

AP 5041 STUDENT RECORDS - CHOSEN NAME AND GENDER

References:

Title IX, Education Amendments of 1972, 42 U.S.C. 1681
Education Code, Section 201
Education Code 210.7
Education Code 220
Education Code 66250 et seq.;
Education Code 72010 et seq.
California Code of Regulations
Title 5 Section 59311
Weathers v. Superior Court (1976) 54 Cal.App.3d 286, 288
Code of Civil Procedure Section 1275 et seq.;
Code of Civil Procedure Section 1279.5

The District is committed to providing an inclusive, supportive, and non-discriminatory learning environment for all students and equal opportunity in educational programs and activities.

The District recognizes that some students may prefer to use names other than their legal names to identify themselves. The District further recognizes that students may wish to identify by a chosen gender, or nonbinary options, other than their sex assigned at birth. A chosen name, chosen pronoun, and chosen gender may be used when possible on certain documents and unofficial records maintained by the District, and in situations where a legal name and gender are not required by law. The following guidelines and procedures have been established to help clarify the use of chosen names, pronouns, and gender at the District. Students may not use a chosen name or gender for inappropriate purposes, such as fraud or misrepresentation.

A. Definitions

For purposes of this Administrative Procedure, the following definitions apply:

Bullying – An act conducted by a person aiming to physically or mentally hurt other people. These acts can occur through words or actions, including direct physical contact; verbal assaults, such as teasing or name-calling; social isolation or manipulation; and cyberbullying.

Discrimination – Treating a person differently based on their disability, gender,

gender identity, gender expression, chosen names, chosen pronouns, nationality, race or ethnicity, religion, sexual orientation, or any other status protected by law.

Designee – A person designated by the college or District. The Vice President of Student Services or college President may name a designee for Vice President of Student Services. The campus safety administrator or President may name a designee for campus safety administrator. The Chancellor may name the college President or another designee for Chancellor.

Legal Name: A name designated on official government issued documents including but not limited to birth certificates, passports, social security cards, immigration documents and identification cards or permits. In order to change a person’s legal name, a court order is required under California law.

Chosen Name: A name that a person can designate on District-related unofficial documents and records, as defined below, in place of the person’s legal name and in furtherance of their chosen gender. It is the name that the person wishes to be known or identified by, and is different from the person’s legal name.

Chosen Pronoun: The pronoun that a person wishes to designate on District-related documents and unofficial records.

Sex Assigned at Birth: This refers to the sex designation recorded on an infant’s birth certificate should such a record be provided at birth.

Gender Identity: This refers to an individual’s internal sense of gender. A person’s gender identity may be different from or the same as the person’s sex assigned at birth.

Nonbinary: Nonbinary is an umbrella term that describes a gender identity that is neither exclusively man nor woman.

Chosen Gender: The gender identity that a person wishes to designate on District related documents and unofficial records.

Official Records: Official records are those records the District is required to maintain as part of a student’s permanent record and which are required, by law or District policy or practice, to contain a student’s legal name.

Official records include, but are not limited to, registration documents, official and unofficial transcripts, health records, diplomas, financial aid documents, payroll records and federal immigration documents.

Unofficial Records: Unofficial records are those records which do not require a legal name. These records include but are not limited to academic and extracurricular rosters, identification badges, and District email addresses.

B. Official Records

The District will change a student's name and/or **sex or gender** on official records when the name or **sex or gender** of the student is changed through civil records or court action, such as by a change of name proceedings. Once the District receives notice of an order change, it will use the new legal name and/or gender in all District records going forward to reflect the change.

C. Unofficial Records

The District shall permit a student to use a chosen name and chosen gender on District-related unofficial documents and records where the use of the legal name is not required by law or District policy. Before a student's chosen name and gender will appear on unofficial records, a student must submit, to the Admissions and Records Office of each College as appropriate, a completed Change of Information Form.

The District shall input the student's chosen name and chosen gender, if applicable, in the appropriate fields in the District's electronic data system to indicate how the student's name and gender will appear on unofficial records. The District shall also enter the chosen name and gender as an Also Known As ("AKA") in the student's permanent records folder.

D. Names and Pronouns

Every effort should be made to use the chosen names and pronouns consistent with a student's preferences. **Failure to do so may result in punitive measures administered through the college's Title IX Officer(s) or the Vice President of Student Services or Designee (VPSS/Designee). If a student or employee of the college or district feels as if they have been bullied or discriminated against based on their choice to use a chosen name or pronouns, they shall report this incident to the VPSS/designee.**

For complaints filed against students, see BP/AP 5520 Student Discipline Procedures, BP/AP 5500 Standards of Student Conduct and AP 5530 Student Rights and Grievances.

For complaints filed against Academic Employees and Classified Employees, see BP 7360 Discipline And Dismissal – Academic Employees, and BP/AP Discipline And Dismissal – Classified Employees

For discipline resulting from a sexual harassment complaint under Title IX, the procedure in AP 3434 Responding to Harassment Based on Sex under Title IX, must be used.

Also see BP and AP 3410 Nondiscrimination.