

A photograph of a Gothic-style building, likely a university hall, with a large pink and blue flag in the foreground. The building features a large arched window with intricate tracery and a tall, ornate tower. The text "TRANS AT YLS" is overlaid in large white letters, with "A GUIDE FOR TRANS STUDENTS & ALLIES" in smaller white letters below it.

TRANS AT YLS

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TRANS AT YLS

A GUIDE FOR TRANS STUDENTS & ALLIES

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INTRODUCTION

Why We Created This Guide

This guide grew out of a desire to make Yale Law School (YLS) a more inclusive space for all of its students. In this guide, we focus on students whose experiences may vary from others along one axis of identity: gender variance. YLS students who are transgender (often shortened to “trans”) and gender nonconforming learn the ropes of classes, clinics, clerkships, and careers alongside their peers—while also navigating how being gender nonconforming or trans influences each of these aspects of one’s law school career and beyond. Until now, information on how being trans or gender nonconforming influenced these challenges was patchy and available only by word of mouth within certain LGBTQ-supportive circles. Over time it became clear to OutLaws, Yale Law Women, and many staff, administrators, and faculty of YLS, that in order to provide support to trans and gender nonconforming YLS students, this information should be written down and shared.

This guide was created to help trans and gender nonconforming students in two ways:

1. Provide information to trans students on how to navigate life at YLS; and
2. Provide guidance to others at the law school—students, faculty, and staff—who wish to become more knowledgeable about trans issues and more supportive of their trans peers and students.

As the “Further Reading” section reveals, a wealth of literature and guidance exists on trans issues. However, this guide speaks specifically to the needs of the YLS community.

Why Should I Read This Guide If I’m Not Trans?

You can create a meaningful impact by approaching others with understanding. Universities are places to learn from peers with diverse experiences and perspectives. For many people, however, talking and thinking about their interactions with gender nonconforming or trans people is uncharted territory. This guide provides a starting place for those discussions.

It is likely that you have a friend, student, classmate, or clinic client who is trans. In a recent survey, two percent of the YLS student body checked a gender marker other than “male” or “female.” There have been trans and gender nonconforming students in each YLS class year in recent years. Beyond our school walls, there are also trans people with whom we may interact as colleagues, friends, family, or as fellow citizens affected by the law. A 2016 report from the Williams Institute

estimated there to be 1.4 million transgender individuals in the United States.¹ Though trans and gender nonconforming people have always existed—under different labels and circumstances—recent years have seen a greater awareness and understanding of such individuals.

For example, in 2014, Facebook unveiled options for its users to select genders other than “female,” “male,” or no answer. A trans Facebook employee explained the importance of the change: “There’s going to be a lot of people for whom this is going to mean nothing, but for the few it does impact, it means the world.”²

How We Created This Guide

This guide was written by YLS students, for YLS students, faculty, staff, and administrators. Specifically, a cohort of OutLaws and Yale Law Women members spent the 2014-2015 academic year engaging in informational conversations with faculty, staff, administrators and students, as well as reviewing the literature on gender nonconformity. Therefore, while we gesture to the applicability of the lessons of this guide beyond this institution, we focused on constructing a guide that adheres to the quirks, practices, and structures of YLS.

This guide is not exhaustive in capturing the specificity and nuances of individual experiences, which include the intersection of gender with other facets of identity such as race, class, sexuality, and religion. We offer this guide as a starting point for conversations and future work.

The guide was updated in August 2018, and we welcome ongoing feedback to improve this resource. Please send any comments or questions to the current board members of OutLaws and Yale Law Women.

How We Organized This Guide

This guide proceeds in two major parts: first, a section for trans and gender nonconforming students, and second, a section for others in the YLS community who wish to become stronger “allies” to these students. We intentionally organized this guide so that those who are not trans may also read about the strategies that trans students often must adopt to navigate life at YLS.

FOR TRANS AND GENDER NONCONFORMING STUDENTS

¹ Jan Hoffman, *Estimate of U.S. Transgender Population Doubles to 1.4 Million Adults*, N.Y. TIMES, June 30, 2016, <http://www.nytimes.com/2016/07/01/health/transgender-population.html>.

² Russell Goldman, *Here’s a List of 58 Gender Options for Facebook Users*, ABC NEWS, Feb. 13, 2014, <http://abcnews.go.com/blogs/headlines/2014/02/heres-a-list-of-58-gender-options-for-facebook-users>.

A Note

We know that this guide contains a lot of information. Navigating YLS as a trans or gender nonconforming person can be challenging; ensuring that the school respects and accommodates your gender identity requires you to put time and effort into administrative processes that are routine for many other students. Remember that you can always reach out to OutLaws or consult the other resources in this guide for support.

Preferred Names and Preferred Gender Pronouns at YLS

For many trans and gender nonconforming students, having our preferred names and gender pronouns respected is a simple matter of formal consistency; for others, it is a matter of privacy and dignity. This section describes the use of preferred and legal names and pronouns at YLS and outlines how you can indicate your preferred name and pronouns in various YLS settings.

Preferred Names

Where legal names are required: Any official or external-facing documents require legal names. These documents include *transcripts*, *official student records*, and *diplomas*. Currently, *student IDs* also bear legal names and not preferred names. Legal names also appear on any materials associated with *interlibrary loans* (this may be relevant information for student book-pulls for journal sourcecites). Because of their interactions with federal forms, you should also submit your *FAFSA* and apply for *COAP* (loan forgiveness) under your legal name.

Where preferred names can be used: Internal documents or records will list students' preferred first names. These documents include *student directories*, *class rosters*, and *Orientation materials*. The University also allows students to have two *email aliases*. Contact Yale Information Technology Services at helpdesk@yale.edu to request a separate email address with your preferred name. For financial aid, you may submit your *Need Access* application and apply for *SPIF* (summer public interest funding) under your preferred name if it is on file with the Financial Aid Office.

You can indicate your preferred name to YLS at the time of your application or after matriculation. Prospective law students have the option of indicating a preferred first name on their LSAC common application. Students may also change their preferred name after matriculating; the Registrar's Office asks students to confirm or correct their preferred first name each semester on their in-person registration form. Contact the Admissions Office (admissions.law@yale.edu) or the Registrar (registrar.law@yale.edu) to indicate your preferred name. The Office of Student Affairs (OSA) obtains preferred names for Orientation materials from the Admissions Office, but you can also contact the OSA directly to indicate your preferred name (law.studentaffairs@yale.edu).

Preferred Gender Pronouns

Unfortunately, there is currently no official way to list your preferred gender pronoun (PGP) with YLS. The LSAC's common application does not ask about PGPs, and the University's central student

information system pulls information directly from LSAC to populate its records on incoming students. This database is currently only gender binary. For most purposes at YLS, gender information about students is not disseminated. One exception is that students' legal sex will be indicated on the rosters given to professors to accommodate some professors' practice of calling students "Mr." or "Ms." The section below on Navigating Relationships with Faculty provides some ideas on how to speak with faculty about your PGPs. Additionally, all the administrative offices at YLS are happy to accommodate students' PGPs whenever possible, as long as the student makes the preference known to the office. For more information about the different offices, please continue to the next section.

Navigating Administrative Offices

Admissions Office

- **Why it's important:** The Admissions Office is the first office to have contact with you as a student. The information you submit with your matriculation form will be sent to a university-wide student information database. Although this database is currently gender binary, the database provides an avenue for communicating information about your preferred name and getting connected with OutLaws.
- **What to do:** Most of the information about incoming students actually comes to the Admissions Office by way of LSAC. **As of June 2018, LSAC now offers applicants 12 different gender identity options to choose from.** However, Yale's informational system, still does not allow for non-binary gender identification or the dissemination of PGPs, so here are tips for communicating other information through the system. Through LSAC and the Admissions Office, you can:
 - In addition to marking your gender identity through the LSAC website, as a prospective applicant, you can further identify yourself through an optional checkbox for LGBT status in LSAC's Candidate Referral Service (CRS). If you do this, the Admissions Office can send your contact information to OutLaws, the LGBTQ student group at YLS, as part of its targeted outreach to prospective, LGBTQ-identified applicants.
 - Clarify your preferred name on your application to YLS (this is your first, but not only, opportunity to indicate your preferred name).
 - If you identify yourself as gender nonconforming or trans through one of your admissions essays or indicate an interest in OutLaws in the post-admission follow-up survey, the Admissions Office will send your contact information to OutLaws after you are offered admission.

Registrar's Office

- **Why it's important:** The Registrar's Office maintains and disseminates all student records; thus, it is critical to ensure that the Office is aware of your preferred name and PGPs and uses them wherever possible (currently, only in internal records).
- **What to do:**
 - Update your preferred name during in-person registration at the start of each semester or email the Registrar's Office (registrar.law@yale.edu) to inform them of your preferred name.
 - Although the Registrar's computer software currently does not have the functionality to record a person's PGPs, consider emailing the Registrar's Office to indicate your desire for future software with this functionality.³
 - Students who wish to have their preferred names displayed on their diploma, instead of their legal name, should contact the Registrar (registrar.law@yale.edu).
 - To change your name on your diploma after it has been issued, you must provide legal documentation (e.g., court order or new social security card). Name changes must be completed in one's state of residency. As with all new diploma issuances, an updated diploma requires a fee and will indicate your previous legal name on the back of the new diploma.

"In preparing the *Trans at YLS Guide*, the committee has done an outstanding service to the entire community by giving us sensible and sensitive suggestions to make our environment both welcoming and inclusive." – *Judith Calvert, Assistant Dean and Registrar*

"The Financial Aid Office maintains an open door policy where students are highly encouraged to share in confidence any concerns or challenges that are having an economic or financial impact on their lives. We have to award aid within the constraints of federal regulations but can often make professional judgments based on individual circumstances. But the most important thing is simply to come in and talk to us so that we can see what we can do to help you."
– *Jill Stone, former Director of Financial Aid*

Financial Aid Office

- **Why it's important:** The Financial Aid Office runs institutional YLS programs like COAP (loan forgiveness) and SPIF (summer public interest funding) and coordinates with federal financial aid programs. The Financial Aid Office honors preferred names whenever

³ Enabling the Registrar's Office to collect and disperse PGP information is surprisingly difficult. There are two options for addressing the software gap: 1) universities can ask software makers to incorporate a functionality of recording PGPs as a default or, 2) each university can patch the software. The latter option was recently successfully pursued at the University of Vermont, albeit with sustained effort and willing allocation of resources. Julie Scelfo, *A University Recognizes a Third Gender: Neutral*, N.Y. TIMES, Feb. 3, 2015, <http://www.nytimes.com/2015/02/08/education/edlife/a-university-recognizes-a-third-gender-neutral.html> ("[A]dding gender-neutral options to the University of Vermont's information system took nearly a decade of lobbying, the creation of a task force of students, faculty members and administrators, and six months and \$80,000 in staff time to create a software patch.").

possible, but is bound by federal regulations to honor only legal names for certain programs.

- **What to do:**
 - Email the Financial Aid Office (financialaid.law@yale.edu) to indicate that you prefer a name that is different from your legal name.
 - When applying to FAFSA, Financial Aid advises using a legal name since the government runs names through databases like the Social Security database and flags any mismatches. If you submit your FAFSA with a non-legal name, the Financial Aid Office can work with you to reconcile the issue, but often the only solution is for the aid applicant to resubmit the FAFSA with the legal name associated with social security number.
 - The Need Access financial aid application does not run any database searches, so you can use a preferred name directly on that application without delays as long as the Financial Aid Office is aware of your preferred name.
 - While COAP is a YLS institutional program, one of the requirements of receiving COAP payments is completion of a W-9 tax form with your legal name of record so as to be established as a “Yale Vendor.” If you legally change your name after graduating, just let the Financial Aid Office know, again via email.
 - If you have any additional questions about name changes, or financial challenges faced by LGBTQ students, you should email the Financial Aid Office at financialaid.law@yale.edu.

Career Development Office

- **Why it’s important:** CDO encourages you to talk through any questions you might have about your job search with their attorney counselors, including questions about being a trans or gender nonconforming lawyer. CDO often co-sponsors career programs with student organizations, including OutLaws, and welcomes the opportunity to organize events related to being trans or gender nonconforming in the workplace or serving trans and gender nonconforming clients.
- **What to do:**
 - Contact Tina Severson (christine.severson@yale.edu) to ensure your preferred name appears in the Career Management System (CMS), an online interface that YLS students use for many purposes, including bidding for employers during the Fall Interview Program (FIP). CMS provides FIP employers the names of students on their interview schedules and will send your legal name unless you have updated CMS to your preferred name.
 - You can also edit your profile on CMS to indicate your gender. The options are “F,” “M,” or “I do not identify as Male or Female.”
 - You are encouraged to provide your preferred name on resumes.
 - Email cdo.law@yale.edu or stop by to set up an appointment.

“We in CDO look forward to working with trans students to discuss career aspirations and the nuances of navigating the job search process as a trans individual.” – Kelly J. Voight, Assistant Dean, CDO

- Learn about employer diversity initiatives by reading CDO's Assessing Law Firms advice, particularly the section on diversity efforts. Other useful resources include National Association for Law Placement (NALP)'s Diversity & Inclusion Section.⁴

Office of Student Affairs

- **Why it's important:** OSA provides support to all students, and is actively seeking ways to better support trans and gender nonconforming students. OSA organizes Orientation and the Dean's Advisor (DA) program, programs that both welcome and introduce new students to YLS. In addition, OSA provides financial and organizational support to OutLaws and can serve as a resource in planning events that highlight trans rights issues or support trans and gender nonconforming students.
- **What to do:**
 - New students should contact OSA to inform the office of your preferred name and pronouns. The OSA will be contacting your Dean's Advisors, who will assist you with Orientation, with your name by mid to late June. You may, however, update the OSA anytime before August 1 of your matriculation to ensure your Orientation materials will use your preferred name.
 - If you have questions or are seeking support, email Dean of Students Ellen Cosgrove (ellen.cosgrove@yale.edu), Director of Student Affairs Sachi Sugimoto Rodgers (sachiko.sugimoto@yale.edu), or any other staff members at the Office of Student Affairs.
 - Reach out to OutLaws to express your interest in planning an event, starting an initiative, or getting involved in any other way.

"I want to thank OutLaws and Yale Law Women for this excellent guide. I am excited to work with the members of Office of Student Affairs to support members of the trans community at YLS on an individual basis by assisting students in navigating personal, academic and administrative challenges and by facilitating access to resources inside and outside of the Law School. I look forward to collaborating with students, faculty, and administrators to advocate for, and implement, systemic changes to address the evolving needs of the trans community, and will support programming to educate members of the community on these important issues. I welcome members of the community to contact me directly or speak with members of the OSA team to let us know how we can help."
– Ellen Cosgrove, Dean of Students

Navigating Relationships with Faculty

⁴ *Diversity & Inclusion Section*, NAT'L ASS'N FOR LAW PLACEMENT, <http://www.nalp.org/diversitysection> (last visited Aug. 6, 2015).

We consulted several highly supportive professors in researching and developing this guide. Many faculty members are happy to talk through issues you may be facing in the classroom as a trans or gender nonconforming student and are open to having conversations with students regarding the use of appropriate PGPs and creating a safe and inclusive classroom environment. Consider scheduling an office hours appointment or sending an email to your professors prior to the start of your courses about your PGPs, honorifics, and other ways they can make your law school experience more inclusive.

As discussed above, some professors follow a practice of referring to students as “Mr.” or “Ms.” If your PGPs differ from those listed on their roster, it often works best to speak privately with the professor to clarify your PGPs. Some gender nonconforming students have resolved the issue by asking the professor to refer to them simply by their last name, without an honorific. Others use “Mx.” as an honorific (pronounced “mix” or “mux”). OutLaws board members are happy to guide you through this process. You can also reach out to the Dean of Students, Ellen Cosgrove (ellen.cosgrove@yale.edu), to support you in these conversations.

Gender Neutral Restrooms at YLS

There are a handful of single-occupancy, gender-neutral restrooms in the law school buildings.

For Students, Faculty, and Staff

Near the dining hall (031A): From the main entrance on Wall St., walk down the main hallway toward the Grove St. entrance. When you have almost reached the end of the hallway, take a left toward the dining hall, then a right down the stairs (there should be a sign that says “Restrooms”). The gender-neutral restroom is on your right, across from the gendered restrooms.

Additionally, in 2015-2017, a group of students campaigned the school and local officials to create more gender-neutral restrooms in this area (see Advocacy Efforts below). These students were successful, and there are plans in place for all the bathrooms in this area to be converted to gender neutral bathrooms. However, as of August 2018, construction is delayed due to unforeseen circumstances. Completion of this project is expected before 2019.

On the fourth floor (L4) of the library (419 and 420): From the main entrance on Wall St., walk down the main hallway and take the center stairs to the third floor (L3) entrance to the library. Inside the library, take a left toward the elevators; take the elevator to the fourth floor (L4). When you exit the elevator, take a left and walk to the end of the hall. The restrooms are on your right.

On the lower level (L1/Upper East Side) of the library (A100): From the main entrance on Wall St., walk down the main hallway and take the center stairs to the third floor (L3) entrance to the library. Inside the library, take a left toward the elevators; take the elevator to L1. Exit the elevator and walk straight ahead, then take a left, a quick right, and walk straight ahead. At the end of the short hallway, on your left, is the restroom—if you pass the fish tank, you’ve gone too far.

Near the *Yale Law Journal* offices (439): From the main entrance on Wall St., walk down the main hallway toward the Grove St. entrance. When you’ve almost reached the end of the hallway, take a left toward the dining hall. You will find an elevator to your right just before the dining hall. Take the elevator to the fourth floor. Exit the elevator, take a left and another left. The restroom is halfway down the hall on your right.

Baker Hall (40 Ashmun Street): A gender-neutral restroom is located in Room 124C, which is in the Office of LGBTQ Resources.

For Faculty and Staff Only

Ruttenberg (M74): The easiest way to find this bathroom is by entering the school through the Ruttenberg Hall (133 Wall St.) entrance. Take the stairway up one flight of stairs; the bathroom is straight ahead and slightly to your left.

Ruttenberg (274): The easiest way to find this bathroom is by entering the school through the Ruttenberg Hall (133 Wall St.) entrance. Take the stairway up two flights of stairs; the bathroom is straight ahead and slightly to your left.

Advocacy Efforts

In 2015-16, a group of YLS students formed the Gender-Neutral Bathrooms Advocacy Committee (GNBAC) to work with administrators on making more bathrooms in the law school gender-neutral. After engaging with numerous student groups, GNBAC published an open letter in support of making the single-user bathrooms scattered around the law school, as well as the multi-user bathrooms on the second floor, gender-neutral. The letter was signed by approximately 25 student groups, more than 300 individual students, and about 30 faculty members. The GNBAC continued to solicit students’ views in a process that included office hours and culminated in a town hall conversation in the student lounge. As a result, the GNBAC committed to making gender-neutral bathrooms a reality at the law school, consistent with students’ demands and expectations.

The GNBAC met with several school officials, including Deans Post, Thompson, and Cosgrove, who have all been supportive of the initiative. Because converting the existing gender-segregated restrooms to gender-neutral restrooms would place the school out of compliance with Connecticut’s plumbing code, the GNBAC worked to obtain a waiver of those requirements from the City of New Haven. Recently, the GNBAC has also reached an agreement regarding

gender-neutral bathrooms with the school's unionized staff, who have agreed to support the waiver application. The GNBAC was granted a waiver and have successfully negotiated with the school to construct gender neutral bathrooms below the dining hall area. Completed bathrooms are currently delayed but are expected in 2019.

If you would like to learn more about this campaign, contact student leader Elise Wander (elise.wander@yale.edu).

University-wide Resources

Navigating Yale's Health Care System

According to the most updated Yale Health Student Handbook, counseling, hormone therapy, surgical procedures, and all other medically necessary services for gender-confirming surgery are covered by Yale Health Insurance, thanks at least in part to the advocacy efforts of previous students. The Health Center has specific eligibility guidelines that are “based upon widely accepted professional standards” as applied to drug therapy and surgical procedures.⁵ In order to obtain the guidelines, students can either request a copy from the Yale Health Care Management Department or from a primary care physician at Yale Health.⁶ Yale Health will follow the standard of care for transgender health and gender-confirming surgery as defined by the World Professional Association for Transgender Health.⁷

A University spokesman recently explained to the *Yale Daily News* that: “Each [gender-confirming surgery] case will be approved on an individual basis, but Yale Health will use commonly accepted guidelines, which generally require a mental health assessment and a period of hormonal therapy and/or living in the desired gender role.”⁸

In order to address any health-related inquiries personally, Yale Health recommends consulting with your primary care physician. For benefits-related inquiries, you should contact Yale Health Insurance at (203) 432-0246.

⁵ According to the 2016-2017 Yale Health Student Handbook:

Medically necessary services for sex reassignment surgery, including counseling, hormone therapy and specific surgical procedures are covered. Specific eligibility guidelines, based on widely accepted professional standards, apply to eligibility for drug therapy and surgical procedures. Copies of the guidelines employed by Yale Health as well as a list of covered surgical procedures are available upon request from the Care Management Department or your primary care clinician.

Yale Health Student Handbook 2016-2017, YALE HEALTH 22 (2016), <http://yalehealth.yale.edu/understand-your-coverage>.

⁶ *Id.*

⁷ *Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ)—Frequently Asked Benefits Questions*, YALE U., <http://www.yale.edu/hronline/benefits/LGBTQ-benefits-faq.html> (last updated Dec. 14, 2011); WORLD PROFESSIONAL ASS'N FOR TRANSGENDER HEALTH, <http://www.wpath.org> (last visited Aug. 6, 2015).

⁸ Cynthia Hua, *Yale Health Extends Sex-Reassignment Coverage to Students*, YALE DAILY NEWS, Apr. 26, 2013, <http://yaledailynews.com/blog/2013/04/26/yale-health-extends-sex-reassignment>.

Yale University Office of LGBTQ Resources

The Yale University Office of LGBTQ Resources (lgbtq.yale.edu/resources/transyale) provides a variety of forms of student support. The Office sponsors events including a Trans Week every November and hosts a weekly meeting for gender nonconforming and trans students. The Office also offers individualized workshops and trainings, as well as individual support and advocacy. In August 2017, the Office of LGBTQ Resources opened a new center where most of the programming and offices are now housed, in addition to a lounge area space for students. The Center is located at 135 Prospect St, just several blocks from the Law School. For more information, contact the Director of the Office of LGBTQ Resources, Maria Trumpler (maria.trumpler@yale.edu).

Title IX

Title IX of the Education Amendments of 1972,⁹ a federal civil rights law that prohibits discrimination on the basis of sex in federally funded education programs and activities, covers transgender identity.¹⁰ A Yale University webpage explains:

Title IX of the Education Amendments of 1972 protects people from sex discrimination in educational programs and activities at institutions that receive federal financial assistance. Questions regarding Title IX may be referred to the University's Title IX Coordinator, Stephanie Spangler, at 203.432.4446 or at titleix@yale.edu, or to the U.S. Department of Education, Office for Civil Rights, 8th Floor, Five Post Office Square, Boston, MA 02109-3921. Telephone: 617.289.0111, Fax: 617.289.0150, TDD: 800.877.8339, or Email: ocr.boston@ed.gov.¹¹

We hope that trans and gender nonconforming students find this guide a helpful resource. Please don't hesitate to reach out to OutLaws or Yale Law Women board members if you have any questions or suggestions about how this resource could be improved.

Yale Law School now has its own Title IX Working Group, lead and facilitated by students, to work on Title IX Advocacy efforts. These individuals can also serve as a resource for more information.

⁹ 20 U.S.C. § 1681 (2012).

¹⁰ *Questions and Answers on Title IX and Sexual Violence*, U.S. DEP'T EDU. (Apr. 29, 2014), <http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf> at 5 ("Title IX protects all students at recipient institutions from sex discrimination, including sexual violence. Any student can experience sexual violence: from elementary to professional school students; male and female students; straight, gay, lesbian, bisexual and transgender students; part-time and full-time students; students with and without disabilities; and students of different races and national origins."); see also *Questions and Answers on Title IX and Single-Sex Elementary and Secondary Classes and Extracurricular Activities*, U.S. DEP'T EDU. (Dec. 1, 2014), <https://timedotcom.files.wordpress.com/2014/12/faqs-title-ix-single-sex-201412.pdf> at 25 ("All students, including transgender students and students who do not conform to sex stereotypes, are protected from sex-based discrimination under Title IX. Under Title IX, a recipient generally must treat transgender students consistent with their gender identity in all aspects of the planning, implementation, enrollment, operation, and evaluation of single-sex classes.").

¹¹ *Sexual Misconduct Response*, YALE U. (2015), <http://smr.yale.edu>.

Additional Resources

If you would like to learn more about anything Trans @ YLS or resources generally, feel free to contact student leaders Owen Monkmeier (owen.monkmeier@yale.edu), Samantha Peltz (sam.peltz@yale.edu), or Outlaws' Board Co- President, Hannah Hussey (hannah.hussey@yale.edu).

FOR ALLIES

Starting Off: Some Helpful Vocabulary

Many people support creating an inclusive, welcoming environment at YLS and wonder what they can do as allies of trans and gender nonconforming students. First, it helps to know some relevant vocabulary and how to use this vocabulary in conversation with others.¹²

Some trans people experience the affirmation of their preferred name and pronouns as a matter of dignity and self-determination, a message that others respect one's chosen identity, which may have been claimed at great potential cost. Other trans people experience this affirmation as an issue of privacy. For example, sharing a person's legal name without their permission takes from them control and privacy. For many, being trans can invite misunderstanding, stigma, and violence. Without knowing any particular trans person's situation, an approach that seeks to understand and respect people's representation of themselves contributes to a culture of support and acceptance.

The Basics: Sex, Gender, and Sexual Orientation

People often couple gender and sexuality together, believing that one can be inferred from the other. Sex, gender identity, gender expression, and sexual orientation are actually unique aspects of each individual's identity. Lesbian, gay, and bisexual people may identify with their assigned gender (i.e., man or woman) or they may identify as gender nonconforming or trans. Transgender people may identify as straight, gay, bisexual, or so forth (e.g., a gay transgender man is someone who presents as a man and dates other men).

Sex: The classification of people as male or female. At birth, infants are assigned a sex, usually based on the appearance of their external anatomy. This sex is written on their birth certificate. A person can change their legal sex, which shows up on their driver's license and passport; states vary on the required psychiatric and medical documentation for changing one's legal sex.¹³

Gender identity: A person's internal conceptualization of gender. Some identify as women, some as men, some as a combination of both, some as neither. Some individuals have complex identities that may be fluid and change over time.

¹² These definitions are largely derived from *Media Reference Guide—Transgender Issues*, GLAAD (2015), <http://www.glaad.org/reference/transgender>.

¹³ See, e.g., *Changing Birth Certificate Sex Designations: State-By-State Guidelines*, LAMBDA LEGAL, Feb. 3, 2015, www.lambdalegal.org/know-your-rights/transgender/changing-birth-certificate-sex-designations (providing information on the fifty-state requirements and fees for changing one's sex designation in legal documents).

Gender expression: The way a person presents their gender identity to the world, including through clothing, hair, voice, and mannerisms.

Sexual orientation: A person's physical, emotional, or romantic attraction to others. Sexual orientation is different than gender identity or gender expression, so trans and gender nonconforming people can be gay, straight, bisexual, etc.

Terms of Identity

The following section lays out some common terms trans and gender nonconforming individuals may use to self-identify. The list is definitely not exhaustive. In using these terms, please remember that a person's gender identity and expression are their own. If possible, wait for others to share how they identify, or ask them privately.

Transgender: An adjective describing people whose gender identity or gender expression differs from what is typically associated with the sex they were assigned at birth. "Transgender" is the general preferred term over "transsexual," which has a medicalized connotation. "Transgender" is often shortened to "trans" (e.g., "YLS has some openly trans students.").

Transgender man: People who were assigned female at birth but identify and live as men may use this term to describe themselves. They may shorten the phrase to "trans man." Some may also use FTM, an abbreviation for female-to-male. Some may prefer to simply be called *men*, without any modifier. It is best to ask which term an individual prefers.

Transgender woman: People who were assigned male at birth but identify and live as women may use this term to describe themselves. They may shorten it to "trans woman." Some may also use MTF, an abbreviation for male-to-female. Some may prefer to simply be called *women*, without any modifier. It is best to ask which term an individual prefers.

Gender nonconforming: A term for people whose gender identity and/or gender expression is different from conventional expectations of masculinity and femininity. Please note that not all gender nonconforming people identify as transgender; nor are all transgender people gender nonconforming. Some people also identify as **genderqueer or gender non-binary**, which means they experience their gender identity and/or gender expression as falling outside the categories of man and woman.

Other Important Terms

Social and medical transition: Some trans people undergo a social transition where they ask for social recognition of their identity as trans or gender nonconforming, without medical transition. For instance, social transition may consist of changing one's appearance and mannerisms, and asking people to call one by a different name and preferred gender pronouns. Medical transition may consist of gender-confirming surgeries (colloquially

referred to as “sex reassignment surgery,” “top surgery,” or “bottom surgery”) or hormones (i.e., testosterone for trans men or estrogen for trans women). Transition can also be legal, as in changing one’s name and sex on legal documents.

Preferred gender pronouns (PGPs): The set of pronouns that a person prefers others to use when talking about that person. For example: “My preferred gender pronouns are she, her, hers.”

Tips for Talking About Gender and Interacting with Trans and Gender Nonconforming People¹⁴

When interacting with trans and gender nonconforming colleagues, perhaps the most important thing to keep in mind is simply to respect your peer’s identity as they have defined it. This may translate to calling people by their preferred names and their preferred gender pronouns (PGPs). The sections below provide more detailed tips on preferred names and PGPs.

It’s best to withhold assumptions about a person’s gender or sexuality until the individual has self-identified. If in doubt, ask a person for their preferred gender pronouns. When it comes to sexual orientation, consider using gender-neutral terms like “significant other” or “partner” instead of gendered terms that would bring assumptions of a person’s sexuality into the conversation. If you’re unsure about someone’s preferred gender pronouns, ask them in a respectful manner. These conversations are best had in person and privately. If it’s not possible to ask, refer to people by their names in a conversation. If you accidentally refer to someone by the wrong name or pronoun, it’s best just to use the preferred name and pronoun at the next opportunity. If you feel the need to apologize, you can do so briefly.

Asking About Preferred Gender Pronouns

We have included an expanded discussion of preferred gender pronouns (PGPs) here because knowing and using someone’s PGPs is perhaps the most common point of interaction between trans students and other members of the law school community. For many trans students, having their preferred names and preferred gender pronouns respected is a simple matter of formal consistency; for others, this is a matter of privacy and dignity.

One of the simplest and most important signs of respect you can show a transgender or gender nonconforming person is to consistently refer to them by their preferred pronoun. If you’ve just met them, you could volunteer your own PGPs as part of an introduction. For instance: “Hi, I’m Alex. I go by he/him/his.” This introduction sends the message that you’re a potential ally to trans students and provides an opportunity for the other person to reciprocate. If possible, ask someone

¹⁴ These tips were derived in part from resources available from the Sylvia Rivera Law Project and GLAAD. *Fact Sheet: Transgender & Gender Nonconforming Youth In School*, SYLVIA RIVERA L. PROJECT (2015), <http://srp.org/resources/fact-sheet-transgender-gender-nonconforming-youth-school>; GLAAD, *supra* note 13.

about their PGPs in a one-on-one setting. An aside as you're walking from class or even in a short email would work. For instance: "Hey! I just wanted to be sure I'm using your preferred gender pronouns. What are they? Mine are she/her/hers. Thanks."

If you have limited experience questioning or adjusting to preferred gender pronouns, you may feel awkward or uncomfortable beginning this conversation. While it might feel natural to couch your question as an apology (e.g., "I'm sorry if this question offends you, but . . ."), just ask simply and directly. Apologizing can send the message that being transgender or gender nonconforming is something with which non-trans people don't want to be associated.

Similarly, if you are asked about your preferred gender pronouns, don't feel offended. Instead of questioning why you've been asked, just answer the question. This helps create an atmosphere in which it is normal to ask someone about their PGPs, which supports your trans and gender-nonconforming classmates.

Respecting Preferred Gender Pronouns

Once you've asked someone about their preferred gender pronouns (PGPs), respect the answer they provide you. Some people will use standard pronouns (she/her/hers or he/him/his), others will use gender neutral pronouns, such as they/them/theirs—as in, "Jamie told me in class that they will attend the event." And some will simply use their name instead of pronouns. For instance: "Al went to Al's locker."

You should always refer to a person by their preferred PGPs once you're aware of them. If you accidentally refer to someone by the wrong name or pronoun, it's best just to use the preferred name and pronoun at the next opportunity. As noted above, a quick, sincere apology would be fine; emphasizing the apology can center the exchange on the speaker's sense of embarrassment rather than moving forward with the interaction. Set examples for others by consistently using the person's PGPs—if they've asked you to refer to them using certain PGPs, you won't be outing them by referring to them by their PGPs in front of others.

Although having an in-person conversation is the best and most respectful way of inquiring about PGPs, faculty, administrators, and student groups can play a role in respecting preferred gender pronouns. Student groups who send out sign-up sheets for incoming 1Ls may want to add a column for PGPs alongside name and email address. Additional tips for faculty and administrators are included below.

Talking About a Person's Gender History

When referring to someone's sex at birth, consider using the phrases "assigned sex" or "assigned at birth." For instance: "Jess was assigned male at birth and she identifies as a trans woman."

Always use the person's current preferred pronouns, even when referring to events prior to the person openly identifying as trans. For instance: "She grew up in Montana and did not see other

trans people until she went to college, where she realized that she was a trans woman.” And not: “He grew up in Montana and . . . realized he was a trans woman.”

It’s best to avoid asking or sharing what a person’s legal or given name is, since to many trans people this inquiry can feel like an intrusion of privacy and a mitigation of their autonomy to define how the world interacts with them and their personal history. If someone indicates a shift in their preferred pronouns or name, respect this change and do not ask about whether they are transitioning medically or pose other questions out of curiosity.

Never “out” a trans person if they have discussed their identity with you in confidence. Many trans and gender nonconforming people are happy to discuss their identities openly, but other trans people do not wish to disclose their trans identities, for a variety of reasons. For example, they may identify as a man or woman without the modifier of “trans,” or may consider their trans status to be private information, or may have legitimate fears about the repercussions of being openly trans, or might have another reason not to disclose their trans identity widely.

Tips for Faculty and Administrators

- Many professors begin the semester by asking students to fill out a personal questionnaire. It can be helpful to include a space for students to identify their preferred gender pronouns.
- When writing to students, consider using gender-neutral terms in class correspondence (e.g., everyone, folks, colleagues, or team), instead of gendered ones (e.g., ladies and gentlemen).
- Consider calling students by their first names or first and last names, instead of by “Mr.” and “Ms.”
- Consider including on your syllabus and mentioning on the first day of class your receptivity to having conversations about preferred gender pronouns (e.g., “Please feel free to let me know what your preferred gender pronouns are.”).
- If you are uncertain about a student’s preferred gender pronouns or believe you have used incorrect pronouns, consider speaking to the student privately or sending an email to the student that simply and directly says, “I apologize if I have not used your preferred gender pronouns, but I will try to do so from now on if you let me know what they are.” A simple and quick acknowledgement like this from a faculty member generally suffices to rebut the general presumption that a faculty member may be closed to the idea of respecting a student’s preferred pronouns.
- Display a PRIDE sticker (which OutLaws can provide) in your office to foster a supportive and safe environment.
- Incorporate trans or gender nonconforming individuals into hypotheticals, exam questions, or course materials.

- For clinical faculty, acknowledge issues of gender identity in discussions or trainings on working with clients.
- For administrators, consider creating opportunities for students to indicate their preferred gender pronouns on institutional forms.

Further Reading

FAQs

GLAAD

Tips for Allies of Transgender People

<http://www.glaad.org/transgender/allies>

Autostraddle

Annika and Sebastian Answer Your Trans* Questions (Parts One, Two, and Three)

<http://www.autostraddle.com/annika-and-sebastian-answer-your-trans-questions-part-one-92353>

Autobiography, Literature, and Collections

JANET MOCK, *REDEFINING REALNESS: MY PATH TO WOMANHOOD, IDENTITY, LOVE & SO MUCH MORE* (2014).

MANNING UP: *TRANSSEXUAL MEN ON FINDING BROTHERHOOD, FAMILY AND THEMSELVES* (Mitch Kellaway & Zander Keid eds., 2014).

JULIA SERANO, *WHIPPING GIRL: A TRANSSEXUAL WOMAN ON SEXISM AND THE SCAPEGOATING OF FEMININITY* (2007).

LESLIE FEINBERG, *STONE BUTCH BLUES: A NOVEL* (1993).