

Minutes of the Senate Anti-Discriminatory Policies Committee
7 February 2011
826 Cathedral of Learning

In Attendance: Mark Lynn Anderson, Deborah Brake (Chair), Shawn Brooks, Paula Davis, Jane Feuer, Andrew Franz, Halim Genus, Rebecca Harmon, Randy Juhl, Emilia Lombardi, Carol Mohamed, Vijai Singh, and Steve Zupcic.

Absent Elected Members: Paolo Palmieri, Cindy Popovich, and Roy Smith.

Excused member: Bruce Venarde.

Deborah Brake called the meeting to order at 11:05 AM.

Review of the minutes

Rebecca Harmon reported that the minutes of the December meeting of the ADPC would soon be circulated to committee members for approval at a future meeting.

Continuing business: healthcare exclusions

Brake discussed the report on the work of the ADPC that she delivered to the Faculty Senate on 25 January, a report that included our concerns about the current exclusion of transsexual surgeries and related procedures from coverage under the University's health plan. Brake reported that the Senate President had several questions about the exclusion, and had directed the working group to go ahead with their inquiries and return in a couple of months with a report. Brake reported that the Benefits and Welfare Committee had met and that there had been two members from that committee selected for the working group on the healthcare exclusion. Brake reported that the Faculty Senate sought information on three broad issues related to the exclusion: 1) the differences between faculty/staff and student coverage; 2) the schools that currently offer the coverage and the extent of the coverage they offer; and 3) the cost feasibility for eliminating the exclusion. Andrew Franz volunteered to work with chair Brake as a member on the inter-committee working group looking into the exclusion. (Note: Cindy Popovich subsequently volunteered to also serve on this working group.)

Chair Brake also mentioned the on-going work of Allies Network, noting that there continues to be faculty inquires about training sessions. Shawn Brooks reported that the Office of Cross Cultural and the Leadership and Development/Student Affairs was in the process of establishing a date for the next training session, likely to be schedule for the end of March.

New business: new ideas for the work of the committee

Brake solicited ideas about new directions the work of the ADPC might take.

Rebecca Harmon commented that since the committee had devoted some time to issue of gender and pay equity, these topics should remain on the table. There was general agreement by the committee. Mention was made of a newly formed ad hoc committee that replaces and continues the work of the former Senate Ad Hoc Committee for the Promotion of Gender Equity. This new committee is now attached to the ADPC. Brake suggested that we should attend their meetings and she reminded the members of the ADPC that the Ad Hoc Committee for Gender Equity held open meetings where everyone was invited to attend. Franz asked if there had been a meeting of the ad hoc

committee this year. Brake and Harmon believed they had not yet met, with Harmon mentioning that the Ad Hoc Committee for Gender Equity typically sends out e-mails alerting us to upcoming meetings.

Mark Lynn Anderson suggested that the committee look into the question of public bathrooms on the University with an eye to determining if “third” bathrooms or unisex bathrooms were sufficiently provided in public buildings and campus residences. An important concern here is providing facilities for members of our transgender communities, transitioning individuals, and others who might not wish to be marked as belonging to a particular sex through having to choose only between restrooms that are designated “women” or “men.” Anderson reminded the committee that such an inquiry would fall in line with the committee’s interests in supporting “universal access” for University populations, particularly in terms of providing physical facilities designed for the convenient use of everyone. Harmon reported that this is an issue receiving increasing attention at colleges and universities, noting one recent instance of a transitioning student causing administrative concern at a community college.

Bathroom facilities for transitioning individuals and for members of the University’s trans communities

Carol Mohamed said that she has, on occasion, received a call in her office about appropriate bathrooms for transitioning individuals. She noted that there are some unisex bathrooms at the University, such as in the cafeteria at Towers. She also mentioned that a person is entitled to use whichever bathroom a health care provider has designated as appropriate for that person. Mohamed reported that there had been no unresolved or lingering problems on this issue for her office. Chair Brake asked if a list of unisex bathrooms existed? Mohamed did not know of any list, though she pointed out that Facilities might have been able to provide that sort of information.

Jane Feuer inquired whether self-identification was not sufficient for choosing one’s bathroom. Mohamed replied that there were, of course, security concerns attached to the issue, in particular the need to secure restrooms against individuals who might harbor ill intent. Steve Zupcic inquired about the permission from a “medical professional” and asked whether that included, say, a psychologist. Mohamed answered that “medical professional” is broadly defined and would, of course, include psychologists. She said that her office operates under the definitions of health care professionals as provided by the federal Family and Medical Leave Act. Feuer asked whether such permissions were kept on file, and Mohamed replied that they are not kept on file out of regard for the individual’s right to privacy. She said that permissions are only used as part of the process of making accommodation. Emilia Lombardi concurred with the rationale that there are certainly privacy and visibility issues that need to be considered.

Anderson mentioned again the importance of universal design as part of a gender-friendly environment. Zupcic and Feuer also mentioned the need for greater education initiatives and greater awareness with respect to transgender sensitivity. Vijay Singh suggested that it might be important to place unisex bathrooms at some distance from the more conventional men’s and women’s rooms so as to afford individuals privacy and protection from hostile scrutiny. Anderson suggested that the opposite might also be true in that the visible presence of a third bathroom can help create awareness as well as providing an easily assessable space where, say, a father may accompany his young daughter. Paula Davis noted that our hospitals often have two generic bathrooms in the

corridors, and Juhl noted the presence of single-user restrooms on the floors near the top of the Cathedral of Learning. Brake asked if we might seek out information about existing facilities and/or policies about new construction. Anderson volunteered to try and locate this information and report back.

“Gender” as an official identity category at the University

Steve Zupcic brought up the issue of the University’s paper forms that ask people to select a “gender,” and he asked how we might want to consider changing the way we require members of our community to identify. [NB. The University designates categories of biological sex, i.e., “male” and “female” as “gender” identity categories on its forms.] Brake and Mohamed both pointed to the importance on seeking and compiling information about University populations in terms of identity categories since that is an important means of evaluating fairness and, of course, of complying with federal requirements. Zupcic, Anderson, and others suggested not the elimination of “gender” as category of identification of University forms but its expansion to include more possibilities beyond “male” and “female.” Juhl pointed out that such forms that are used as records by the University were something over which we have control, and Brooks pointed to the increasing presence and visibility of transgender students in Rainbow Alliance. Zupcic mentioned a report issued by the Gay and Lesbian Task Force on the workplace and transgender issues. Lombardi and Feuer suggested that we should ask for the report.

Agendas for future meetings

At this point a decision was made to invite to the next ADPC meeting those students from Rainbow Alliance who might be willing to share their perspectives and concerns about the transgender communities at the University. Carol Mohamed suggested that student perspectives were highly useful, and she suggested that the committee might find it helpful to have a presentation by students associated with the Black Action Society. The committee agreed that we should invite these students to present at one of our meeting in the near future.

The committee then scheduled its next two meetings: Friday, 18 March, at 9:00 AM and Friday, April 8, at 9:00 AM, with locations for both meetings to be announced.

Franz mentioned that the AAUP (American Association of University Professors) was interested in working with ADPC on evaluating the University’s current policies on sexual harassment as well as those that describe the tenure process, policies that members of the AAUP found to somewhat “antiquated.” Mohamed asked whether the AAUP was looking at the most recent harassment policy. Franz was unsure, but thought they had evaluated the most recent versions of the policy. He said he would report back to the committee at a future date

The meeting was adjourned at 12:03 PM.

Submitted by Mark Lynn Anderson, 5 April 2011.

Revised and resubmitted by Mark Lynn Anderson, 13 May 2011.