



MEMORANDUM

TO: Campus Presidents

FROM: Deborah F. Stanley, Interim Chancellor

RE: SUNY Campus Chosen Name and Pronoun Policies

DATE: August 9, 2022

CC: Chief Academic Officers
Campus Chief Diversity Officers
Campus Chief Student Affairs Officers
Chief Information Officers

I. Introduction

On June 7, 2022 the State University of New York Board of Trustees passed a resolution authorizing the Chancellor to ensure that campus presidents review and update where necessary the campus policy on chosen names and pronouns, to align such policy with the goals and spirit underlying the SUNY Board Diversity, Equity, & Inclusion Policy (#7809); and that such policies should seek to allow the use of a chosen name and pronouns wherever possible, consistent with applicable laws and regulations for the Fall 2023 semester.

In addition, consistent with Chapter 58 of the laws of 2022, campuses are required to update any data collection on sex or gender to offer individuals the option to select “x” for sex or gender by December 31, 2022. To the extent that federal law requires that sex or gender data be collected as either “m” or “f,” campuses are required to create an additional field so that a person has the option to mark their gender or sex as “x” for State purposes.

II. Background and Relevant Laws

A chosen name is not a legal name, but rather a name by which a person wishes to be known that differs from their name given at birth or their legal name. SUNY recognizes that some members of the University Community use a different first name other than their legal first name.

In 2015, the SUNY Board of Trustees set the goal to be the most inclusive state university system in the country. A study of 500 transgender college students identified that the top actions they valued to create an inclusive campus climate were the ability to use chosen name on campus records, gender inclusive restrooms, and non-discrimination policies¹.

¹ <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Trans-Higher-Ed-Aug-2018.pdf>

Also in 2015, New York State Education Department published guidance for Creating a Safe and Supportive School Environment For Transgender and Gender Nonconforming Students that said, “To ensure consistency among teachers, school administrators, substitute teachers and other staff, every effort should be made to immediately update student education records (for example, attendance records, transcripts, Individualized Education Programs, etc.) with the student’s chosen name and appropriate gender markers and not circulate records with the student’s birth name.”²

And on September 4, 2020, SUNY’s chief diversity officer, Dr. Teresa Miller, sent campuses a voluntary guidance document of best practices regarding chosen name and gender identity.

New York State’s Gender Recognition Act of 2021 allows New Yorkers to select gender X on their driver’s license or birth certificates.

Chapter 58 of the Laws of 2022 requires all state agencies that collect sex or gender data to offer to individuals the option to select “X” for sex or gender for state collection purposes.

New York State laws, such as Gender Expression Non-Discrimination Act (“GENDA”), allow individuals to use a chosen name or gender identification while participating as a member of a college or university community, even when that person discloses a different legal name and/or gender status.

III. Implementation Guidance

Campus Chosen Name and Pronoun Policies:

Many SUNY campuses already have chosen name and/or pronoun policies in place.³ In order to comply with the Board of Trustees resolution, Campus Presidents should review any existing campus policy or policies and make any necessary changes to align the existing campus policies with the resolution with the main goal of allowing students to use their chosen name wherever possible, except when required by law to use the legal name. Campuses should also examine any policies and practices related to pronouns. If campuses do not have a policy, they must create one and should seek input from the campus community in the development of such policy.

Campuses will authorize the chosen first name to be displayed in the appropriate campus administrative tools and associated IT platforms such as, but not limited to:

- Class rosters
- Grade books and rosters
- Learning management systems
- Email display name
- Windows sign-on display
- University ID

However, there may be some areas where the legal name may need to be used for federal and state requirements, such as:

- Transcripts
- Financial aid applications and records

² http://www.p12.nysed.gov/dignityact/documents/Transg_GNCGuidanceFINAL.pdf

³ In the past, these policies have been referred to as “preferred name policy”. SUNY uses the term chosen name in this guidance, with the belief that these names are not a preference.

- Reporting to state and federal agencies
- Student employment records
- International student records
- Medical records

Diplomas: Campuses are authorized to allow a chosen name on the student’s diploma. However, some professional and licensing boards require use of legal name in the licensing process, so use of a chosen name may delay or complicate a certification or licensure process. In addition, some countries may require a diploma for various legal, immigration, or employment purposes. Campuses should make students aware of these potential issues when students are selecting their name for the diploma.

Campus policies should consider and be clear regarding the following:

- What items are required to use the legal name
- How often to allow changes
- Student ID reprinting and costs
- Inappropriate uses of a chosen name, such as avoidance of a legal obligation, fraud, use of obscene or offensive language, or misrepresentation.

This is a rapidly changing area of law, and SUNY Office of General Counsel will issue guidance if/when legal requirements change.

Gender X:

Students and employees must have the opportunity to identify “x” as their sex or gender at any time the student or employee is asked to select a sex or gender.

For prospective students, SUNY applications will ask for legal sex (m/f) for federal reporting reasons and will also separately ask for gender where “X” is an option.

SUNY campuses may still ask for legal sex when required for federal reporting purposes but must also include an additional data field that allows a choice of “x” for state purposes.

The legislation sets a target date for full compliance by December 31, 2022.

IV. Next Steps

Campus Presidents are asked to identify a point of contact for each campus regarding these policies and to provide these policies to Jamie Frank at jamie.frank@suny.edu. Updated policies must be implemented by Fall 2023.

Over the next year, System Administration will be holding implementation meetings to go over best practices and concerns, including any IT or operational changes. Communication about these meetings will be sent to the point of contact.