

Bemidji State University Policies

Policy Name: Gender Identity and Expression	Effective Date: 7/1/2017
Policy Owner: <ul style="list-style-type: none">• Campus Diversity Officer	Last Review: 2/1/2022
	Next Review: 9/1/2025

Policy Statement

Bemidji State University understands that individuals thrive in healthy environments, free from discrimination, where inclusion and respect for diversity is the norm. Bemidji State University strives to create and sustain an inclusive, supportive, safe, and nondiscriminatory community for all individuals, including those whose gender identity and/or expression differs from the sex assigned to them at birth. Furthermore, Bemidji State University will not exclude, separate, deny benefits to, or otherwise treat any individual differently on the basis of gender identity or expression in its educational programs or activities.

When a student/employee notifies the university that the student/employee will assert a gender identity that differs from previous representations or records, the university will begin treating the student/employee consistent with the student's/employee's gender identity. There is no medical diagnosis or treatment requirement that students/employees must meet as a prerequisite to being treated consistent with their gender identity.

This policy encompasses all areas of University life.

1. Safe and Nondiscriminatory Environment

Bemidji State University will provide a safe and nondiscriminatory environment for all members of its community including but not limited to students, faculty, staff, and visitors whose gender identity and/or expression differs from the sex assigned to them at birth. Harassment that targets a person based on gender identity, gender expression, transgender status, or gender transition is harassment based on sex and is prohibited. Sex-based harassment creates a hostile environment; thus Bemidji State University will take prompt and effective steps to end the harassment, prevent its recurrence, and, as appropriate, remedy its effects.

2. Identification Documents, Names and Pronouns

Bemidji State University will treat all members of its community consistent with their gender identity even if their education/ work records or identification documents indicate a different sex. Bemidji State University

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will use pronouns and names consistent with a transgender person's gender identity.

3. Privacy and Education Records

Protecting students' and employees' privacy is critical to ensuring they are treated consistent with their gender identity. Bemidji State University may maintain records with personally identifiable information (PII), such as student's birth name or sex assigned at birth, but such records will be kept confidential in compliance with the Family Educational Rights and Privacy Act (FERPA).

- a. Disclosure of Personally Identifiable Information from Education Records. FERPA generally prevents the nonconsensual disclosure of PII from a student's education records; one exception is that records may be disclosed to individual school personnel who have been determined to have a legitimate educational interest in the information. These are discussed in the Bemidji State University Family Educational Rights and Privacy Act Policy (<http://www.bemidjistate.edu/offices/president/policies/>).
- b. Disclosure of Directory Information. Bemidji State University may disclose appropriately designated directory information from a student's education record if disclosure would not generally be considered harmful or an invasion of privacy. Directory information may include name, part-time or full-time status, degrees, awards, academic recognitions, and licenses received, participation in officially recognized activities, and sports, dates of attendance and majors and minor fields of study, names of parents when associated with awards and officially recognized activities and sports events, and student classification and date of graduation will be available to inquiries. Limited directory information may include address, phone number, and email addresses.

Scope and Purpose of Policy

This policy applies to all who are university stakeholders, including, but not limited to, students, faculty, staff, and administrators and addresses the university's desire to provide a safe and nondiscriminatory environment, provide an option for individuals to use a preferred name, and protect their privacy.

Rationale

Bemidji State University acknowledges the intersectionality of all people. At the University, respect and appreciation for all people are part of our mission. Through intentionality and inclusivity, Bemidji State University has developed the Gender Identity and Expression policy. This policy helps us to stand firm in our commitment to students, employees, and visitors. Bemidji State University recognizes and complies with federal, state, and Minnesota State policy.

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Definitions

Gender nonconforming and transgender individuals use various words to describe their identities and experiences. These include, but are not limited to: trans(*), transgender, male-to-female (MTF), female-to-male (FTM), genderqueer, non-binary, agender, gender fluid, and some terms that are culturally specific (e.g., brown boi, ag/aggressive, and Two-Spirit). Campus students, staff, faculty and administrators should employ terms and pronouns that individuals use to describe themselves and avoid those that they would not so apply.

Procedures

Bemidji State University will provide information in well-publicized locations to students and employees to help with understanding and policy implementation. The University already has well-established procedures for filing complaints involving discrimination and harassment or sexual violence (<https://www.bemidjistate.edu/offices/diversity-equity-inclusion/divisional-areas/center-for-civil-rights/investigation-office/>) and for filing complaints involving a respectful workplace (<http://www.bemidjistate.edu/offices/human-resources/>). Employees who violate the policy shall be subject to discipline in accordance with the appropriate bargaining agreement. Students who violate the policy will be subject to discipline in accordance with the Student Code of Conduct.

1. Safe and Nondiscriminatory Environment

Individuals with questions on discrimination and harassment can contact the Center for Civil Rights: Investigation Office (218.755.4121; TitleIX@bemidjistate.edu) or refer to Bemidji State University's Equal Opportunity and Nondiscrimination in Employment and Education Policy found on the Center for Civil Rights: Investigation Office webpage (<https://www.bemidjistate.edu/offices/diversity-equity-inclusion/divisional-areas/center-for-civil-rights/investigation-office/>) and the BSU Policies webpage (<https://www.bemidjistate.edu/offices/president/policies/>).

Information on filing complaints of discrimination and/or harassment can be obtained from the Center for Civil Rights: Investigation Office (218.755.4121; <https://www.bemidjistate.edu/offices/diversity-equity-inclusion/divisional-areas/center-for-civil-rights/investigation-office/>)

2. Identification Documents, Names and Pronouns

Bemidji State University adheres to Minnesota State's Board Procedure 1B.1.2 Preferred Name for individuals who wish to use preferred names. The procedure can be accessed at <https://www.bemidjistate.edu/offices/president/policies/>. To submit a request for name change students and employees can complete and return a Preferred Name Request form (https://www.bemidjistate.edu/mybsu/wp-content/uploads/sites/2/2013/09/Preferred_Name_2020.pdf).

3. Privacy and Education Records

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Students who desire to hold directory information confidential should complete the Student Directory Form (<https://www.bemidjistate.edu/mybsu/wp-content/uploads/sites/2/2019/02/DirectoryInformationBSU-2020-1.pdf>) and return it to the Records Office at the time they register. The request for anonymity will remain in effect until canceled in writing

References and Resources

Title IX. 20 U.S.C. § 1681 and 34 C.F.R. Part 106 (1972) which states, “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance.” “Sex” in Title IX has been interpreted as including gender identify and gender expression. Harassment on the basis of sex or gender, gender identity or gender expression is also prohibited under Title IX.

Minnesota State Board Policy 1B.1 Equal Opportunity and Non-Discrimination in Employment and Education Policy <https://www.bemidjistate.edu/offices/president/policies/wp-content/uploads/sites/79/2015/06/Equal-Opportunity-and-Non-Discrimination-in-employment-and-education-policy.pdf>

Minnesota State Board Procedure 1B.1.1 <http://www.minnstate.edu/board/policy/1b01.html>

Minnesota State Board Procedure 1B.1.2 Preferred Name
<http://www.minnstate.edu/board/procedure/1b01p2.html%20>

Submitting a request for name change
https://www.bemidjistate.edu/mybsu/wp-content/uploads/sites/2/2013/09/Preferred_Name_2020.pdf

Family Education Rights and Privacy Act (FERPA)
<http://www.bemidjistate.edu/offices/president/policies/>

Student Directory Form request for anonymity
<https://www.bemidjistate.edu/mybsu/wp-content/uploads/sites/2/2019/02/DirectoryInformationBSU-2020-1.pdf>