

FAQs for Ensuring Equal Opportunity for Transgender Applicants and Students

Documentation

- 1. How should a transgender student who goes by a name other than his or her legal name sign the enrollment application? Should student use their legal name or preferred name?**

All students should sign official documents, including enrollment applications, with the student's legal name. Staff should note the student's preferred name on the application, and with the permission of the student, their gender identity.

- 2. If a transgender student prefers to go by a name other than his or her legal name, which name should be used in medical documentation?**

While the student's legal name must be indicated in the file, staff should also create a space for the student's preferred name, and use the preferred name throughout the file. Additionally, always use the student's preferred name when verbally communicating with or about the student, unless directed otherwise by the student.

- 3. Can staff change the student's Job Corps identification card to reflect the preferred name?**

The Center Information System (CIS) allows entry of a preferred name. Contact the Job Corps Data Center with any specific question about entry of preferred names into CIS.

Medical and Mental Health Services

- 1. Are centers required to provide transgender students with transition-related health care, including medications, surgeries, and other treatments?**

If a student enters the program on prescription medications, the center should continue to provide the student with the prescription medications. The Job Corps center should make every effort to ensure students are enrolled in an insurance program. If the student is not eligible to be enrolled in a state insurance program, the center should try to enroll the student in pharmaceutical programs for indigent/low income persons.

If a student wishes to begin medical treatment that is beyond the scope of basic health care as described in Policy and Requirements Handbook (PRH) Chapter 6, Exhibit 6-4, Job Corps Basic Health-Care Responsibilities, then the Job Corps center shall assist the student to secure a referral.

- 2. If a transgender student is a minor, should the center contact the student's parent or guardian about the student's request for hormone therapy?**

Centers should consult state and local laws regarding communication with a minor's parent or guardian regarding medical treatment. In most states, adolescents may consent to medical treatment related to certain conditions (e.g., mental health, drug and alcohol abuse, pregnancy, sexual health), without parental notification and consent. Some states also have laws that may actually *prohibit* center staff

from sharing certain medical information with a minor’s parent or guardian. In some cases, the law may not be clear, and centers may need to seek legal advice.

3. If a transgender student receives or purchases hormones without a prescription and from a source other than a licensed pharmacy without a prescription (e.g., via the Internet), does Job Corps still cover the cost?

No. Students should never be permitted to buy prescription drugs without a prescription from a physician. Hormone therapy should only be prescribed by a licensed health-care provider.

4. Will there be a transgender Chronic Care Management Plan created?

No. A student who is transgender is not considered to have a disability, disease, or chronic illness by virtue of being transgender.

5. Does insurance/Medicaid pay for transition-related, medical care, including hormone therapy and/or surgery?

This is a complex and evolving area. Some insurance plans do offer coverage for hormone therapy and/or surgery. It is recommended that staff help students in contacting their insurance companies or an organization with knowledge in this area to obtain further information.

For information on transgender-related medical care coverage and Medicare, see <http://transequality.org/know-your-rights/medicare>. For information on which states have prohibited private insurance plans from excluding transition-related care and which states have clarified that the state Medicaid program covers transition-related care, see <http://transequality.org/issues/resources/map-state-health-insurance-rules>.

Also, see <http://transequality.org/know-your-rights/healthcare> for information pertaining generally to transgender individuals and health care.

6. Is counseling therapy covered by the center? Is transportation provided to support group meetings or other mental-health treatment?

Transgender students are entitled to the same mental-health care as other students. All Job Corps students are entitled to care for short-term, mental-health concerns on center. Job Corps does not provide long-term, mental-health treatment; however, if support groups or other services for transgender students exist in the community surrounding the center, Job Corps may provide transportation.

7. Can the center physician or other treating provider grant a waiver for the pelvic examination of a transgender male¹ student, based on the student’s request?

¹ The term “transgender man/male” refers to a person whose assigned sex at birth was female but whose gender identity is male and who lives as a man. (Job Corps Program Instruction Notice No. 14-31, May 1, 2015).

Yes. Per PRH guidelines, as with all students, the center physician may grant a waiver after providing counseling on the benefits of the examination. The waiver should be documented in the student's health record.

Housing

1. Does a transgender student need to produce any medical or other documentation in order to be housed in a dormitory that correlates with the student's gender identity?

No, medical documentation is not necessary and cannot be requested in order to place a student in the housing that corresponds to the student's gender identity.

Centers should accept the student's representation of their gender identity when placing the student in a gender-specific dorm. Due to negative social costs and other factors, it is highly unlikely that a student would claim to be transgender simply to gain access to dorm rooms for opposite sex students. If a center feels this might be the case, staff should contact the U.S. Department of Labor's Civil Rights Center for guidance.

2. What should a center do if a student says he or she is not comfortable rooming with a transgender student? What if students express they are uncomfortable using the same restrooms as transgender students?

It is important that Job Corps students understand that, during the admissions process, they agreed to live in a multi-cultural environment and function as part of a group, and that a multi-cultural environment included members of various races, ethnic groups, political or religious affiliations or beliefs, sexual orientations, **gender identities**, and people with disabilities.²

If a student cannot comply with any agreement made during the admission process, the student may wish to reconsider their participation in the Job Corps program.

All efforts should be made by staff to house a transgender student with individuals who are not hostile to the student's gender identity. Harassment of transgender students on the basis of their gender identity, even by roommates, must not be tolerated.

3. What if a parent or guardian objects to their minor child's rooming with a transgender student?

The housing of transgender students should be handled in the same manner non-transgender students are housed. Job Corps does not have a policy or practice of seeking parental permission for student housing assignments, and therefore, Job Corps similarly does not require parental permission when making housing assignments involving transgender students. To do otherwise could run afoul of antidiscrimination laws that protect transgender students from unfair treatment. Staff should not inform parents of any student about another student's transgender status or any other confidential matter, unless the transgender student requests this information be shared.

² *U.S. Department of Labor, Office of Job Corps, Policy and Requirements Handbook, Chapter 1: Outreach/Admissions, Essential Admissions Requirements, Exhibit 1-1 (Page 15).*

4. If a student shares that they are transgender during the admissions process or while on center, how can a center support or accommodate the student?

The center should collaborate with the student to determine what housing placement is most appropriate. If a single room is available **and** the student indicates that they would prefer a single room, the student may be placed in a single room.

If a single room is not available, the student should be placed with a roommate in the dormitory where the student feels most comfortable regarding their gender identity.

Note that transgender students should never be forced to live in single rooms, but a request for a single room should be honored when possible.

Dress Code

1. Our center's current dress code prohibits male students from wearing earrings. Should a student who is a transgender female³ be allowed to wear earrings?

Students must be allowed to dress consistent with their gender identity.

In addition, the dress code itself in this scenario is problematic, as it allows students of only one gender to wear earrings and not the other. All students or no students should be permitted to wear earrings. As a best practice, centers should remove gender-related language from their dress codes entirely. For example, rather than stating "Men must wear ties," a code may state "Students must dress in business attire."

2. How should the center handle issues regarding swimwear?

Students should be permitted to dress in the swimwear that corresponds with their gender identity. As with any other dress and appearance codes, those who differ by gender must have a legitimate, nondiscriminatory rationale.

Disclosure of Transgender Status

1. When should center staff disclose a student's transgender status to others, for example roommates, Career Transition Services providers, or other Job Corps centers Disclosure of transgender status, including who discloses and how a student's status is disclosed, is always up to the student.

In situations where a staff member feels that disclosure of the student's transgender status would be beneficial (i.e., to access appropriate gender-specific facilities), staff may recommend that the student allow staff to share this information; however, staff may never reveal this information without the student's permission.

³ "Transgender woman/female" refers to a person whose assigned sex at birth was male but whose gender identity is female and who lives as a woman. (Job Corps Program Instruction Notice No. 14-31, May 1, 2015).

2. How should center staff advise a transgender student to discuss the discrepancy between his/her legal documentation and the student's identity with a potential employer?

Staff should recommend that the student be honest and straightforward with employers. If students have the ability to secure documents that reflect their preferred names and/or the gender identity, they should do so. The ability to change legal documents will vary by state. More information on changing legal documents can be found at <http://transequality.org/documents>. Staff should assist in accessing these services when possible.

If the student feels that an employer or potential employer discriminated against his/her based on his/her gender identity or transgender status, staff should inform the student about the option to file a claim of discrimination with the U.S. Equal Employment Opportunity Commission (EEOC), or a state or local human rights agency. Information about filing a charge with the EEOC can be found at <http://www.eeoc.gov/employees/charge.cfm>. In addition, the Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) accepts complaints of gender identity discrimination by employers who hold Federal contracts. To learn about filing a complaint with OFCCP, visit <http://www.dol.gov/ofccp/regs/compliance/pdf/pdfstart.htm>.

3. If a student appears to be transgender, but the student did not disclose this information, can the staff ask if the student is transgender?

A staff member should not directly ask a student if the student is transgender. Staff members are encouraged to discuss Job Corps' gender identity non-discrimination policy with all students, and let the students know about policies that are accommodating to transgender and gender non-conforming students.

Miscellaneous

1. How does Job Corps accommodate staff members and students who have religious views that conflict with Job Corps' gender identity non-discrimination policy?

The religious views of individual staff members or students cannot be used to justify discrimination against Job Corps students or staff on the basis of race, religion, national origin, disability, age, political affiliation or beliefs, or sex (including gender identity and sex stereotyping). All Job Corps staff members and students are expected to abide by Job Corps nondiscrimination policies.

2. Does a student's sexual orientation (e.g., gay, lesbian, bisexual, straight) factor into housing assignments?

No. For the purposes of this document, housing assignments have been discussed in terms of a student's gender identity. Sexual orientation and gender identity are two separate things.

Sexual orientation is a term used to describe a person's attraction to members of the same sex and/or a different sex, and is usually defined as lesbian, gay, bisexual, straight, or asexual.

Gender identity describes an individual's internal sense of being male, female, or something else. Since gender identity is internal, one's gender identity is not necessarily visible to others. Transgender is a term for people whose gender identity, expression or behavior is different from those typically

associated with their assigned sex at birth. Transgender individuals may be gay, straight, bisexual, or asexual.

Sexual orientation should play no part in assigning appropriate housing for any student. As with gender identity, however, staff have an obligation to ensure students of sexual orientations are not subject to harassment in housing.

3. If a student feels he/she has been discriminated against by a Job Corps center on the basis of, his/her gender identity, who should the student contact?

If a Job Corps student feels they have been discriminated against on the basis of race, color, national origin (including limited English proficiency), religion, age, sex (including pregnancy, gender identity, or sex stereotyping), disability, citizenship status, political affiliation or belief, or status as a participant in a program or activity that receives financial assistance under Title I of the Workforce Innovation and Opportunity Act, staff should direct the student to contact the U.S. Department of Labor's Civil Rights Center at:

Civil Rights Center
U.S. Department of Labor
Room N-4123
200 Constitution Avenue, NW
Washington, DC 20210

Phone: (202) 693-6500
Fax: (202) 693-6505
Federal Relay Service: TTY/TDD: (800) 877-8339
Video Relay: (877) 709-5797

Email: CivilRightsCenter@dol.gov

Website: <http://www.dol.gov/oasam/programs/crc/>

Information on filing a complaint:

<http://www.dol.gov/oasam/programs/crc/external-enforc-complaints.htm>

Complaint Information Form:

<http://www.dol.gov/oasam/programs/crc/DL1-2014A-Rev-April-2011.pdf>