



Frequently Asked Questions:  
**PROVIDING ASSISTANCE  
TO TRANSGENDER  
STUDENTS**

On February 22, 2017, the Departments of Justice and Education issued a joint “Dear Colleague Letter” that rescinded their prior guidance on how educational institutions should treat transgender students with respect to sex-segregated facilities, such as locker rooms and bathrooms. While it is not clear how far the Department of Education intends to go in repealing the prior administration’s guidance on transgender issues, the withdrawal of these guidance documents does not leave students without protections from discrimination, bullying, or harassment. Moreover, the college must ensure that all students, including LGBTQ students, are able to learn and thrive in a safe environment, and, as outlined in the February 2017 document, the Department of Education will continue its duty under the law to hear all claims of discrimination and will explore every appropriate opportunity to protect all students and to encourage civility in our classrooms.

At the Maricopa County Community College District we aim to foster a learning environment of inclusion, where all students feel safe and welcomed to learn.

QUESTION	ANSWER
WHAT ARE THE REQUIREMENTS UNDER TITLE IX RELATED TO TRANSGENDER STUDENTS?	Title IX states that a college must not treat a transgender student differently from the way it treats other students of the same gender identity--which is known as the consistent treatment principle. If the college is notified that a student will assert a gender identity that differs from previous representations or records, the college should begin treating the student consistent with the student’s gender identity. There is no medical diagnosis or treatment requirement that a student must meet as a prerequisite to being treated consistent with their gender identity.
WHAT DOES IT MEAN TO BE “TRANSGENDER”?	A transgender individual or trans person is an individual whose biological or anatomical sex, or sex assigned at birth, does not match their gender identity.
WHAT IS THE DIFFERENCE BETWEEN LEGAL SEX, GENDER IDENTITY, AND GENDER EXPRESSION?	Legal sex is often the biological or anatomical sex an individual is assigned at birth or what appears on their legal documentation. Gender identity is the gender with which an individual identifies internally, mentally, or emotionally, while gender expression is the gender an individual expresses externally through dress and appearance. An individual’s legal sex does not always match their gender identity or gender expression. Below are examples of legal sex and gender identity.
LEGAL SEX	GENDER IDENTITY
Female	Agender
Male	Androgyne
	Demigender
	Genderqueer or Gender Fluid
	Man
	Questioning or Unsure
	Trans man
	Trans woman
	Woman
HOW DO I KNOW HOW TO ADDRESS A STUDENT WHO IS TRANSGENDER?	The Maricopa County Community College District is making every effort for all students to feel welcomed on our campuses. Students can elect to identify a “preferred” name when they apply for admission. Students who are transgender may use this preferred name field to enter the name by which they identify if it does not match their legal name. The preferred name is the name that appears on all faculty rosters.  Additionally, a student’s personal information regarding gender identity is protected under FERPA as part of a student’s educational record and cannot be disclosed absent consent from the student.

<p>HOW WILL I KNOW IF THERE IS A STUDENT WHO IS TRANSGENDER IN MY CLASSROOM?</p>	<p>Since students' preferred name should appear on the faculty roster, you will not know if there is a transgender student in your classroom. We recognize that many instructors and faculty members call roll on the first day and subsequent days of class. We caution against misgendering or "outing" students who are transgender in the classroom, intentionally or unintentionally and encourage faculty to inquire as to a student's preferred pronoun, and encourage all employees to avoid using prefixes such as "Mr.," "Ms.," and "Mrs."</p>
<p>ARE NON-BINARY STUDENTS PROTECTED AGAINST DISCRIMINATION?</p>	<p>The consistent treatment principle is focused on issues related to students who identify as "transgender male" and "transgender female." However, experience reveals that students' assertion of their gender identity is often much more complex than this simple binary understanding. Students may identify as agender, bigender, pangender, or a variety of other identities and we should be sensitive not to only think in terms of the male/female binary.</p>
<p>I AM TAKING A GROUP OF STUDENTS TO A CONFERENCE OR TOURNAMENT AND THEY WILL BE STAYING AT A FACILITY OVERNIGHT. AM I EXPECTED TO GIVE MY STUDENT WHO IS TRANSGENDER THEIR OWN ACCOMMODATIONS?</p>	<p>Per Title IX, students should be allowed to access housing or overnight accommodations consistent with their gender identity. A student who is transgender may not be required to stay in single-occupancy accommodations or disclose personal information when other students are not required to do the same. However, like facilities, a student can be granted single-occupancy accommodations if the student makes the request.</p>
<p>TO WHAT EXTENT CAN A STUDENT WHO IS TRANSGENDER PARTICIPATE ON ATHLETIC TEAMS?</p>	<p>Per the NJCAA Handbook and Casebook, Article I – Membership Dues and Responsibilities, Section 5, C. TRANSGENDER:</p> <p>“C.1. A transgender male (female to male) student-athlete who has received a medical exception for treatment with testosterone for gender transition may compete on a men’s team but is no longer eligible to compete on a women’s team.”</p> <p>“C.2. A transgender female (male to female) student-athlete being treated with testosterone suppression medication for gender transition may continue to compete on a men’s team but may not compete on a women’s team until completing one calendar year of documented testosterone-suppression treatment.”</p>
<p>WHAT IF A STUDENT WHO IS TRANSGENDER COMES TO ME AND INFORMS ME THEY ARE BEING BULLIED OR DISCRIMINATED AGAINST?</p>	<p>MCCCD's Sexual Harassment Policy states that discrimination is “an unequal treatment of a student based on the student’s actual or perceived gender, sexual orientation, or pregnancy.” If a student who is transgender is being bullied or discriminated against, you are required to report the incident(s) to your college’s Title IX Coordinator. To find out who your college’s Title IX Coordinator is, visit <a href="https://www.maricopa.edu/compliance/title-ix-and-preventing-sexual-harassment/title-ix-coordinators">https://www.maricopa.edu/compliance/title-ix-and-preventing-sexual-harassment/title-ix-coordinators</a>.</p>
<p>WHAT IS MARICOPA DOING TO ADDRESS COMPLIANCE TOPICS RELATED TO STUDENTS ON CAMPUS WHO ARE TRANSGENDER?</p>	<p>MCCCD is committed to serving all students and providing an environment that is free from discrimination and harassment. To that end, it will continue to reaffirm its policy against discrimination, particularly publicizing the complaint process. MCCCD is also committed to providing training for faculty and staff on constructive responses to discriminatory harassment and bullying, which includes conducting student, staff, and faculty outreach in order to identify problems and improve campus climate.</p>
<p>RESOURCES</p>	<p><a href="#">2016-17 NJCAA Official Handbook &amp; Casebook</a></p> <p><a href="#">Maricopa County Community College District (MCCCD) Preventing Sexual Harassment and Violence website</a></p> <p><a href="#">Maricopa County Community College District (MCCCD) Sexual Harassment Policy</a></p> <p>"Transgender Students: the shifting legal landscape and what it all means for your institution." NACUA 57th Annual Conference, July 2018.</p>