

**BOARD OF TRUSTEES
DIVERSITY COMMITTEE
UNIVERSITY OF VERMONT AND STATE AGRICULTURAL COLLEGE**

A meeting of the Diversity Committee of the Board of Trustees of the University of Vermont and State Agricultural College was held on Monday, March 14, 2005, at 10:00 a.m. in Room 427A, Waterman Building.

MEMBERS PRESENT: Chair Thomas Little, Vice Chair James Leddy, Christine Hertz

REPRESENTATIVES PRESENT: Alumni Representative Janet Terp, Staff Representative Marilyn Eldred, Faculty Representative Austin Troy

ABSENT: Richard Hube, Student Representatives Lee Souter and Katie Kasarjian

OTHER TRUSTEES PRESENT: Daniel Mark Fogel, President, *ex officio*

PERSONS ALSO PARTICIPATING: Willi Coleman, Vice Provost for Multicultural Affairs, Kathryn Friedman, Executive Director Affirmative Action and Equal Opportunity, Annie Stevens, Assistant Vice President for Campus and Student Life, Jackie Weinstock, Associate Professor, Integrated Professional Studies

Chair Thomas Little called the meeting to order at 10:05 a.m. Action on the minutes of the Diversity Committee meeting held on February 7, 2005 was deferred.

Discussion and Presentation re: University Anti-Discrimination Policy and Gender Identity and/or Expression

This meeting continued the work started at the Committee's February meeting, addressing the University's anti-discrimination policy. The Committee is continuing its work to review the policy and particularly the annotation by the Administration to include gender identity and/or expression within the prohibition on sex discrimination. The Committee is reviewing the request to include gender identity and/or expression in the named list of protected groups stated in the non-discrimination policy. It is important that this work is conducted carefully and deliberately so that any change to the policy will be fully understood and supported by both the Committee and the full Board.

Annie Stevens, Assistant Vice President for Student Life, introduced Samuel Lurie, a trainer in the field of transgender issues and advocacy. Mr. Lurie gave an overview of transgender issues. His presentation included the description of terms and concepts related to the transgender experience; an explanation of the distinctions between and among biological sex, gender identity and sexual orientation; and the identification of some barriers and challenges for transgender students and other members of the University community. He stressed that gender identity and sexual orientation are different things, and that every individual has a biological sex, a gender identity and a sexual orientation.

Some institutional considerations are that the transgender population appears to be growing on campuses and elsewhere. Some challenges facing the transgender students include: ID's, name changes on forms and transcripts, the residence halls, bathrooms and gym facilities, course content, health center and health care/mental health care access. Staff and Faculty also face challenges with regard to employment, insurance, ID's and forms, and also "transitioning" on-the-job. The issue of safety is a major factor.

Mr. Lurie advised that some form of transgender legal protection has been legislated in 5 state governments and in over 50 cities. Major corporations have incorporated protection into their anti-discrimination policy and a list of universities and colleges with such protection provisions was also provided.

Associate Professor Jackie Weinstock was introduced and spoke as a representative of the President's Commission on Gay, Lesbian, Bi-Sexual and Transgendered Equity. On behalf of the Commission she formally expressed appreciation for the administrative clarification that was added to the anti-discrimination policy, and went on to explain why the Commission believes that this is not sufficient protection for transgender members of the University community. In the view of the Commission, the unequivocal way to secure this protection is to add gender identity and/or expression to the text of the policy itself. She stated that it is clear from Mr. Lurie's presentation that confusion, discrimination and hate abound and she expressed concern that the annotation to the policy may actually add to the confusion. She stated that the administrative clarification does not have the durability that a Board of Trustees change in policy would. She reiterated the limits of the current policy discussed in the February 17, 2005 letter to President Fogel from Assistant Vice President Annie Stevens on behalf of the Commission.

Professor Weinstock went on to observe that the distinction between sex and identity is not theoretical for many members of the University community – it is a reality and a part of their daily lived experience. She noted that a strong position taken by University leadership will empower each person of the UVM community to take responsibility for educating themselves and others regarding the complexities of transgender issues and for un-learning the assumptions of the gender "binary" (the binary being a rigid heter- or homosexual construction of human gender identification).

There was a question and answer session following the formal presentation and an expressed interest in hearing some reports of campus harassment, bias and violence related to gender identity or expression, at a future meeting. The question was raised as to why an administrative clarification was the response to the President's Commission request. President Fogel stated that the administration wished, by the annotation, to show that it would interpret the policy to protect against discrimination on the basis of gender identity and expression, but that under our governance structure, it lacks the authority to amend the policy statement itself, which only the board can do. In response to a follow-up question as to whether the administration supported a policy change, President Fogel answered affirmatively. In response to an inquiry about data, Annie Stevens explained that because there until now there has been no formal policy protecting transgender people, there has been no mechanism for reporting bias incidents and therefore the Diversity Committee, March 14, 2005

numbers are not available. Peter Blackmer, Assistant to the Dean of Libraries, said that the formal policy sets the stage for what can be done in terms of education, retention and recruitment. Dot Brauer, Director of Lesbian, Gay, Bisexual, Transgender, Questioning and Ally Services, then spoke to underscore some of the difficulties encountered in obtaining reliable reports and statistics of this type of discrimination and harassment. Chair Little passed out a New York Times article to the committee entitled "A Quest for a Restroom That's Neither Men's Room Nor Women's Room." Two things on his list of further information to pursue are a briefing on the status of Vermont and federal law and a status report on the University's facilities with regard to this issue.

In closing out this segment of the meeting, Chair Little thanked the Committee members and representatives, the presenters and the other attendees for making the meeting positive and productive.

Other Business

The next special meeting of the Diversity Committee will be scheduled for the morning of April 18, 2005.

Adjournment

There being no further business, the meeting was adjourned at 12:00 Noon.

Respectfully submitted,

Thomas A. Little, Chair