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TO: The College Presidents
The Deans of the Professional Schools

FROM: Pamela S. Silverblatt
Interim General Counsel and Senior Vice Chancellor for Legal Affairs
Senior Vice Chancellor for Labor Relations

DATE: February 19, 2019

SUBJECT: Reminder Regarding State and Local Laws Prohibiting Discrimination Based on Gender Identity and Gender Expression

This memorandum is to inform you that New York State recently passed the Gender Expression Non-Discrimination Act, known as GENDA, and to remind you of previous guidance issued in this area. GENDA prohibits discrimination in employment, education, housing, public accommodation, and other areas against individuals based on their gender identity or expression. Gender identity or expression is defined as “a person’s actual or perceived gender-related identity, appearance, behavior, expression, or other gender-related characteristic regardless of the sex assigned to that person at birth, including, but not limited to, the status of being transgender.” In addition, the New York City Commission on Human Rights recently approved a new city Rule to enforce Local Law 38 of 2018, which amended the City’s Human Rights Law to prohibit discrimination against individuals based on their actual or perceived sex, gender identity, and gender expression.

CUNY has been in compliance with local laws and State regulations prohibiting discrimination and harassment based on gender identity and expression since 2002, when the City Human Rights Law first prohibited such discrimination. For example, CUNY policy provides that single-occupancy and single-sex restrooms, locker rooms and other facilities be available to all individuals consistent with their gender identity. CUNY policy also provides that students and employees be permitted to use a preferred first and middle name on all non-official records, including in their CUNY email addresses, without the need to provide any documentation. Students and employees are also permitted to change their gender in CUNY records without documentation.

More information regarding CUNY’s compliance with applicable law and regulations can be found on the Office of Legal Affairs website. Specifically, useful resources include CUNY’s Equal Opportunity and Non-Discrimination Policy which can be found at <http://www2.cuny.edu/about/administration/offices/legal-affairs/policies-procedures/equal-opportunity-and-non-discrimination-policy/>; the Memo on Student and Employee Requests for Name and Gender Changes, which can be found at <http://www2.cuny.edu/wp-content/uploads/sites/4/page-assets/about/administration/offices/legal-affairs/policies-procedures/Student-and-Employee-Requests-for-Name-and-Gender-Changes-Memo.pdf>, along with

the Gender Change (<http://www2.cuny.edu/wp-content/uploads/sites/4/page-assets/about/administration/offices/legal-affairs/policies-procedures/Gender-Change-Request-Form.pdf>) and Preferred Name Request Forms (<http://www2.cuny.edu/wp-content/uploads/sites/4/page-assets/about/administration/offices/legal-affairs/policies-procedures/Preferred-Name-Request-Form-3.pdf>); and the Office of Legal Affairs' 2017 statement to the CUNY community on Protecting the Rights of Transgender and Gender-Nonconforming Students, which can be found at <http://www1.cuny.edu/mu/forum/2017/02/24/protecting-the-rights-of-transgender-and-gender-nonconforming-students/>. In addition, CUNY's Gender Identity Working Group has worked on these issues and will help with further implementation as necessary to ensure that CUNY is a safe and inclusive community for all.

More legal guidance on New York City law and rules on gender identity/gender expression can be found at this link: <https://www1.nyc.gov/site/cchr/law/legal-guidances-gender-identity-expression.page>. There is also a useful basic information card on gender identity and expression published by the City in multiple languages available here: https://www1.nyc.gov/assets/cchr/downloads/pdf/publications/GenderID_Card2015.pdf. A brochure from the New York State Division of Human Rights explaining protections against gender identity discrimination under the NYS Human Rights Law can be found here: <https://dhr.ny.gov/sites/default/files/pdf/DHR-gender-identity-brochure.pdf>.

If you have any specific questions on the requirements of the laws and regulations surrounding gender identity and expression, please contact University Executive Chief Litigation Counsel Hilary Klein at hilary.klein@cuny.edu or Associate General Counsel Joan Margiotta at joan.margiotta@cuny.edu.

Thank you for your attention to this matter.

- c: Vita C. Rabinowitz, Interim Chancellor
- Margaret Egan, Interim Vice Chancellor, Human Resources Management and Director of Strategic Initiatives
- Christopher Rosa, Interim Vice Chancellor for Student Affairs
- Chancellor's Cabinet
- Registrars
- Human Resources Directors
- Chief Student Affairs Officers
- Legal Affairs Designees
- Chief Diversity Officers
- Public Safety Directors
- Title IX Coordinators
- Labor Designees