of self-identification and gender expression provided by the student, transgender students should also be allowed that same level of respect.

FEDERAL GUIDELINES, LOCAL CONDITIONS, AND FLEXIBILITY

The stated mission of the Department of Education is to “promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.” Prolonged delay to the Department of Education’s ability to achieve that goal will occur if a significant segment of the student population finds their basic civil rights violated. As it stands, what our nation is facing is a question of how to handle these important individual rights and what solutions can be provided by our Federal Government to ensure these students their rights.’

Several court cases exist which have established precedent in interpreting the protections from “sex-based discrimination” in Title VII as also including “sexual appearance”. Sexual appearance is an inherent part of a student’s gender expression which is a definitive aspect of gender identity. Two such cases, *Price Waterhouse v. Hopkins* and *Glenn v. Brumby*, found that discrimination against an individual who does not conform to traditional interpretations of sexual expression constitutes “sex-based discrimination”.

In *Glenn v. Brumby*, a decision affirmed by Hon. William H. Pryor, Jr.¹⁵, transgender individuals are also guaranteed these same rights:

The question here is whether discriminating against someone on the basis of his or her gender non-conformity constitutes sex-based discrimination under the Equal Protection Clause. For the reasons discussed below, we hold that it does. [...] All persons, whether transgender or not, are protected from discrimination on the

basis of gender stereotype. For example, courts have held that plaintiffs cannot be discriminated against for wearing jewelry that was considered too effeminate, carrying a serving tray too gracefully, or taking too active a role in child-rearing. An individual cannot be punished because of his or her perceived gender-nonconformity. Because these protections are afforded to everyone, they cannot be denied to a transgender individual. The nature of the discrimination is the same; it may differ in degree but not in kind, and discrimination on this basis is a form of sex-based discrimination that is subject to heightened scrutiny under the Equal Protection Clause. Ever since the Supreme Court began to apply heightened scrutiny to sex-based classifications, its consistent purpose has been to eliminate discrimination on the basis of gender stereotypes.”¹⁶

The intersection of Title VII and Title IX has been used to work towards reaching educational equity, and if the same definition is not provided under both statutes, it would create an inconsistency. The Department of Justice states in particular that Title IX “borrows heavily from Title VII in its theory and approach to sex-based employment discrimination”. Additionally, if the definition of “sex-based discrimination”¹⁷ was to be defined inconsistently in the eyes of the law, the administration would become highly vulnerable to legal litigation. Furthermore, this is directly under the purview of the 14th Amendment, giving the Federal Government express authority to address this issue on a national scale.

With over 50 million students and 13,500 public school districts¹⁸ in the United States, it would be constitutionally irresponsible to leave this issue up to the discretion of fifty different state governments without federal guidance. Further delay in providing guidance on this as a civil rights issue would result in a quagmire of lawsuits that would overburden our judiciary, taking up time that could be spent handling other important issues vital to the functionality and well-being of our nation. Additionally, students would continue to remain open to the threat of discrimination and the irreparable harm of losing out on a quality public school education.

There exists an important need to provide basic liberties to all students while still respecting the diverse municipal landscapes which comprise the thousands of school districts in our nation. A transgender student's freedom needs to be handled in the same responsible manner that applies to their non-transgender peers. If consistent accommodations are being made for non-transgender students, those same accommodations must be made for their transgender peers.

While school districts may opt for different courses of action, they need to be consistent in upholding the safety and freedom of all students. At the very minimum, school districts should seek to implement the following measures to better ensure the safety and privacy of both transgender and non-transgender students:

- Renaming of single stall, single-sex restrooms as single stall, gender-inclusive restrooms

available for the benefit of all students, faculty and staff. This would simply require an inexpensive change in signage.

- Multiple stall restrooms should be inspected and repaired, if necessary, so that they possess adequate and working locks for improved security and privacy.
- Locker room changing areas, when grouped by gender, should provide curtains and partitions so as to provide all students additional privacy.

Unless agreed upon by the transgender student, the solution of single-stall restrooms alone is not sufficient enough to provide an adequate and safe environment for all students. To forcefully segregate or isolate transgender students, or any student, into such an unnecessary position perpetuates a stigma of "separate but equal" and indicates that they are "troubled" and "confused", and possibly posing a potential threat to the student body at-large. Additionally, not every district has isolated single stall restrooms open to public use or in feasible locations, which may place a burden on the school district.

The costs of accommodating transgender students for extending their access to the restroom or locker room of their correct gender identity vary, but are minimal and fiscally conservative across the board. Many examples of American school districts achieving equal access for transgender students exist; a small sample of them is shown in the following table:

SCHOOL/ DISTRICT	NOTES	COST
Theodore Roosevelt High School/Des Moines, Iowa	Theodore Roosevelt High offers transgender and non-transgender students the use of two gender-neutral, single-stall restrooms (in hallways) for use on their campus. The school's gender neutral, single-stall restrooms are used by many faculty, staff and students and Des Moines's entire system may offer these restrooms in each of their schools in the coming school year.	Less than \$50 for change of restroom signage and addition of feminine product disposal boxes and labor.
Kirkwood High School/Kirkwood, Missouri	Kirkwood High School offers transgender, non-transgender students, and faculty the use of five single-stall, gender-neutral restrooms located throughout their 43-acre, open campus (three hallway restrooms and two in the nurse's office).	Less than \$250 for change of restroom signage and addition of feminine product disposal boxes and labor
Grant High School/Portland, Oregon	Oregon offers single-stall, gender-inclusive restrooms now and will be moving onto multiple-stall, gender inclusive restrooms in two years. Principal Carol Campbell reported to our team that after a short period of time, many of the non-transgender students and faculty began to share the single-stall, gender-inclusive restroom. Additionally, any "transgender stigma" regarding the use of the converted restroom was removed from most people's minds.	No restroom modifications; less than \$250 for change of restroom signage, addition of feminine product disposal box and labor.
Decatur Public School System/Decatur, Georgia	Decatur Public School System policy is to respect the gender identity of every student in their school system and as such, each student may use the appropriate restroom according to their gender identity system-wide.	None, as Decatur's gender identity restroom policy pre-dated Obama Administration "Dear Colleague" letter.
Shepherd Hill Regional High School/Worcester County, Massachusetts	Shepherd Hill Regional High School works with individual students in determining the best solutions. As of this paper, the current transgender students request to use the single-stall, gender-inclusive facilities. The administration acknowledges that future students may require different solutions.	None, as a mutually agreed-upon decision to use pre-existing facilities currently exists between faculty and students.
Valley Center Pauma Unified School District/Valley Center California	Valley Center Pauma Unified School District works with individual students in determining the best solutions. As of this paper, the current transgender students request to use the single-stall, gender-inclusive facilities. The administration acknowledges that future students may require different solutions.	None, as a mutually agreed upon decision to use pre-existing facilities currently exists between faculty and students.
Montclair High School/Montclair, New Jersey	Montclair High School offers all transgender and non-transgender students one official gender-inclusive, single-stall and one gender-inclusive, multiple-stall restroom.	No restroom modifications; Less than \$250 for change of restroom signage, addition of feminine product disposal box and labor.

CONCLUDING REMARKS

The writers of this White Paper urge that the Department of Education and the Department of Justice work promptly towards creating new guidance to provide requisite protections and reaffirm this issue as a responsibility of the federal government in protecting the basic rights of our students. Delay in so doing would jeopardize the future of our students, and leave the federal government vulnerable to a barrage of lawsuits that seek to tax our already overburdened court system—something that the Administration hoped to avoid by rescinding the previous “Dear Colleague” letter.

The history of the Republican Party and Conservatism is chock-full of examples of leadership in support of minority communities. It is such leadership that inspired the founding of the Log Cabin Republicans in 1977 to counteract California’s Proposition 6, otherwise known as the Briggs Initiative, which would have barred gays, lesbians, and their supportive allies from teaching in public schools. Our 40th President offers us a shining example of what true Republican and Conservative leadership can do regarding the rights of LGBTQ Americans.

Only two years before he would win the Presidency for the first time, the hero of our Republican Party, Ronald Reagan, wrote an op-ed for the *Los Angeles Herald Examiner*. In his famous November 1, 1978 column, President Reagan spoke out forcefully against the Briggs Initiative (Proposition 6). In particular, he addressed the false claims of homosexuality as anything but a disease.¹⁹ With great leadership, he wrote the following: “*Proposition 6 rests on several assumptions. The two most frequently mentioned are that*

teachers can influence the sexual orientation of children because they are ‘role models’ and that homosexual teachers will molest their pupils. [State Senator] Briggs told an interviewer the other [day] that ‘Everybody knows that homosexuals are child molesters. Not all of them, but most of them. I mean, that’s why they are in the teaching profession.’”

In that response, Reagan stated, “*The overwhelming majority of such cases are committed by heterosexual males against young females.*”

He went even further: “*Whatever else it is, homosexuality is not a contagious disease like the measles. Prevailing scientific opinion is that an individual’s sexuality is determined at a very early age and that a child’s teachers do not really influence this.*”

President Reagan may very well have written these truthful words about transgender children and adults if he were alive today, as opponents of restroom and locker room access for transgender students and adults often make the same dangerous inferences and suggestions about transgender people that Senator Briggs made about homosexuals all those years ago. These accusations are frequently made by some legislators and leaders opposing accommodating transgender Americans, even though they say that their opposition regards criminal opportunists who are not transgender.

As with the chaos that would have resulted if the Briggs Initiative had passed in California in 1978, so would chaos result from the “restroom bills” and laws that will come online without a federal civil rights standard protecting both transgender and

non-transgender K-12 students. It is in the spirit of President Ronald Reagan that we respectfully submit this White Paper to you and look forward to

a conversation on how our conservative solutions can benefit millions of Americans and help to Make America Great Again.

TERMINOLOGY²⁰

Sex

The classification of a person as male or female. At birth, infants are assigned a sex, usually based on the appearance of their external anatomy. (This is what is written on the birth certificate.) A person's sex, however, is actually a combination of bodily characteristics including: chromosomes, hormones, internal and external reproductive organs, and secondary sex characteristics.

Gender Identity

A person's internal, deeply-held sense of their gender. For transgender people, their own internal gender identity does not match the sex they were assigned at birth. Most people have a gender identity of man or woman (or boy or girl). For some people, their gender identity does not fit neatly into one of those two choices. Unlike gender expression (see below) gender identity is not visible to others.

Gender Expression

External manifestations of gender, expressed through a person's name, pronouns, clothing, haircut, behavior, voice, and/or body characteristics. Society identifies these cues as masculine and feminine, although what is considered masculine or feminine changes over time and varies by culture. Typically, transgender people seek to align their gender expression with their gender identity, rather than the sex they were assigned at birth.

Sexual Orientation

Describes a person's enduring physical, romantic, and/or emotional attraction to another person. Gender identity and sexual orientation are not the same. Transgender people may be straight, lesbian, gay, bisexual, or queer. For example, a person who transitions from male to female and is attracted solely to men would typically identify as a straight woman.

Transgender (adj.)

An umbrella term for people whose gender identity and/or gender expression differs from what is typically associated with the sex they were assigned at birth. People under the transgender umbrella may describe themselves using one or more of a wide variety of terms—including *transgender*. Some of those terms are defined below. Use the descriptive term preferred by the person. Many transgender people are prescribed hormones by their doctors to bring their bodies into alignment with their gender identity. Some undergo surgery as well. But not all transgender people can or will take those steps, and a transgender identity is not dependent upon physical appearance or medical procedures.

Transition

Altering one's birth sex is not a one-step procedure; it is a complex process that occurs over a long period of time. Transition can include some or all of the following personal, medical, and legal steps: telling one's family, friends, and co-workers; using a different name and new pronouns; dressing differently; changing one's name and/or sex on legal documents; hormone therapy; and possibly (though not always) one or more types of surgery. The exact steps involved in transition vary from person to person.

Title VII of the Civil Rights Act of 1964

A federal law that prohibits employers from discriminating against employees on the basis of sex, race, color, national origin, and religion. It generally applies to employers with 15 or more employees, including federal, state, and local governments. Title VII and the scope of its definition has been the subject of a number of recent rulings, specifically in the 7th Circuit Court and the 11th Circuit Court.

**Title IX of the United States Education
Amendments of 1972**

A federal law that states no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.

AUTHOR BIOGRAPHIES

Jennifer C. Williams is a Republican Party Committeeperson, Master Poll Worker and a member of the Zoning Board of Adjustment in her hometown of Trenton, New Jersey. Jennifer attended the 2016 Republican National Convention in Cleveland as an Honorary Delegate from New Jersey and has attended nine Conservative Political Action Conferences. She also is a member of the Log Cabin Republicans, member of the National Rifle Association, and supporter of the National Center for Transgender Equality. A campaign veteran, Jennifer has worked diligently to improve the Republican Party's performance in urban areas and with minority voters.

She presently works for a government contractor and is a small business owner, youth sports coach and LGBTQ leader. She also directed and produced the documentary film "Fear of a Black Republican" and holds a M.B.A. from Tulane University, B.S. Degree from La Salle University and a Film Certificate from New York University. Regarding public policy and the Republican Party, Jennifer has been featured in media such as ABCNews, BBC News, U.S. News & World Report, Time Magazine, Washington Times, Washington Post, Huffington Post, Rare, Sirius/XM, BET.com, Democracy Now!, Fox News Channel, Washington Blade, Philadelphia Inquirer, Kansas City Star, Christian Broadcasting Network, Al Jazeera and National Public Radio.

Jordan Evans is a public official from Charlton, Massachusetts who holds a B.A. in history from Worcester State University. She was first elected as a Trustee of her local library in 2015, followed by her election to Town Constable in 2016. Jordan also served five years on the Charlton Cultural Council and was secretary of Charlton's ad-hoc Government Study Committee, where she was involved in the committee's White Paper process.

Jordan was heavily involved in reorganizing her local Republican Town Committee which later endorsed her to serve as a local Registrar of Voters. Her commitment to her party led her to serve as a delegate to the 2014 Massachusetts Republican State Convention and run for delegate to the 2016 Republican National Convention. As an openly transgender woman, she works with LGBTQIA+ students and was once president of one of the nation's only all-transgender choirs. She was a fervent advocate for the passage of full transgender equality under Massachusetts law, lobbying Republican lawmakers on Beacon Hill and working alongside such organizations as Freedom for Massachusetts. Jordan was featured as one of Boston Spirit Magazine's 2017 young LGBT trailblazers for her work in support of building a bridge between the two communities.

Regina W. Roberts received her Bachelor Degree in Chemistry from the University of California, San Diego, and did follow-up graduate work in Business Administration and Engineering at other local Universities. She owns her own engineering consulting firm, specializing in new customer product and manufacturing equipment design and manufacturing. She has a rich work history in the Aerospace/Defense industry and customer product world. She is a recognized expert in several manufacturing processes and in technology evaluation in several fields.

Ms. Roberts is the Vice Chair of the California State Log Cabin Republicans, the President of the San Diego Log Cabin Republicans, Delegate to the California GOP Convention, and a San Diego County GOP Central Committee member. She has been actively working within the party to spread the message of inclusion and acceptance. She is also involved in Kiwanis and many other local organizations. She has been the "first" transgender

barrier-breaker in many mainstream activities and has presented a positive image of the transgender and LGBT communities in many organizations that traditionally have not been supportive.

Susan Maddison, Ph.D. works in international relations as an analyst and writer, and has taught the subject at universities in America and Europe. She has contributed chapters to several scholarly books, along with several dozen articles in major journals and newspapers, and many more in other venues. She was brought up left-liberal, graduated from an Ivy League university, and was trained to dismiss conservatives and their arguments as stupid, racist, mean-spirited, and bigoted. Then she noticed that her few openly conservative classmates had reasons that were legitimate, not dumb or malicious as she was taught to assume. She became a conservative Republican, and experienced, like many others, a sudden loss of politically-based privilege from teachers.

Dr. Maddison was born physiologically male, but sensed around age three that she would feel normal only as female. She desperately tried to suppress that awareness for decades and fit in as a male. It never worked. Around 2010 she stopped fighting it and accepted herself as a transwoman, although like many trans persons facing a danger of losing their personal and professional associations, she has not come out fully or changed her legal name. In the 2016 campaign she organized a Trans for Trump group.

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ADDITIONAL NOTES

Charlie Rose "Brain Series – Gender Identity" episode, originally broadcast on *06/18/2015 and rebroadcast on Thursday 07/09/2015*: <https://charlierose.com/collections/3/clip/21056>

Program description: A panel of experts in psychology, pediatrics, and gender studies, including co-host Eric Kandel and neurobiologist and transgender man Ben Barres, examines the complex issue of gender identity and the biology of the brain.

Panel of pre-eminent doctors/researchers include:

Dr. Eric Kandel - Professor, Columbia University; Nobel Laureate; Howard Hughes Medical Investigator

Dr. Catherine Dulac - Higgins Professor of Molecular and Cellular Biology, Harvard University; Investigator, Howard Hughes Medical Institute

Dr. Norman Spack - Assistant Professor of Pediatrics, Harvard Medical School

Dr. Melissa Hines - Professor of Psychology, University of Cambridge Centre for Gender Studies

Dr. Ben Barres - Professor; Chairman, Neurobiology, Stanford Medical School

Dr. Janel Hyde - Director, Center for Research on Gender and Women, University of Wisconsin

¹<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201702-title-ix.docx>

²<http://www.prii.org/research/lgbt-transgender-bathroom-discrimination-religious-liberty/>

³<http://www.usatoday.com/story/news/politics/onpolitics/2016/08/15/millennials-consensus-transgender-bathroom-use/88751928/>

⁴<https://www.healthychildren.org/English/ages-stages/gradeschool/Pages/Gender-Non-Conforming-Transgender-Children.aspx>

⁵<https://www.scientificamerican.com/article/where-transgender-is-no-longer-a-diagnosis/#>

⁶<http://www.apa.org/about/policy/transgender.aspx>

⁷<http://time.com/4340380/north-carolina-bathroom-law-transgender-ted-olson/>

⁸<https://www.apa.org/practice/guidelines/transgender.pdf>

⁹<http://www.transequality.org/know-your-rights/public-accommodations>

¹⁰https://www.washingtonpost.com/news/wonk/wp/2015/01/22/the-state-of-transgender-america-massive-discrimination-little-data/?tid=a_inl&utm_term=.68e0ed884acb

¹¹<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201702-title-ix.docx>

¹²M.G.L. ch.4 §7

¹³<http://www.mass.gov/governor/press-office/press-releases/fy2017/governor-signs-transgender-anti-discrimination-bill.html>

¹⁴This an effective and commonsense solution to help create a pathway to the fourth option while still offering the student and faculty a fair level of flexibility and personal responsibility

¹⁵<http://www.scotusblog.com/2017/01/potential-nominee-profile-william-pryor/>
724 F. Supp. 2d 1284 (N.D. Ga. 2010), aff'd, 663 F.3d 1312 (11th Cir. 2011)

¹⁶<https://www.justice.gov/crt/title-ix#I.OverviewofTitleIX:InterplaywithTitleVI,Section504,TitleVII,andtheFourteenthAmendment>

¹⁷<https://nces.ed.gov/fastfacts/display.asp?id=372>

¹⁸<https://nces.ed.gov/fastfacts/display.asp?id=372>

¹⁹Reagan, Ronald. "Two ill-advised California trends." *Los Angeles Herald-Examiner*, November 1, 1978. <https://concurringopinions.com/archives/2010/10/ronald-reagan-and-gay-rights.html>.

²⁰With the exception of "Title VII" and "Title IX", the following terms and definitions found in this glossary have been compiled by the Gay and Lesbian Alliance Against Defamation. The writers of this paper express their thanks to GLAAD for creating this collection of relevant terminology.

