

AP 7120-13 Employee Records: Gender Identity, Gender Expression, and Chosen Name

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 work environment that promotes an equity-minded culture for all employees. To that end, this policy makes explicit the District's commitment to non-discriminatory and inclusive programs, activities, and facilities free from discrimination based on gender identity or gender expression. The District recognizes that an employee may choose to use a name other than their legal name. The District further recognizes that an employee's gender identity may not align with the dominant gender construct, including their legal sex. Using specified names, pronouns, and other gendered personal references of individuals conveys a basic level of respect for them and their identities. Gender identity and chosen first 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 employees regarding the use of gender identity and chosen first names throughout the District.
- 2.0 **Definitions:** For purposes of this procedure, the following definitions apply:
 - 2.1 Legal Name: A name designated on official government-issued documents including but not limited to birth certificates, passports, social security cards, and identification cards or permits. To change a person's legal name, a court order is required under California law.
 - 2.2 Chosen First Name: The first name that an employee wishes to be known or identified by, which is different from their legal name. It can be used on District-related unofficial documents and records, as defined in section 4.0, in place of the employee's legal name.
 - 2.3 Legal Sex: An employee'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: An employee's internal sense of being masculine, feminine, nonbinary, genderqueer, agender, etc. An employee'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 an employee in place of their proper name. Some examples include "she/her," "he/him," "they/them," or additional pronouns. Some employees may use specific pronouns, multiple pronouns, or no pronouns.

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- 2.6 **Official Records:** Official records are those records the District is required to maintain as part of an employee's permanent personnel record and which are required, by law or District policy or practice, to contain an employee's legal name. Official records include, but are not limited to, certifications, licenses, official and unofficial transcripts, health records, diplomas, and payroll records.
- 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 rosters; schedules of classes (online); learning management systems; employee ID cards; District and campus directories; District email addresses (alias); District Enterprise Resource Planning System; and user interfaces, where applicable and possible.
- 3.0 **Official Records:** The District will change an employee's name on official records when the name of the employee is changed by court action, such as by a change-of-name proceeding. The District will change an employee's legal sex on official records when the employee 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 is notified of the change of an employee's legal sex or name through court action or official records, moving forward, District records will be updated to reflect the change.
- 4.0 **Unofficial Records:** The District is committed to and affirms the right of an employee to be recognized by their specified gender, pronouns, and chosen first 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 an employee's chosen name, gender, and pronouns appear on unofficial records, an employee must update this information in the Employee Dashboard (Banner Self-Service).
- 5.0 District employees are expected to use the gender, pronouns, and chosen first name as entered in the Employee Dashboard in every context within the District, including face-to-face, electronic, and print interactions, except where legally required to use the legal sex and name. This expectation supports the District's commitment to creating a culture of inclusivity and belonging. Failure to respect an individual's stated identity should be reported to District Human Resources to determine appropriate course of action.
- 6.0 The District will use a chosen first name wherever possible. However, chosen first 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, handling of the matter could include the involvement of the appropriate administrator in the Office of Diversity; the Vice Chancellor of Human Resources; campus LGBTQ+ Point of Contact; legal counsel; and/or appropriate law enforcement agencies.
- 7.0 **Denials:** Employees who feel their chosen first name change was denied unjustly may submit a request for review and consideration to the appropriate administrator in the Office of Diversity. The appropriate campus LGBTQ+ Point of Contact will be consulted, and a determination will be made by the Vice Chancellor, Human Resources.

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8.0 The District reserves the right to suspend the employee's privilege to update their chosen first name given any conditions stated above.

Date of Adoption: November 28, 2022 District Consultation Council