**Frequently Asked Questions and Ensuring Equal Access for**

**Transgender Applicants/Students to the Job Corps Program**

In order to protect the civil rights of a transgender Job Corps applicant or student, necessary arrangements should be made at the Job Corps center for the applicant or student when appropriate. If Job Corps staff is aware of an applicant’s transgender status, they should facilitate the move to the Job Corps setting. They should meet with the applicant prior to entry, as appropriate, to establish a plan that addresses the areas below:

1. **Gender Designation**. A transgender student may wish to use a name and/or pronoun that corresponds to his/her gender identity and not the name and gender currently listed in the student’s identification documents.

*Job Corps centers should use the student’s desired name and respective pronoun (e.g., him, her, etc.) in all interactions with the student, including in the dorms, academic and career technical classrooms, and all other center departments and areas (health and wellness, recreation, cafeteria, etc.). Staff should model the desired name and pronoun usage, in order to encourage students to do the same. To the extent possible, the name and gender corresponding to the student’s gender identity should be used in all documentation. In limited circumstances where use of a student’s legal name is explicitly required by state or federal law or is strictly necessary to avoid confusion, the preferred name should also be noted unless the student or parents request otherwise.*

*Due to widely varying state policies, students may face difficulties when seeking to update their name or gender on official documents. When possible, Job Corps centers should provide students with information and/or referrals to agencies or organizations that can help facilitate that process*.

1. **Dress and Appearance**. A transgender student may wish to wear the clothing, hairstyle, or other expressions of his/her gender identity (i.e., the attire generally associated with the gender with which he/she identifies).

*All Job Corps students must wear the appropriate attire for their trade. Transgender students should be allowed to dress in attire consistent with their gender identity as long as it is compliant with Job Corps dress codes. For example, a student assigned as male at birth, but whose gender identity is female (i.e,. a transgender woman), should be allowed to dress consistently with other women in the trade.*

1. **Housing**. Job Corps dormitories are single sex. Most often, students have at least one roommate. Some centers have a limited number of single rooms. Centers often struggle with dormitory placement for transgender students.

*Upon his or her enrollment in Job Corps, a discussion should take place between the transgender student and relevant Job Corps staff regarding appropriate housing options*

*taking into consideration the student’s safety and the student’s preference. The primary and overriding factor in assigning housing should be the student’s gender identity. Job Corps staff should make every effort to allow the transgender student to live in their dorm of preference.*

*When a transgender student identifies as a particular gender, dormitory assignments should be based on that gender, regardless of whether the student has had any gender-related surgery, hormone therapy, or other medical procedures. Some medical care related to gender transition is expensive and may not be covered by health insurance; thus, it is unlikely that transgender applicants and students in Job Corps will have received this type of medical care. As a result, dorm assignments should not be based on whether a transgender student has obtained medically-related transition services before or during enrollment in Job Corps.*

*Where students are currently transitioning, or may be currently presenting as the gender with which they identify only in some settings, it is important for Job Corps staff to talk confidentially with the transgender student about his or her privacy and safety needs to determine where he or she will feel most safe. For those transgender students who do not identify as male or female, again, the housing preference of the student should be discussed and respected, whenever possible.*

*In some cases, a transgender student may feel most safe being placed in a specially-designated room (separate from gender-designated housing), either alone or with a transgender-friendly roommate, if such a room can be provided. However, this decision should be made in collaboration with the transgender student. Requiring transgender students to live separately from others against their wishes may make them feel isolated from the rest of the student population, draw undesired attention to them, and make them potentially unsafe. Therefore, transgender students should not be forced to room separately from other students, unless a transgender student or his or her parent or guardian specifically asks for such an arrangement.*

*Concerns of staff, parents, and other students may also need to be considered and addressed, including through the provision of comprehensive training on transgender-related issues to staff. However, a paramount consideration in making living assignments must be all students’ safety. It should be noted that in many overnight residential facilities outside of Job Corps, transgender women who have been required to sleep in the same room with men have reported that the male residents have harassed them, sexually propositioned them, and sometimes assaulted them. The possible risk of assault and harassment of transgender students is of significantly greater concern than the desires of staff and parents who would prefer not to have transgender students live with non-transgender students.*

*Furthermore, the trend in Federal court decisions is that an entity's desire to cater to the perceived biases of its customers, employees, or other third parties is not a defense for unlawful discrimination. The same principle applies to discrimination against transgender persons.*

1. **Restroom and Shower Access.** Many Job Corps centers have male- or female-specific restrooms and showers in the dorms, and may have gender-neutral restrooms and showers for staff and/or students in other areas on center.

*The guidelines for housing in Question 3 above also apply to the use of other gender-segregated facilities, such as locker rooms, showers, and bathrooms. Centers should not assign transgender students to use gender-specific showers based solely on their assigned sex at birth, but rather engage in the process described above to arrive at a solution that respects the safety and privacy of students. Non-transgender students who object to using such facilities at the same time as transgender students may be advised to use a single-use or stand-alone restroom or shower room/stall, if available. These options may also be provided to transgender students, but only if this is desired by the student.*

1. **Residential Living, Room Assignments, and Roommates**. Do students who will be roommates with a transgender student have a right to know that the student is transgender?

*A discussion should take place with the transgender student about the option to disclose his/her situation to potential roommate(s) to make sure the transgender student does not have any concerns, and to ensure a smooth move into the dormitory for everyone. A transgender student should have the option of having the discussion directly with the potential roommate, or allowing staff to have the discussion with them, if the transgender student chooses to disclose their status.*

*A student’s status as transgender should be treated with sensitivity and confidentiality, just as one would treat any other deeply personal life experience or medical issue. A transgender student does not have to disclose his/her status to anyone at Job Corps. Additionally, the Job Corps program may not inform others in Job Corps about the student’s status nor should Job Corps inform the student’s parents or other parents about the student’s status.*

*A transgender student who has transitioned before arriving at a Job Corps program may or may not want to discuss his or her transgender status with others. Job Corps staff should respect the wishes of the individual.*

*If the transgender applicant or student indicates that questions from or discussions with other Job Corps students and staff are welcome, refer questions regarding transgender status to the student. Instruct other students and employees that any questions they ask or discussions they initiate about the topic must be respectful in tone and appropriate in content.*

*If the transgender student wishes to keep information about the details of his or her transition as private as possible, Job Corps staff should respect those wishes. For example, Job Corps staff should not ask the transgender student questions about his or her medical status or plans unless such questions are necessary to address issues that may arise with the transgender student’s health or medical treatment. In addition, remember that medical information about individual students, including information related to a student’s transgender status and transition, is protected by federal law, and disclosure should be limited.*

*In either case, Job Corps staff should not engage or permit Job Corps students or staff to engage in gossip or rumor-spreading about the transgender student, or about the student’s personal situation or medical treatment.*

*If a student will be transitioning while enrolled in the Job Corps program, the topic will probably need to be discussed with staff and students at some point. The transitioning student will likely wish to disclose information related to the transition, such as the fact that he or she will be going by a new name and using a new pronoun. If possible, this process should be discussed effectively with the student before it begins, and staff should comply with the individual’s wishes in determining when and how this information is divulged.*

1. **Entrance Physical Examinations and Medical Issues**. All Job Corps students are required to undergo an entrance physical examination within 14 days after entry.

*Medical staff must follow best practice protocol based upon the medical needs of the student, guided in part by the student’s identity and anatomy. For additional guidance, medical staff may wish to consult transgender-specific clinical guidelines, such as the primary care protocols published by the Center of Excellence for Transgender Health at the University of California, San Francisco.*

*Most transgender students in the Job Corps age group will not have undergone any form of sex reassignment surgery due to their age, but some may have initiated hormone therapy. It is now commonly accepted that hormone therapy is a medically necessary intervention for many transgender individuals. Wellness staff should be sensitive and informed about the health/mental health care needs of transgender students and provide appropriate referrals in the community for continuing care, if needed.*

*Initiation of hormone therapy for transgender students on center is considered beyond the scope of basic health care as defined in* [*PRH-2 Exhibit 2-4, “Job Corps Basic Health Care Responsibilities*](https://prh.jobcorps.gov/Exhibits/Exhibit%202-4%20Job%20Corps%20Basic%20Health%20Care%20Responsibilities.pdf)*.” Such treatment requires specialized medical knowledge and expertise to prescribe hormones, monitor physical changes and laboratory studies and adjust dosages. In addition, the initiation of hormone therapy may require assessment and support from a mental health clinician with special competence in working with transgender youth preparing for hormone therapy.*

*If hormone therapy has already been initiated, Job Corps medical staff must ensure continued administration of hormone therapy. This may be achieved through treatment by the Job Corps medical staff or an outside medical professional. Alternatively, transgender students may continue to follow up with their treating physician, if possible. As per Job Corps policy, transgender students and, if students are minors, their legal guardian(s), must give consent in writing for hormone therapy on center. As with any other medication, a transgender student’s hormone medication may be stored in the Health and Wellness Center and administered as prescribed. Transportation for medical services for hormone therapy shall be provided to the same extent as transportation for other medical services or Job Corps staff may approve a student’s request to be transported by a friend, partner or family member rather than Job Corps program staff.*

*If a student is no longer able to participate in Job Corps due to a medical condition related to transgender medical treatment, the student should be treated like any other student with a medical condition, including consideration for Medical Separation With Reinstatement under* [*PRH 6.2 Enrollments, Transfers, and Separations*](https://prh.jobcorps.gov/Administrative%20Support%20Services/6.2%20Enrollments%20Transfers%20and%20Separations/Pages/default.aspx)*.*

1. **Moving from Job Corps to the Work World**. Transgender students preparing for entry into the workforce often face additional career planning challenges related to their gender identity, including potential workplace discrimination.

*The workplace and the geographic location of employment can be quite different in terms of support for and acceptance of transgender employees. For instance, students living and working in more rural areas may not have the same level of access to support and resources as those living in more urban areas. Career Transition Counselors may need additional training to understand how transgender students can make the most of the resources in their local area, in order to access the most employment opportunities as possible.*

*Regarding discrimination, there are several federal district and appellate opinions within the past decade which have found that discrimination in employment against a transgender employee is a form of sex discrimination under Title VII of the Civil Rights Act of 1964. After Job Corps staff has received training on transgender-related issues, the relationship that the Job Corps program has built with employers in the community can provide excellent opportunities to educate those employers about the rights of transgender applicants and employees.*

*Concern that an employer might be dissuaded from interacting with a Job Corps program because of the participation or visibility of transgender students is not an adequate reason for the Job Corps program to fail to adopt policies ensuring all students’ safety and inclusion in the program. Students should not be discouraged from presenting themselves in a manner consistent with their gender identity out of a concern that an employer might be uncomfortable with their identity. Indeed, such actions may be considered “aiding or perpetuating discrimination,” in violation of Section 188 of the Workforce Investment Opportunity Act, and its implementing regulations which apply to Job Corps programs.*

*It is also recommended that Job Corps program staff become familiar with the state and local laws that apply to the jurisdiction in which the Job Corps program or contractor operates. A number of states and localities now explicitly prohibit discrimination against transgender job applicants and employees, enforced with specific regulations.*

1. **Student and Staff Training**. Job Corps students and staff may have varying levels of awareness and sensitivity about transgender individuals and their needs and rights.

*To address this, it is necessary to incorporate education about gender identity and gender expression into diversity and Equal Opportunity compliance training programs for both students and staff.  Student trainings can take the form of small informal discussions in the dorm, or the topic could be included as part of a larger diversity training curriculum. Training of staff is critical as they will need to model appropriate behavior toward transgender youth. Several training resources are available on the Lesbian, Gay, Transgender, and Questioning page on the Job Corps Health and Wellness Website.*

*It is recommended that training be provided for all Job Corps students and staff on transgender issues – including, but not limited to, legal requirements and responsibilities.*

**Additional Resources**

## Department of Labor (DOL) — FAQs Sexual Orientation and Gender Identity

<https://www.dol.gov/agencies/ofccp/faqs/lgbt>

## Office of Personnel Management (OPM) — Policy, Data, Oversight – Diversity & Inclusion

 <https://www.opm.gov/policy-data-oversight/diversity-and-inclusion/>

* **American Psychological Association (APA) — Answers to Your Questions About Transgender People, Gender Identity, and Gender Expression**

<https://www.apa.org/topics/lgbt/transgender>

## American Civil Liberties Union (ACLU) — Know Your Rights - LGBTQ Rights<https://www.aclu.org/know-your-rights/lgbtq-rights/>