

AP 5041 Student Records: Gender and Chosen Names

Reference:

Title IX of the Education Amendments Act of 1972, 42 U.S. Code Section 1681; Education Code Sections 201; 210.7; 220; 66250 et seq.; 72010 et seq.; Title 5 Section 59311; Weathers v. Superior Court (1976) 54 Cal.App.3d 286, 288 Code of Civil Procedure Section 1275 et seq.; Section 1279.5

1.0 The North Orange County Community College District is committed to providing an inclusive, supportive, and non-discriminatory learning environment for all students and to ensuring that every student has equal access to the District's educational programs and activities. The District recognizes that a student may prefer to use a name other than their legal name. The District further recognizes that a student's gender identity may not align with the dominant gender construct, including their legal sex. Gender identity and chosen name may be used on unofficial records and documents maintained by the District, and in situations where a legal sex and legal name are not required by law or District policy. The following guidelines and procedures have been established to create consistency and reliability for students regarding the use of gender identify and chosen names throughout the District. These procedures exist to affirm students' identities.

2.0 **Definitions:** For purposes of this procedure, the following definitions apply:

2.1 Legal Name: A name designated on official government-issued documents such as birth certificates, passports, social security cards, immigration documents, and identification cards or permits. To change a student's legal name, a court order is required under California law.

2.2 Chosen Name: The name that a student wishes to be known or identified by which is different from their legal name; can be used on District-related unofficial documents and records, as defined below, in place of the student's legal name.

2.3 Legal Sex: A student's sex designation recorded on legal documents. In the state of California, legal sex includes "female," "male," and "nonbinary." To change the legal sex, a court order is not required, but legal documentation must be provided.

2.4 Gender and Gender Identity: A student's internal sense of being masculine, feminine, nonbinary, genderqueer, agender, etc. A student's gender may be the same as their legal sex (cisgender) or different from their legal sex (transgender), and their gender may change over time.

2.5 Pronouns: The words used for a student in place of their proper name. Some examples include "she/her," "he/him," "ze/hir," "they/them," or other pronouns. Some students may use specific pronouns, multiple pronouns, or no pronouns.

2.6 Official Records: Official records are those records the District is required to maintain as part of a student's permanent record and which are required, by law or District policy or practice, to contain a student's legal name. Official records include, but are not limited to, registration documents, official and unofficial transcripts, health records, diplomas, financial aid documents, payroll records, and federal immigration documents.

AP 5041 Student Records: Gender and Chosen Names

- 2.7 **Unofficial Records:** Unofficial records are those records which do not require a legal sex or name. These records include but are not limited to the Student Information System and all integrations (e.g. the Learning Management System, scheduling software, etc.), academic and extracurricular rosters, student ID cards, and District email addresses.
- 3.0 **Official Records:** The District will change a student's name on official records when the name of the student is changed by court action, such as by a change of name proceeding. The District will change a student's legal sex on official records when the student provides legal documentation, such as a state identification card, driver's license, birth certificate, or court document per California Senate Bill No. 179. Once the District receives notice of a change of student's legal sex or name, it will use the updated legal sex or name in all District records going forward to reflect the change.
- 4.0 **Unofficial Records:** The District shall permit a student to be recognized by gender and chosen name on District-related unofficial documents and records where the use of legal sex and legal name is not required by law or District policy. Before a student's gender and chosen name will appear on unofficial records, a student must submit to the Admissions and Records Office as appropriate, a completed Personal Information Change Form. The District shall input the student's gender, pronouns, and chosen name, if applicable, in the appropriate fields in the District's electronic data system to indicate how the student's information will appear on unofficial records. The District shall also enter the gender, pronouns, and chosen name as an Also Known As ("AKA") in the student's permanent record.
- 5.0 Every effort must be made to provide and use the gender, pronouns, and chosen name as declared on the Personal Information Change Form in every context within the District, including face-to-face, electronic, and print interactions, except where legally required to use the legal name and sex.
- 6.0 The District will use a chosen name wherever possible. However, chosen name requests will be denied or revoked when the name is used inappropriately including, but not limited to, avoiding a legal obligation, fraud, obscene language, or misrepresentation. Reports of such activity will be handled pursuant to District policies and procedures and applicable law. Depending on the individual and circumstances involved this could include the offices of Human Resources, Vice President of Student Services, legal counsel, and/or appropriate law enforcement agencies. If the student requesting the change identifies as LGBTQ+, the campus LGBTQ+ Liaison must be consulted before any denial or revocation.
- 7.0 **Appeals:** Students who feel their chosen name change was denied unjustly due to discrimination may file an appeal with the Office of Vice President of Student Services at the respective campus.
- 8.0 The District reserves the right to suspend the individual's privilege to update their chosen name given any conditions stated above.

See Board Policy 5040, Student Records, Directory Information, and Privacy and Administrative Procedure 5040, Student Records, Directory Information, and Privacy.

Date of Adoption: November 25, 2020