

# Guidelines for Gender Inclusivity in the Workplace

## POLICIES AND GUIDELINES

### PURPOSE

Harvard University is committed to providing staff, faculty, students, and visitors with safe, inclusive, and healthy work and educational environments in which no member of the University community is, on the basis of sex, sexual orientation, or gender identity, excluded from participation in, denied the benefits of, or subjected to discrimination in any University program or activity. Discrimination on the basis of sex, sexual orientation, gender identity, or any other legally protected basis is unlawful and intolerable to the University. Gender-based and sexual harassment, including sexual violence, are forms of sex discrimination in that they deny or limit an individual's ability to participate in or benefit from University programs or activities.

Retaliation against individuals who raise issues of potential discrimination or who participate in an investigation of any claim of discrimination is prohibited under applicable University policies and relevant laws.

The following guidelines are informational and evolving.<sup>1</sup> Accordingly, the provisions of applicable existing University policies or agreements (e.g., the [Sexual and Gender-Based Harassment Policy](#), [Staff Personnel Manual: Discrimination Policy](#), and union personnel manual and/or collective bargaining agreement(s)) are controlling.

### DEFINITIONS OF KEY TERMS

The terms and definitions included below are from the Massachusetts nondiscrimination law. For additional information and terms, view the Harvard College Office of BGLTQ Student Life *BGLTQ Terminology* (<https://bgl tq.fas.harvard.edu/terminology>) and Harvard Medical School *Terminology Related to Sexual Orientation, Gender Identity, and More* (<https://bgl tq.fas.harvard.edu/terminology>).

- **Gender Identity:** “[A] person’s gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person’s physiology or assigned sex at birth.”<sup>2</sup> The Massachusetts state law “definition of gender identity does not require the individual to have gender affirming surgery or intend to undergo surgery, nor does it require evidence of past medical care or treatment. [ . . . ] Gender identity refers to a person’s internal sense of their own gender and its expression.”<sup>3</sup> Gender identity is distinct from sexual orientation.<sup>4</sup>
- **Gender Expression:** “The manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice, or mannerisms.”<sup>5</sup> The Massachusetts nondiscrimination “law also protects persons whose gender identity is consistent with their assigned sex at birth, but who do not adopt or express traditional gender roles, stereotypes or cultural norms.”<sup>6</sup>
- **Gender Nonconforming:** “A term used to describe people whose gender expression differs from stereotypic expectations.”<sup>7</sup>



- **Gender Transition:** “The experience by which a person goes from living and identifying as one gender to living and identifying as another.”<sup>8</sup> Not every transgender or gender nonconforming person undergoes a gender transition.<sup>9</sup> Moreover, “[f]or some, the process of transition may be lengthy. Some individuals [undergoing a gender transition] seek medical treatment such as counseling, hormone therapy, electrolysis, and gender affirming surgery. Some may not pursue medical treatment or surgery.”<sup>10</sup>
- **Sexual Orientation:** “[H]aving an orientation for or being identified as having an orientation for heterosexuality, bisexuality, or homosexuality.”<sup>11</sup>
- **Transgender:** An umbrella term for “[p]eople whose gender identity is different from the sex assigned to them at birth. Some individuals who fit this definition of transgender do not identify themselves as such, and identify simply as men and women, consistent with their gender identity.”<sup>12</sup>

## UNIVERSITY SUPPORT, GUIDANCE, AND RESOURCES FOR STAFF MEMBERS

The University’s goal is that each Harvard community member seeking information and resources on these topics connects with an informed point person who will provide them with sensitive, knowledgeable, and discrete assistance.

### Title IX Coordinators

Harvard has designated over 50 Title IX Coordinators distributed across every School and unit of the University to help address issues of equity and inclusion pertaining to sex, sexual orientation, and gender identity within their specific School or unit. The Title IX Coordinators play an integral role in carrying out the University’s commitment to provide positive working, learning, and teaching environments for the entire community.

The Title IX Coordinator(s) in your School or unit are specially trained resources and serve as your personal point(s) of contact for addressing questions or concerns and providing support and information in this area – both generally and regarding the topics referenced below. For example, a transgender employee who is undergoing a gender transition can work with their Title IX Coordinator to create an individualized, carefully tailored “transition plan” to help ensure the employee is successful and supported at work. The development of these measures and supports, and the employee’s engagement with University resources, is driven by the individual employee. For example, a “transition plan” may focus on adjusting personnel and administrative records and developing a personalized communication plan to share the news with coworkers and clients, as appropriate and informed by the employee’s requests. As appropriate during that process, the Title IX Coordinator would serve as a liaison to other University resources, such as Human Resources (“HR”) for healthcare and other benefits-related questions and HUIT (Harvard University Information Technology).

**Title IX Coordinators:** visit <http://titleix.harvard.edu/coordinators> for a complete list and contact information of the University’s Title IX Coordinators.

### Workplace Guidelines<sup>13</sup>

Title IX Coordinators are available to address these and other relevant topics on an individualized basis.

**Privacy:** Employees may choose to discuss their own sexual orientation, gender identity, or gender expression openly, or to keep that information private. The individual employee gets to decide when, with whom, and how much, if any, private information is shared. Medical records that contain information about an employee’s transgender status (such as the sex they were assigned at birth) are protected by state privacy law and should be treated as highly confidential.

**Confidentiality:** Title IX Coordinators may need to share certain pieces of information that are disclosed to them on a strictly need-to-know basis in order to take steps to address potential sexual or gender-based harassment. Title IX Coordinators are trained to take any appropriate next steps sensitively and discretely. The Employee Assistance Program (EAP) is a confidential resource (additional confidential resources listed below).

**Names, Gender, and Pronouns:** Individuals should be referred to by the names and pronouns with which they identify, both in communications to and about them (see above *Terminology* links for more information on pronouns). This is true regardless of whether an employee has requested or made any updates to their legal name, “preferred name,” or gender marker in University or external systems.

Upon request from the employee, the University will work to update aspects of an employee’s employment record to reflect a change in name or gender. PeopleSoft is the database of record for Harvard staff. Changes to gender marker, preferred and legal names will begin here. In most cases, a change in PeopleSoft will trigger any desired change to local systems throughout Harvard. However, aspects of these processes are unique at the local level – accordingly, the list below is non-exhaustive and the Title IX Coordinator or HR representative may assist the employee in identifying and coordinating with the appropriate contacts for the given situation. Title IX Coordinators may also assist the employee in navigating systems outside Harvard, such as those at an affiliate hospital or field education program.

**Legal Name:** An employee may request that their legal name be updated in Harvard systems by submitting proof of an updated Social Security card (or other legally sufficient documentation) to the local HR representative. Updating an employee’s legal name is initiated in PeopleSoft, which triggers a change in the central HUIT Identity Registry (the system used by the University for managing identity data). Administrators use the MIDAS application to manage updates to the directory data for Harvard ID holders in the Registry. The Registry is the data source for all email systems and University-wide directories.

**Preferred Name:** An employee may identify a “preferred name” to be added to University wide-systems and to be used along with their legal name. In many instances, but not all, the employee’s “preferred name” will be prioritized by those systems and used in lieu of the legal name. This means that an employee’s name will not be automatically updated to their “preferred name” in every University record. The change to “preferred name” is made by the employee in PeopleSoft. After logging in to PeopleSoft, visit: Self-Service > My Personal Details > Names > (click the plus sign to add) Preferred Name. This page indicates the employee’s designated “preferred name.” An individual’s “preferred name” is also tracked in the Identity Registry, and in cases where a person may have more than one type of affiliation at Harvard (e.g., as an employee and as a student), there may be more than one potential source of preferred name feeding the Registry/MIDAS.

**Harvard ID Card:** The name listed on an employee’s Harvard ID card may be changed to their “preferred name.” (Note: use of the Harvard ID card may still access an individual’s legal name as listed in MIDAS). Visit the local ID office to request a new Harvard ID card reflecting “preferred name,” as well as an updated photo. You must bring a government-issued photo ID in order to receive your Harvard ID card. For more information, visit: <http://www.campuservicecenter.harvard.edu/services/id-cards>.

Cambridge Area: Campus Service Center (Smith Campus Center, Room 807). Business hours: Monday-Friday, 8:00 a.m.-5:00 p.m.

Longwood Medical Area: ID office located in the School of Public Health, 677 Huntington Avenue, Boston. Business hours: Monday-Friday, 8:00 a.m.-4:00 p.m.

Business School: HBS Operations Center located at Shad Hall lower level, call (617) 495-6814. The HBS Operations Center has a messenger service between the HBS campus and the Campus Service Center and this office will process your card replacement from start to finish.

**Business Cards:** An employee may request use of their “preferred name” on their business cards.

**Gender Marker:** An employee requests an update to their gender marker (currently limited to the options “male” or “female”) in PeopleSoft by contacting their local HR representative. The appropriate Administrator who has access to “Modify a Person” in PeopleSoft (HR Administrator or Payroll coordinator) would then process the change in PeopleSoft. No documentation is required, only a request from an employee. Updating an employee’s gender marker in PeopleSoft causes the same update to take place in many of the employee’s benefits records, including those related to health care and retirement. The employee is encouraged to speak with their Title IX Coordinator and/or local HR representative before initiating such a request to discuss this process and important considerations.

**Benefits:** Medically approved gender affirming health care is covered by all Harvard health insurance plans (including employee plans and student plans). Examples of topics staff members may wish to discuss with their local HR representative include:

- Health insurance coverage for gender affirming health care
- Paid time off/leaves of absence
- Accessing family-related benefits (e.g., family leave and/or pension)

**Workplace Attire:** As a matter of best practice, expectations, rules, or policies around workplace attire should be applied equally and in a gender-neutral manner to all employees to whom they apply, and such expectations, rules, or policies should not be used to prevent any employee, including transgender or gender nonconforming employees, from living in the dress affirming of their gender identity and/or gender expression.

**Access to Restroom and Locker Room Facilities:** An individual’s access to sex-segregated facilities (e.g., bathrooms, locker room facilities) is consistent with their gender identity.

Where practicable, a best practice is to provide the following options in addition to sex-segregated facilities, which employees may choose—but are not required—to use:

- Single-occupancy gender-neutral facilities; and
- Multiple-occupant, gender-neutral restroom facilities with lockable single occupant stalls.

No employee should be required to use a segregated facility apart from other employees because of their gender identity. Employees generally may not be limited to using facilities that are an unreasonable distance or travel time from their worksite.

## RESOURCES

For a comprehensive guide to University and community resources, visit the **Title IX Resource Guide** at <http://resourceguide.titleix.harvard.edu/>.

### University Resources

#### HUIT Identity and Access Management

Email: [iam\\_help@harvard.edu](mailto:iam_help@harvard.edu) and ask for a consultation with the Director of IAM Product Management, Jane Hill.

#### Title IX Office

Nicole Merhill, J.D., Title IX Officer  
Smith Campus Center, Suite 901  
1350 Massachusetts Avenue  
Cambridge, MA 02138  
Phone: (617) 496-2470  
Email: [titleix@harvard.edu](mailto:titleix@harvard.edu)  
Email: [nicole\\_merhill@harvard.edu](mailto:nicole_merhill@harvard.edu)  
Web: <http://titleix.harvard.edu/>

**The Office for Dispute Resolution (ODR)**

William McCants, J.D., Director of ODR  
Smith Campus Center, Suite 901  
1350 Massachusetts Avenue  
Cambridge, MA 02138  
Phone: (617) 495-3786  
Email: [odr@harvard.edu](mailto:odr@harvard.edu)  
Email: [william\\_mccants@harvard.edu](mailto:william_mccants@harvard.edu)  
Web: <http://odr.harvard.edu>

**Title IX Coordinators**

Web: <https://titleix.harvard.edu/coordinators>

**Harvard Local Human Resources Offices**

Web: <https://hr.harvard.edu/local-human-resources-offices>

**Benefits Office**

114 Mt. Auburn Street, 4th floor  
Cambridge, MA 02138  
Call center: (617) 496-4001  
Email: [benefits@harvard.edu](mailto:benefits@harvard.edu)  
Web: <https://hr.harvard.edu/benefits-department>

**Office of Labor and Employee Relations**

124 Mt. Auburn Street, Suite 480  
Cambridge, MA 02138  
Phone: (617) 495-2786  
Web: <http://hr.harvard.edu/labor-and-employee-relations-department>

**Office of the Assistant to the President**

Institutional Diversity and Equity  
Smith Campus Center, Suite 727W  
Cambridge, MA 02138  
Phone: (617) 495-1540  
Email: [diversity@harvard.edu](mailto:diversity@harvard.edu)  
Web: <http://diversity.harvard.edu/>

**Harvard University Disability Services**

Smith Campus Center, Suite 727W  
Cambridge, MA 02138  
Phone: (617) 495-1859  
Email: [disabilityservices@harvard.edu](mailto:disabilityservices@harvard.edu)  
Web: <http://accessibility.harvard.edu>

**Office for Diversity Inclusion and Community Partnership**

Jessica Halem, LGBT Program Director  
Harvard Medical School  
164 Longwood Avenue  
Boston, MA 02115  
Phone: (617) 432-7555  
Email: [jessica\\_halem@hms.harvard.edu](mailto:jessica_halem@hms.harvard.edu)  
Web: [www.hms.harvard.edu/dcp](http://www.hms.harvard.edu/dcp)

### **The Harvard Medical School LGBT Advisory Committee**

Web: <https://mfdp.med.harvard.edu/dcp-programs/lgbt/who-are-we/lgbt-advisory-committee>

### **Harvard Gender and Sexuality Caucus**

Web: <http://hgsc.sigs.harvard.edu/>

### **University Confidential Resources**

For more information on confidential resources, visit: <http://resourceguide.titleix.harvard.edu/confidentiality>.

### **Harvard University Employee Assistance Program**

Phone: (877) EAP-HARV (877-327-4278)

Email: [info@kgreer.com](mailto:info@kgreer.com)

Web: <http://hr.harvard.edu/employee-assistance-program>

### **Harvard University Health Services (HUHS)**

HUHS has four locations:

- Smith Campus Center, (617) 495-5711
- Harvard Business School, Cumnock Hall, (617) 495-6455
- Harvard Law School, Pound Hall, (617) 495-4414
- Longwood area, Vanderbilt Hall, (617) 432-1370

Web: <http://huhs.harvard.edu/>

### **Harvard University Ombudsman Office**

Lydia Cummings, Ombudsman

44R Brattle Street

Cambridge, MA 02138

Phone: (617) 495-7748

Email: [university\\_ombudsman@harvard.edu](mailto:university_ombudsman@harvard.edu)

Web: [ombudsman.harvard.edu/](http://ombudsman.harvard.edu/)

### **Longwood Ombuds Office**

Melissa Brodrick, Ombudsperson

Harvard Medical School

Harvard School of Dental Medicine

Harvard T.H. Chan School of Public Health

164 Longwood Avenue

Boston, MA 02115

Phone: (617) 432-4040 (Ombuds)

(617) 432-4041 (Office)

Email: [melissa\\_brodrick@hms.harvard.edu](mailto:melissa_brodrick@hms.harvard.edu)

Web: [www.hms.harvard.edu/ombuds/](http://www.hms.harvard.edu/ombuds/)

### **Office of Sexual Assault Prevention & Response (OSAPR)**

Smith Campus Center, Suite 624

1350 Massachusetts Avenue

Cambridge, MA 02138

Office Phone: (617) 496-5636

24-hour, confidential hotline: (617) 495-9100

Email: [osapr@fas.harvard.edu](mailto:osapr@fas.harvard.edu)

Web: <https://osapr.harvard.edu/>

*\*Confidential when OSAPR staff are providing services as rape crisis counselors.*

## Community, State, and Federal Resources

### Anti-Violence Project Hotline (LGBTQ community)

National Hotline: (212) 714-1141

### Boston Area Rape Crisis Center (BARCC)

99 Bishop Allen Drive  
Cambridge, MA 02139  
24-hour hotline: (800) 841-8371  
Web: [www.barcc.org](http://www.barcc.org)

### The Cambridge Human Rights Commission

51 Inman Street, 2nd Floor  
Cambridge, MA 02139  
Phone: (617) 349-4396; TTY: (617) 492-0235  
Web: <https://www.cambridgema.gov/hrc>

### Fenway Community Health

Boston, MA (multiple locations)  
General, Toll-Free: (888) 242-0900  
Información en Español: (617) 927-6460  
Lesbian, Gay, Bisexual and Transgender Helpline: (617) 267-9001 / (888) 340-GLBT (4528)  
Violence Recovery Program Intake: (800) 834-3242  
Web: [www.fenwayhealth.org](http://www.fenwayhealth.org)

### GLBTQ Legal Advocates & Defenders (GLAD)

30 Winter Street, STE 800  
Boston, MA 02108  
Phone: (617) 426-1350  
Email: [gladlaw@glad.org](mailto:gladlaw@glad.org)  
Web: [www.glad.org](http://www.glad.org)  
Transgender Resource Guide: <https://www.glad.org/wp-content/uploads/2017/01/trans-resources.pdf>

### Hispanic Black Gay Coalition (HBGC) Boston (Primary Office)

25 Kingston Street, Floor 4R  
Boston, MA 02111  
Phone: (617) 487-HBGC (4242)  
Email: [Info@HBGC-Boston.org](mailto:Info@HBGC-Boston.org)

### Immigration Equality

Legal Emergency National Hotline: (212) 714-2904  
Web: [www.immigrationequality.org](http://www.immigrationequality.org) (available in: English, Spanish, French, and Russian)

### Massachusetts Attorney General, Civil Rights Division

One Ashburton Place  
Boston, MA 02108  
Phone: (617) 727-8400  
TTY: (617) 727-4765  
Web: [www.mass.gov/ago/bureaus/public-protection-and-advocacy/the-civil-rights-division](http://www.mass.gov/ago/bureaus/public-protection-and-advocacy/the-civil-rights-division)

**Massachusetts Commission Against Discrimination (MCAD, Headquarters)**

1 Ashburton Place, Suite 601  
Boston, MA 02108  
Phone: (617) 994-6000  
TTY: (617) 994-6196  
Email: [assistanttochairman@state.ma.us](mailto:assistanttochairman@state.ma.us)  
Web: [www.mass.gov/mcad](http://www.mass.gov/mcad)

**Massachusetts LGBTQ Bar Association**

Lawyer Directory: <http://www.masslgbtqbar.org/people.html>

**Massachusetts Transgender Political Coalition**

PO Box 960784  
Boston, MA 02196  
Phone: (617) 778-0519  
Email: [info@masstpc.org](mailto:info@masstpc.org)  
Web: <http://www.masstpc.org/about/contact/>

**MassEquality**

14 Beacon Street, Suite 620  
Boston, MA 02108  
Phone: (617) 878-2300  
Email: [Info@massequality.org](mailto:Info@massequality.org)  
Web: <http://www.massequality.org>

**National Center for Lesbian Rights (National Office)**

870 Market Street Suite 370  
San Francisco, CA 94102  
Phone: (415) 392-6257  
Web: [www.nclrights.org](http://www.nclrights.org)

**National Center for Transgender Equality**

1400 16th ST N.W., Suite 510  
Washington, D.C. 20036  
Phone: (202) 642-4542  
Email: [ncte@transequality.org](mailto:ncte@transequality.org)  
Web: [www.transequality.org](http://www.transequality.org)

**National LGBTQ Task Force (Massachusetts Office)**

1151 Massachusetts Ave.  
Cambridge, MA 02138  
Phone: 617-492-6393  
Web: [www.thetaskforce.org](http://www.thetaskforce.org)

**The Network/La Red**

Boston, MA  
English/Spanish Hotline: (617) 742-4911  
TTY: (617) 227-4911  
Web: [www.tnlnr.org](http://www.tnlnr.org)



**OutRight Action International (Formerly known as IGLHRC)**

80 Maiden Lane, Suite 1505  
New York, NY 10038  
Phone: (212) 430-6054  
Email: [hello@outrightinternational.org](mailto:hello@outrightinternational.org)  
Web: [www.outrightinternational.org](http://www.outrightinternational.org)

**U.S. Department of Education, Office for Civil Rights (OCR)**

5 Post Office Square, 8th Floor  
Boston, MA 02109-3921  
Phone: (617) 289-0111  
TTY: (800) 877-8339  
Email: [OCR.Boston@ed.gov](mailto:OCR.Boston@ed.gov)  
Web: [www2.ed.gov/about/offices/list/ocr/index.html](http://www2.ed.gov/about/offices/list/ocr/index.html)

**U.S. Department of Justice, Civil Rights Division**

U.S. Department of Justice  
Civil Rights Division  
950 Pennsylvania Avenue, N.W.  
Office of the Assistant Attorney General, Main  
Washington, D.C. 20530  
Phone: (202) 514-2000  
Web: [www.justice.gov/crt](http://www.justice.gov/crt)

**U.S. Department of State, LGBTI Travel Information**

Travel information for LGBTI individuals from the U.S. Department of State.

**U.S. Equal Employment Opportunity Commission**

Boston Area Office  
John F. Kennedy Federal Building  
475 Government Center  
Boston, MA 02203  
Phone: 1 (800) 669-4000  
TTY: 1 (800) 669-6820  
ASL Video Phone: 844-234-5122  
Email: [info@eeoc.gov](mailto:info@eeoc.gov)  
Web: [www.eeoc.gov](http://www.eeoc.gov)

- <sup>1</sup> By its nature, this guide provides a general, and necessarily limited, discussion of various topics; it does not constitute legal advice.
- <sup>2</sup> MASS. GEN. LAWS ch. 4 § 7(59).
- <sup>3</sup> MASS. COMM'N AGAINST DISCRIMINATION, *Gender Identity Guidance*, 6 (updated Dec. 5, 2016), <http://www.mass.gov/mcad/docs/gender-identity-guidance-12-05-16.pdf> [hereinafter "MCAD Gender Identity Guidance"].
- <sup>4</sup> MCAD Gender Identity Guidance, footnote 3, at 6.
- <sup>5</sup> MASS. DEP'T OF ELEMENTARY AND SECONDARY EDUC., *Guidance for Massachusetts Public Schools Creating a Safe and Supportive School Environment*, 2 (March 2013), <http://www.doe.mass.edu/sfs/lgbtq/GenderIdentity.html> [hereinafter "MA Dep't of Educ. Guidance"].
- <sup>6</sup> MCAD Gender Identity Guidance, footnote 3, at 6.
- <sup>7</sup> MA Dep't of Educ. Guidance, footnote 5, at 2.
- <sup>8</sup> *Id.* at 5.
- <sup>9</sup> MCAD Gender Identity Guidance, footnote 3, at 6.
- <sup>10</sup> *Id.*
- <sup>11</sup> MASS. GEN. LAWS ch. 151B § 3(6).
- <sup>12</sup> MCAD Gender Identity Guidance, footnote 3, at 6.
- <sup>13</sup> Adapted from the U.S. DEP'T OF LABOR CIVIL RIGHTS CENTER, *DOL Policies on Gender Identity: Rights and Responsibilities*, (Jul. 12, 2013), available at <https://www.dol.gov/oasam/programs/crc/20130712GenderIdentity.htm>, U.S. DEP'T OF LABOR OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, *Best Practices: A Guide to Restroom Access for Transgender Workers*, (2015), available at <https://www.osha.gov/Publications/OSHA3795.pdf>, and MCAD Gender Identity Guidance, footnote 3, at 8-9.

#### UPDATE NOTES

Updated April 3, 2018 to update BGLTQ office link and correct error in footnote 13.  
Updated on September 13, 2017