

On April 13, 2007 MSU's Board of Trustees approved revisions to Article II of the University's Anti-Discrimination Policy (ADP) to add "gender identity" to the non-discrimination provisions of the ADP.

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Background

In February 2002, ASMSU sent a proposal to the Executive Committee of Academic Council to add protection for "gender identity" to the University's ADP. An ad hoc committee comprised of faculty, staff, and students (GI-I) was formed to study the proposal. The GI-I committee issued its report in November 2002 and recommended to ECAC that "gender identity" be added to the ADP. Former President McPherson met with the GI-I committee in April and subsequently issued a memo asking for greater clarity regarding several aspects of the GI-I report. In light of the concerns raised, ECAC recommended that "gender identity" be added to the anti-harassment clause of the ADP, but not to the anti-discrimination clause. This proposal was approved by Academic Council in September 2003 and adopted by the Board of Trustees in December 2003.

A second committee (GI-II) comprised of faculty and students was appointed in November 2005 to study whether "gender identity" should be added to the non-discrimination provisions of the ADP. The GI-II committee issued its report on February 21, 2007 and recommended that the ADP be revised to include "gender identity." On February 27, 2007, ECAC endorsed the proposed revision to the ADP. The revised policy was subsequently approved by Faculty Council and Academic Council.

Article II of the Anti-Discrimination Policy now reads as follows. The complete text of the ADP as revised will be available soon.

Article II. Prohibited Discrimination

Unlawful acts of discrimination or harassment are prohibited.

In addition, the University community holds itself to certain standards of conduct more stringent than those mandated by law. Thus, even if not illegal, acts are prohibited under this policy if they²:

1. Discriminate against any University community member(s) through inappropriate limitation³ of employment opportunity⁴, access to University residential facilities, or participation in educational, athletic, social, cultural, or other University activities on the basis of age, color, gender, gender identity⁵, disability status, height, marital status, national origin, political persuasion, race, religion, sexual orientation, veteran status, or weight; or
2. Harass any University community member(s) on the basis of age, color, gender, gender identity, disability status, height, marital status, national origin, political persuasion, race, religion, sexual orientation, veteran status, or weight.

These prohibitions are not intended to abridge University community members' right of free expression or other civil rights.

² The Anti-Discrimination Policy Users' manual, University ordinances, written regulations and policies, and published ADJB decisions approved by the President, provide guidance on the conduct prohibited by Article II of this Policy.

³ Limitations are inappropriate if they are not directly related to a legitimate University purpose. The Anti-Discrimination Policy Users' Manual provides additional guidance on inappropriate limitation as defined by this Policy.

⁴ For purpose of this Policy, "employment opportunity" is defined as job access and placement, retention, promotion, professional development, and salary.

⁵ For the purposes of this Policy, the reference to "gender identity" shall be interpreted to include protection against gender stereotyping based on a person's gender expression. In other words, gender stereotyping is impermissible discrimination or harassment based on a failure to conform to stereotypical gender norms.