TO: The University Community  
FROM: Tom Sullivan, President  
RE: Possible Federal Change to Gender Definition

Members of our transgender, non-binary, and intersex community are understandably shaken by the news that the federal government may be pursuing a definition of gender that would be determined permanently at birth.

UVM has a long and extensive record of supporting transgender, non-binary, and intersex individuals, as well as taking decisive steps to provide services, modify facilities, and promote equal rights. The University has received national recognition, and in some cases has served as a model for universities across the country, with respect to our efforts. We also recognize that there is more to learn from each other.

This week’s gender-definition news from Washington raises serious constitutional issues that may affect the civil rights of transgender, non-binary, and intersex members of our community. Fundamental, core rights under the Due Process Clause and the 14th Amendment’s Equal Protection Clause are implicated directly by the suggested proposals. At its very essence, the Due Process clause of the Constitution protects individual autonomy, liberty, and intimate associations of each person.

At this time of challenge, it is important to remember the U.S. Supreme Court’s recent clear statement:

“The fundamental liberties protected by the…Due Process Clause, extend to certain personal choices central to individual dignity and autonomy, including intimate choices defining personal identity and beliefs.”

The Court noted, also, that the Constitution’s Equal Protection Clause has been applied to invalidate laws imposing sex-based inequality once it recognized that “new insights and societal understanding [revealed] unjustified inequality.”

The University will continue fully to recognize and protect the official recognitions and civil rights that transgender, non-binary, and intersex members of our community are entitled to, including our current programs, services, and policies across the campus.

We hope our UVM community joins us in supporting the rights and well-being of our students and colleagues who identify as transgender, non-binary, and intersex. These important issues cross values from advancing humanity to protecting human and civil rights.