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# Transgender People on University Campuses: A Policy Discourse Analysis

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TRANSGENDER PEOPLE ON UNIVERSITY CAMPUSES:  
A POLICY DISCOURSE ANALYSIS

by

Doris Andrea Dirks

A Dissertation  
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Faculty of The Graduate College  
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Advisor: Andrea Beach, Ph.D.

Western Michigan University  
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TRANSGENDER PEOPLE ON UNIVERSITY CAMPUSES:  
A POLICY DISCOURSE ANALYSIS

Doris Andrea Dirks, Ph.D.

Western Michigan University

The goal of this study is to examine the language used to discuss transgender people on university campuses. My main research question was: What do university reports describe as problems and solutions for transgender people in universities? The primary data for this study consists of 16 reports issued at four Big Ten schools from 1992-2010. These reports address the inclusion of gender identity and expression in non-discrimination policies, the status of transgender people on university campuses, or both. This study employs policy discourse analysis, a hybrid methodology that analyzes written documents using feminist, critical, and poststructural theories in order to identify the subject positions generated through policy discourse. These reports should be viewed in the context of primary sources that illustrate a long history of LGBTQ civil rights battles. My aim is to understand how these reports framed discussions about transgender people, and what this in turn tells us about the reality produced by the reports.

The resulting study therefore reveals significant discrepancies between objectives sought, means used, and outcomes achieved. For example, a university's report on the status of transgender people may use language depicting them as "vulnerable" or as "victims," even as it strives to make the university more welcoming to transgender

individuals. The predominant images of transgender people are those of victims of harassment inspired by ignorance, and supplicants for protection to university decision makers. The discourses used to shape these problems, solutions, and images are those of facilities, education/training, and support. The role of LGBT resource centers is central to the provision of services for transgender people and these centers form a significant part of the support discourse. The predominant protection discourse is one that presents itself as offering safety to transgender people through isolation and segregation – a solution that operates, among other things, to relieve cisgender people’s discomfort around gender variance through transgender “accommodation,” but at the cost of reinforcing the marginalization of trans people. This study shows the need to reframe the discourse on university campuses about transgender people and offers concrete ideas about how to do so in order to make campuses truly gender-friendly.

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## CHAPTER I

### FRAMING THE RESEARCH QUESTIONS

Equal Employment Opportunity (EEO) law was revolutionized by Title VII of the Civil Rights Act of 1964, which prohibited discrimination on the basis of race, color, religion, sex, and national origin. Following on the heels of the social justice movements of the 1960s and 1970s, higher education policy addressed issues of equity, particularly for women and African Americans, through EEO statements and affirmative action. Status of women commissions produced copious reports on sex equity from the late 1960s through the late 1990s (Allan, 2003). The category of race as a “plus factor” in college admissions, from the *Bakke* decision of 1978 through the University of Michigan rulings in 2003, was advanced by campus administrators and policy makers (Bernal, Cabrera & Terenzini, 2002). Throughout the late 20<sup>th</sup> and into the 21<sup>st</sup> centuries, states, counties, municipalities, business and educational institutions included sexual orientation as a protected class. Currently 15 states and D.C. have policies that protect both against sexual orientation and gender identity discrimination in the workplace (CA, CO, CT, HI, IL, IA, ME, MN, NJ, NM, NV, OR, RI, VT, WA); six states protect sexual orientation only (DE, MD, MA, NH, NY, WI) (Human Rights Campaign, 2011).

The movement for transgender civil rights has become part of the larger battle for equality for sexual minorities, including lesbian, gay and bisexual identified people, in the 21<sup>st</sup> century. The history of the queer rights movement is complicated: transgender activists sometimes joined with their brethren, sometimes ran alongside of, and

sometimes confronted their allies in the gay liberation movement. Similarly, some municipalities, states, businesses, and higher education institutions extended rights only to sexual minorities, leaving aside those who expressed their gender identity in non-normative ways. This battle is exemplified by the struggle to pass the Employment Non-Discrimination Act (ENDA). This act, introduced in 1974, was initially worded to protect LGB individuals, but lobbying by trans activists moved many LGB organizations to support the inclusion of trans people. In September of 2007, Congressman Barney Frank and the Human Rights Campaign (HRC) abandoned transgender protection, arguing the passage of ENDA would have been impeded by their inclusion. As a result of the marginalization of trans people within the gay rights movement, many campuses, businesses, municipalities, and states are now having to “go back” to the well in order to offer protection of gender identity and expression (abbreviated for the purpose of this study as GI&E) to transgender and gender variant individuals.

Starting in the late 1990s, U.S. employers began to extend protection in their non-discrimination policies to transgender employees (Transgender Law & Policy Institute, 2011a). The movement to include gender identity and expression in non-discrimination policies evolved from initial conversations about protecting transsexuals, to inclusion of transgender people, to broadly protecting all expressions of gender identity. Gender identity and gender expression are terms that are often conflated, as are transsexual and transgender. Transgender is an umbrella term for anyone who transgresses or blurs traditional gender categories, inclusive of female-to-male and male-to-female transsexuals, crossdressers, drag queens and kings, genderqueers, and other self-identified gender non-conforming people (Stryker, 2006). The term cisgender refers to

those whose biological sex assignment at birth matches their gender identity and expression. Gender identity is the inner sense of being male or female, somewhere in between, or neither (Bornstein, 1998). Both my academic and activist experiences have taught me that every individual, gay or straight, transgender or gender normative, possesses a gender identity. Gender expression is the external manifestation of gender identity, displayed through clothing, grooming and behaviors (Whittle, 2006a).

The term transgender was coined in the 1980s, and attributed to Virginia Prince, who used it to refer to herself and others who fell somewhere on a spectrum between “transvestite” and “transsexual” (Stryker, 2006). The founding of activist group Transgender Nation in 1992 was a watershed moment in the development of a specifically transgender politics within the broader lesbian, bisexual, gay/queer rights movement (Stryker, 2006). In the 1990s, the term transgender took on a political dimension as an alliance covering all of those individuals who have at some point not conformed to gender norms, and the term has been used to question the validity of those norms, or pursue equal rights and anti-discrimination legislation, leading to its widespread usage in the media, academic world, and law (Bornstein, 1998).

Thanks to the work of queer activists, Iowa City passed an ordinance prohibiting discrimination on the basis of gender identity and expression, followed shortly thereafter by the University of Iowa, which became the first institution of higher learning to protect gender identity in its non-discrimination statement in 1996 (G. Beemyn, personal communication, April 21, 2011; Transgender Law & Policy Institute, 2011b). Since that time, over 400 other colleges and universities have followed suit, with the majority of those schools initiating policy changes in the years between 2003 and 2010. Yet as



recently as February 2007 a higher education employee, John Nemecek, who began transitioning in 2005 and is now known as Julie Marie Nemecek, was dismissed as a professor and assistant dean from Spring Arbor University, a private Christian College in Michigan (Redden, 2007).

### **The Problem**

Over the last 15 years, since the first university included gender identity as a protected category, and especially recently, growing numbers of higher education institutions have addressed this category in their non-discrimination policies (Transgender Law & Policy Institute, 2011b). Popular attention, for example on television shows including Oprah (2007), 20/20 (2007), and Primetime Nightline (2011) is being paid to transsexuals, and there is greater awareness of gender non-conforming children (Goldberg, 2007). One of the most comprehensive studies to date of transgender individuals was undertaken by Beemyn and Rankin (2006) in which they had 3,474 survey respondents. Of those individuals surveyed, 95% of the male-to-female/transgender, female to male/transgender, and differently gendered individuals answered that they began to feel these differences at least by the time they were 19 years old.

While there is growing attention being paid to the transgender community, little data has been collected on the numbers of transgender people and their experiences in higher education. Based on the findings of a pioneering group of researchers and my own LGBT resource center work, I believe that there is a growing population of transsexual and transgender self-identified individuals at college and university campuses (Beemyn, 2005; Beemyn & Pettit 2006; Bilodeau, 2007; McKinney, 2005).

A handful of theses and dissertations have recently been written on transgender topics, including transgender human resources policies in U.S. employment (Weiss, 2004), transgender students (Bilodeau, 2007), and student affairs professionals' knowledge of transgender inclusion in higher education (Rossett, 2009). This dissertation will be the first to apply policy discourse analysis to examine the ideas and conversations circulating about transgender people in university documents concerning the status of LGB and T people on select university campuses. Higher education administrators will be able to examine policy discourses of institutions that have added GI&E to their nondiscrimination statements by referring to this study.

In late 2006, approximately 75 colleges and universities included gender identity and expression in their non-discrimination policies; as of October 2011 this number has increased to 414 (Transgender Law & Policy Institute, 2011b). This topic therefore went from a largely unacknowledged or discussed phenomenon before the University of Iowa added GI&E to its non-discrimination policy in 1996, to one that is becoming important enough for institutions to change their non-discrimination policies and offer concomitant support for transgender individuals, students in particular. Since this is a relatively new and expanding phenomenon, this study fills an important gap in the research regarding how and why such policy changes have occurred and how, despite seemingly benefitting transgender people, the discourse in these documents may actually undermine the intended goals of the policy initiatives (Allan, 2008).

This examination of policy development around GI&E issues will take a multiple case study approach. The eleven member institutions of the Big Ten presented themselves as the most appropriate set of universities within which to seek cases. The

institutions are located primarily in the Midwestern United States, stretching from Iowa and Minnesota in the west to Pennsylvania in the east. The conference has the prestige of both high athletic achievement and academic excellence. I have chosen this particular set of institutions for a several reasons.

First, it contains the largest concentration of schools that cover GI&E in their non-discrimination policies (75 at current count), including the University of Illinois, Indiana University, University of Minnesota, University of Iowa, University of Michigan, Ohio State, Pennsylvania State and University of Wisconsin systems, as well as Northwestern University, Michigan State University and Purdue University. The only Big Ten school that does not protect GI&E is the most recent member to join in July of 2011, the University of Nebraska – Lincoln.

Second, these institutions meticulously documented the process of adding GI&E to their non-discrimination policies, and have changed their policies within the last six years: the University of Wisconsin in 2005, the University of Michigan and Michigan State in 2007, and the University of Minnesota in 2009. Of the 12 member schools in the Big Ten, I am specifically focusing on Michigan State University, University of Michigan, University of Wisconsin and the University of Minnesota.

These four universities are all flagship research public institutions, with large undergraduate enrollments, a history of student activism, and LGBT resource centers. Since these schools all changed their policies within a short time of each other, I will be looking at policy documents in a snapshot of time. They therefore make ideal cases to examine and compare when looking at GI&E policy.

### **Research Questions, Methods, and Case Institutions**

This qualitative study provides an in-depth examination of the discourses employed to articulate the particular policy problem and solutions of including transgender people in non-discrimination policies at four Big Ten schools. I also study the language and images used to construct the subject positions of transgender people in these reports (Allan, 2008). This research will aid higher education administrators to understand how the discourse around gender identity and expression is framed, and how policy change can be successfully implemented to take into account the inclusion of transgender people. This study aims to answer the following research questions:

1. What do university reports describe as problems and solutions for transgender people in universities?
2. What are the predominant images of transgender people that emerge from university reports?
3. What discourses are employed to shape these problems, solutions, and images?
4. What subject positions are re/produced through these discourses?
5. What realities do these problems, solutions, and images construct?

These research questions will be investigated through a case study research design that consists of primary data sources including task force, committee, and commission reports, and additional supporting documents, including newspaper and journal articles, meeting agendas and minutes, and letters and memos. The case study approach, derived from sociology and anthropology, “provides a historical and problem-centered discussion” regarding a particular case or set of cases (Hamel, 1993, p. 2). The cases will

be examined through the lens of feminist policy discourse analysis, which is described later in this chapter and explained fully in chapters II and III.

Using selected Big Ten institutions in the study provides a historical and problem-centered analysis (Hamel, 1993). Eleven of the twelve member schools protect GI&E; because of the size of the state systems in the Big Ten it contains the largest concentration of schools that protect GI&E, 75 campuses in all, followed by the region of the northeast, which has 86 colleges and universities that protect GI&E across eight states, including: New York, Vermont, Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, and New Jersey (Transgender Law & Policy Institute, 2011b). The flagship schools of the Big Ten state systems including Wisconsin, Minnesota, and Michigan, are used in this study; it was those particular campuses that engaged in the process of commissioning task force reports, and whose action changed the policies at the satellite campuses. Additionally, Michigan State University will be studied as the one stand alone campus; Northwestern University is the only private campus in the Big Ten, and I excluded it because I am an employee of that institution. In the following section I briefly profile the four institutions that form the basis of this case study.

### **The University of Wisconsin**

The University of Wisconsin – Madison included protection of GI&E in 2005. The flagship Madison campus was founded in 1848 as a public research institution. The Madison campus has 20 schools or colleges with an enrollment of 29,153 undergraduates, and an additional 8,710 graduate and 2,570 professional students. The “Wisconsin Idea” guides the mission of the university; that is, that research should be applied to improving the quality of life of all of the citizens of the state, and reflects the populist history of the

state of Wisconsin (University of Wisconsin, 2009). The University of Wisconsin has a tradition of student activism, particularly notable during the anti-Vietnam War movement of the late 1960s and early 1970s. In 1992 The UW-Madison LGBT Resource Center opened; in 1994 the Committee on GLBT Issues was founded. In 1992 a university LGB committee issued its first report, with follow up statements in 2004, 2008, and 2010 (Report of the Committee on GLBT Issues).

### **The University of Michigan**

The University of Michigan – Ann Arbor included protection of GI&E in 2007. The flagship school was founded in Detroit in 1817 and moved to Ann Arbor in 1837. The Ann Arbor campus has 19 schools and colleges with a total enrollment of 41,028. During the 20<sup>th</sup> century, the University of Michigan was the site of student activism, and with the 2003 *Grutter v. Bollinger* and *Gratz v. Bollinger* affirmative action admission policy challenges, Michigan was a focal point in the fight for affirmative action on university campuses (University of Michigan, 2009). The University of Michigan was the first campus to open what was then called the Human Sexuality Office, in 1971. The university established the Task Force on Campus Climate for Transgender, Bisexual, Lesbian, and Gay (TLBG) Faculty, Staff, and Students, which issued its report in 2004, with a follow-up in 2006. Prior to 2007, the university administration argued that the institutional non-discrimination policy did not need to explicitly include gender identity and expression, because protection of sex implicitly included GI&E.

### **Michigan State University**

Michigan State University included protection of GI&E in 2007. MSU was founded in 1855 as a land grant agricultural school, located in East Lansing, Michigan. It

is a public research university with 17 degree granting colleges and has several residential colleges, with an undergraduate enrollment of 36,337 and 10,311 graduate and professional students (Michigan State University, 2009). MSU had a tradition of student activism, typified by anti-war protests in the 1960s and anti-apartheid organizing in the 1980s. In 1993 the campus LGBT resource center was opened. In 2002, the Executive Committee of the Academic Council (ECAC) charged an *ad hoc* committee to study a proposal to add gender identity to MSU's anti-discrimination policy. In 2005, a second *ad hoc* committee was charged to review the work of the first committee. In 2007 a final report was issued which resulted in the policy change to include GI&E (Second *Ad Hoc* Gender Identity Committee).

### **The University of Minnesota**

The most recent institution in the Big Ten to add GI&E to its non-discrimination policy is the University of Minnesota, which did so in July 2009. Its flagship institution of five campuses is located in the Twin Cities of Minneapolis-St. Paul. There are 51,140 students enrolled at 16 schools and colleges. Founded in 1851, the University of Minnesota is a public research institution (University of Minnesota, 2009). The LGBT resource center was opened in 1993. The city of Minneapolis was the first municipality in the United States to include protection of GI&E in 1975. Though the city of Minneapolis was a pioneer in the fight to protect GI&E, the university administration argued that since 1993 gender identity and expression was explicitly protected by state law, and did not therefore need to include this category in the university non-discrimination policy (Currah & Minter, 2000). The Systemwide Standing Commission on GLBT Concerns, comprised of students, staff, faculty, alumni, and community members from all five

University of Minnesota campuses, was charged with assessing the campus climate for GLBTA individuals and making recommendations to the Vice President and Vice Provost for Equity and Diversity, Dr. Rusty Barceló. The Transgender Commission was established in 2006 and issued its first report recommending explicit GI&E inclusion in its 2006-2007 report.

### **Conceptual Framework**

Feminist policy discourse analysis provides a theoretical framework for understanding the conversation regarding transgender people on university campuses (Fischer, 1980; Pillow, 2003). Allan (2003) provides a theoretical framework that defines the study of discourse as including “the examination of both talk and text and its relationship to the social context in which it is constructed” (pp. 47-48). Allan defines the term *policy discourse analysis* as “an explicit focus on policy discourses and the discursive shaping of subjects’ positions through policy” (2003, p. 49). Feminist approaches to policy analysis can be used to examine the documents that were produced while an institution was contemplating adding GI&E to a non-discrimination statement. The language used in the production of these reports by the four selected schools will be analyzed using policy discourse analysis (Gelb & Palley, 1987). Feminist and post-structuralist theorists propose that documents are not value-free; they record culture, but they also help to produce it, both at a conscious and unconscious level (Poovey, 1988; Scott, 1988). Allan critiques traditional models of policy analysis because they treat the policy document as objective and apolitical, despite the fact that the policy process is “inherently value laden” (2003, pp. 47-48). Consequently, social policies should be treated as “discursive and/or textual interventions that produce effects within formal



organizations and across social relations” (p. 49). Bacchi, employing feminist and post-structuralist critiques, criticizes technical rationalists’ and political rationalists’ attempts to define policy as problem solving, as if there were one best solution to a problem that exists, and that it must be uncovered through rational and objective processes (1999). Bacchi describes her method of policy analysis as a “What’s the Problem?” approach, and discusses how this method reveals “the assumptions about the nature of the problem in any postulated solution” (p. 21). Bacchi, like Allen, acknowledges that policy is discourse. Further to this, there is not one unified discourse, but all policy development discourse is multiple and often contradictory.

Employing a feminist post-structuralist method like discourse analysis to study these cases is not unproblematic; cultural feminists argue that post-structuralists ignore the natural fact of the body (Hawkesworth, 1989). For example, a transsexual body is altered by surgery or hormones, not a sight to be interpreted as a text to be read for its symbolic meaning (Shepherdson, 2006; Thorne, 1993). I strove to keep that warning in mind while examining the language used in GI&E policy development to uncover how transgender individuals are viewed, and how policy is constructed to address the “problems” of transgender people. It also considers whether or not there are policies that ignore or elide (and if so how) the fact that all individuals, gay or straight, transgender or gender normative, possess gender identity and express that gender to institutional approbation or approval.

### **Placement**

I am the Coordinator of the LGBT resource center at Northwestern University, a school in the Big Ten conference. This provides access to transgender individuals and

professional colleagues at Big Ten institutions. I identify as genderqueer, which has implications for the research. For example, I must weigh the demands of an academic study versus the desire for transgender civil rights advocacy, and I must consider those demands at every step of the research and writing of this dissertation. In addition to contributing to the body of scholarship on transgender topics in higher education, I am seeking to facilitate policy making at institutions in order to improve the campus climate for gender variant individuals. In the tradition of African American Studies, Gender Studies, and Disability Studies, therefore, my scholarship is also activism, investigating and critiquing the modernist/traditionalist post-secondary policy making process in order to facilitate proactive policy making for transgender people (Barnes & Mercer, 2010; Harper, Patton & Wooden, 2009; Iverson, 2009).

### **Delimitations and Limitations**

This study will confine itself to analyzing the discourse of university reports examining the status of transgender individuals at selected schools in the Big Ten conference. There are advantages and drawbacks inherent in any approach, but in a case study, the empirical demands for generalizability are not a particular concern because the overriding goal of a case study analysis is that the target case or cases be adequately described and, if this is properly done, the audience will be able to “recognize essential similarities to cases of interest to them” and “establish the basis for naturalistic generalization” (Stake, 2000, p. 23). Stake posits that the study of human problems is the concern of social scientists and thus the case study’s “best use appears to... be for adding to existing experiences and humanistic understanding” (2000, p. 23). That is the object of this study.

## **Summary**

Between 2006 and 2011, 414 colleges and universities added GI&E to their non-discrimination policies (Transgender Law & Policy Institute, 2011b). This study will employ a feminist policy discourse analysis approach to examine the language and images employed in constructing the subject position of transgender people in these university reports. Only a handful of institutions have implemented trans inclusive initiatives, while the vast majority of campuses have not. This dissertation examines the discourse used to discuss the images of transgender people as well as the problems and proposed solutions to address the status of trans people in commissioned reports at select Big Ten university campuses.

## CHAPTER II

### REVIEW OF LITERATURE

This study seeks to analyze the discourse used in discussing the status of transgender people and subsequent gender identity and expression (GI&E) protection inclusion at select Big Ten universities. This literature review consists of three sections; the first discusses the transgender civil rights movement as both part of, and separate from, the gay rights movement, with a particular focus on employment protection for trans people. The history of the transgender civil rights movement – which is intertwined with that of the LGB communities – is crucial to understanding why universities are now responding to advocacy initiatives by transgender people and their allies. The second section will examine, briefly, lesbian, gay and bisexual identity development, as it relates to the relatively new field of transgender and gender identity development theory. In order to provide the context for the movement for transgender rights and GI&E protection, one must understand the connections between LGB and T identity development theory. The third section reviews traditional models of policy analysis, and specifically discusses the use of feminist policy analysis models that provide the structure for the conceptual frame of this study.

#### **Transgender Civil Rights Movement**

The transgender civil rights movement developed within the broader context of the civil rights struggles of the LGB communities. According to Lev (2007, p. 148), “gender variance has been an integral part of lesbian and gay struggles for equality

throughout history and within contemporary culture, although it has rarely been acknowledged.” The aims and the outcomes of these struggles have not, however, always been congruent, requiring that trans activists adapt their strategies accordingly. What follows is a discussion of how the LGB and T pride movements worked in concert, separated, and then found common ground to form coalitions again during the last half-century in the US.

Feinberg (1992) wrote one of the first books on transgender history, but it is largely anecdotal and frequently does not cite sources. Stryker (2008) has produced a concise social history of the transgender civil rights movement. There is a dearth of literature on transgender history; therefore, this section will rely heavily on the work of Stryker. This study confines itself to a very brief review of significant movements in gay and transgender history.

In the late nineteenth and early twentieth centuries, psychological theories of gender variance were influenced by psychiatrist Sigmund Freud, and medical diagnoses became increasingly popular as research on endocrinology and the role of hormones on the biological development of individuals advanced (Garfinkel, 2006; Stoller, 2006). While some of the physicians who wrote about gender variance were sympathetic to “transsexuals and transvestites,” including physicians Harry Benjamin (1885-1986) and Magnus Hirshfeld (1868-1935), much of the scientific discourse on transsexuality in the nineteenth and twentieth centuries looked for a psychological or physiological “cause” for transsexuality (Benjamin, 2006; Hirshfeld, 2006).

Historian John D'Emilio (1983) links the development of a modern gay identity with the rise of capitalism and corresponding urbanization. Once young men moved away from tight-knit rural communities to urban settings that allowed for anonymity, opportunities arose for men to form different kinds of emotional and erotic relationships with other men (D'Emilio). While there was an opportunity for individuals to form new social bonds, there was a corresponding sense of alienation and isolation as people separated from their families and moved into cities. Anxiety over growing immigrant migration into American cities and working-class women entering the industrial workforce fanned the flames of nativism and anti-feminism (D'Emilio). For example, Chinese immigrants on the West Coast were perceived as having confusing expressions of gender, as men and women alike wore their hair long and dressed in similar attire. Municipalities responded to threats against normative race, sex, sexuality, and culture with prohibitive sumptuary laws. Sumptuary laws had been in place in the Old World; once the American colonies were settled, cross dressing laws were imported. States added these prohibitive laws over time and cities followed (Beemyn conversation, April 11, 2011). The first ordinance against public cross-dressing was passed in Columbus, Ohio in 1848, and the last enacted in Cincinnati, Ohio in 1974 (Stryker, 2008).

The modern gay rights movement's signal moment has been enshrined at the Stonewall Inn in New York City. There were, however, significant moments in gay and trans civil rights preceding that event in June 1969 (Carter, 2004; Duberman, 1994; Stryker, 2008). For young lesbian, gay and trans people who were under aged, bars were not an option, but diners and coffee shops located near these bars served as a sort of informal "community center" where they might socialize with each other (Faderman &

Timmons, 2006). In these social settings, solidarity was built among LGBT people, as they were targeted for social approbation and police abuse for their unconventional gender expression and assumed sexual identity. Police would harass and arrest trans women on a “nuisance crime” (Faderman & Timmons, 2006). Cooper’s Donuts was a Los Angeles coffeehouse at which groups of drag queens and male hustlers, many Latino or African American, gathered late in the evening. One evening in May, 1959, the customers “decided to resist en masse. The incident started with customers throwing doughnuts at the cops and ended with fighting in the streets, as squad cars and paddy wagons converged on the scene to make arrests” (Stryker, 2008). A similar, though nonviolent, incident took place at on April 25, 1965 at Dewey’s, a lunch counter and late-night coffeehouse in Philadelphia. Dewey’s was popular with lesbians and gay men as well as drag queens and prostitutes as a gathering place to go after bars closed. Dewey’s initiated a rule of not serving those in “nonconformist clothing” (Stein, 2004). Customers rallied to protest as three teenagers (two male and one female) refused to leave after being denied service. Community members, aided by the Janus Society (a gay and lesbian group) set up picket lines, and activists staged another sit-in on May 2. The restaurant management backed down in response to the protest (Stryker, 2008).

By 1966, San Francisco was a hotbed of counter-culture movements, including anti-war, civil rights, and ethnic pride movements of Chicano and Native American people. Feminism and gay rights movements were still in their nascent stages. Stryker (2008) writes that the “most militant” phase of the transgender movement for social change took place during the years from 1966 to 1969. The 1966 Compton’s Cafeteria Riot in San Francisco’s Tenderloin neighborhood was the first instance of direct action

that would result in lasting institutional change. As urbanization increased in the nineteenth century, neighborhoods had developed where “vices” not tolerated in other areas were cordoned off and controlled, to a certain extent, by municipalities and police (Hartman, 2002). The Tenderloin neighborhood had been a sex-work district since the early 1900s, and it was also known to have affordable housing that drew immigrants, prostitutes, gays and lesbians, and transgender people, those most at the margins of “polite society.” Tenderloin residents, inspired by the African-American civil rights movement, launched a grassroots campaign for economic justice in 1965. One outgrowth of this neighborhood organizing was the formation of Vanguard in the summer of 1966, an organization of mostly young gay hustlers and transgender people (Boyd, 2003). Vanguard was involved in the eventual picketing of Compton’s after riots broke out at the diner during August 1966. Compton’s, like Coopers and Dewey’s, was a gathering spot for hustlers, prostitutes, drag queens, runaway teens and poor locals of mixed races and ethnicities. One night in August 1966, café management became annoyed by a noisy young crowd of queens at a table and called in the police. When police arrived and started manhandling the customers, one of the queens threw coffee at an officer and a melee erupted. Police officers ran outside and called for backup. When the paddy wagons and additional officers arrived, street fighting broke out (Stryker, 2008). These particular acts of civil disobedience at Cooper’s, Dewey’s and Compton’s demonstrated early coalition building between various communities of color, sexual identities, and gender expressions, in spite of tensions and prejudices held by coalition members (Stryker, 2008).



Stryker (2008) helpfully breaks down the transgender civil rights era into three overarching periods: the 1960s, which saw a campaign within the larger gay liberation cause; the 1970s and 1980s, which saw a backlash against transgender people within the gay and feminist movements; and the 1990s and early years of the 21<sup>st</sup> century, initiating an era of renewed activism that both joined with, and was separate from, the gay rights struggle. The post-hippie era and winding down of the Vietnam war saw a shift in the wider culture from “hippie/fairy” chic to, particularly in the gay male community, the more masculine “clone look” of denim, plaid, and short haircuts. This look and style shift may seem superficial, but it coincided, in 1973, with the American Psychiatric Association removing homosexuality from its list of illnesses in the *Diagnostic and statistical manual of disorders* (Stryker, 2008). This “normalization” of homosexuality, was reflected in gay men assuming more conventional expressions of gender. As a result, “because gays were now ‘liberated’ from the burden of psychopathology, homosexual and transgender communities no longer had a common interest in working to address how they were treated by the mental health establishment” (Stryker, 2008, p. 95). Simultaneously, the feminist position on transgender issues, particularly with regard to male to female transsexuals, was explicitly hostile. For example, Mary Daly and Janice Raymond wrote tracts against transwomen in, respectively, *Gyn/Ecology* and *The transsexual empire*. Raymond (1994; 2006; Riddle, 2006) offered a particularly inflammatory analogy that compared transwomen’s forays into women-only and/or lesbian spaces as tantamount to rape (Stone, 2006; Sullivan, 2006; Whittle, 2006b).

Stryker (2008) posits that several factors contributed to the resurgence of trans activism in the 1990s, including the new political concept of queerness, the AIDS

epidemic, and the rapid development of the internet. West coast queer theory, in particular, was indebted to feminists of color. Authors including Gloria Anzaldua (1990) wrote about intersections of identity which included race, gender, class and sexual identity, none of which was privileged over the other. The new queer feminism drew heavily on Foucault's concept of social power as decentralized rather than monolithic (1977; 1982). "Queer feminism reimagined the status of 'woman' not simply as a condition of victimization to be escaped from, and it reconceived gender as a network of 'relations of power'" (Stryker, 2008, p. 128). Butler's (1990) authoritative work *Gender trouble*, states that the hegemonic power of heteronormativity produces all forms of the body, sex, and gender. She adds that all gender is an imitation for which there is no original. While Butler is lauded by feminists, queer and transgender theorists, the argument that gender is always ultimately about something else is perceived to be a perspective that devalues gender's real oppressive effects (Bordo, 1993). Gender, much like race, while not biologically fixed, is socially constructed to oppress (Butler, 2006).

The final pivotal issue that brought the LGB and T communities back together in activist politics was the AIDS crisis. Particularly in communities of color, AIDS agencies and service organizations became centers of transgender activism as that sub-community was hit particularly hard (Stryker, 2008). ACT-UP (AIDS Coalition to Unleash Power) and Queer Nation formed as coalitions of queer people advocated for resources to combat prejudice around HIV/AIDS and to lobby for resource allocation for treatment and research. Additionally, as a result of transgender activism including, for example, members of Transgender Nation protesting the 1993 March on Washington for Lesbian, Gay and Bi Equal Rights (explicitly protesting the omission of the T), by 1995 many

formerly GLB organization began to add the T to their names (Stryker, 2008).

Additionally, though Intersex identity is sometimes subsumed under the Transgender umbrella, in 1993 Cheryl Chase founded the Intersex Society of North America. There is coalition building between I and T activism, because of the power psychiatrists and physicians exert over transgender and intersex people in diagnosing Gender Identity Disorder and surgically altering babies with “sexually ambiguous genitalia.”

Transgender activist Riki Wilchins launched the group Transexual Menace in 1994, the Gender Public Advocacy Coalition (GenderPAC) in 1996 and True Child in 2009. In San Francisco, a report published in 1994, principally written by FTM activist Jamison Green, documented the human rights abuses directed at the transgender community. The report became the basis for San Francisco’s 1995 transgender antidiscrimination ordinance (Stryker, 2008). Many transgender advocacy groups now exist, including the Sylvia Rivera Law Project in New York, the Transgender Law Center in San Francisco, and the National Center for Transgender Equality in Washington, D.C. Two historically gay organizations, Lambda Legal and the National Gay and Lesbian Task Force, have provided legal, research, and activist support to transgender causes (Stryker, 2008).

### **Transgender Inclusion in Non-Discrimination Policies**

We have seen that, historically, a common pattern of non-discrimination policy enactment is inclusion of protection for sexual orientation, with the later addition of gender identity and expression protection as education, activism, and awareness on transgender issues grows (Stryker, 2008). There are several key areas of proactive change that I will discuss: legislative, workplace, and higher education. Legislative initiatives to

protect GI&E ranged ahead of advances in education by 20 years and in business by almost 30 years. But as I have indicated, most transgender positive initiatives in legislation, business, and education stalled for much of the 1970s and 1980s, until transgender activism found a new voice and purpose in the 1990s and 2000s (Stryker, 2008).

**Legislative.** Minneapolis was the first city in the United States to adopt transgender non-discrimination language in 1975. By 1990, only three additional cities had been added to the list – Harrisburg, Pennsylvania; Seattle, Washington; and St. Paul, Minnesota. By the end of 1999, however, the number of local ordinances had quintupled. In 1993, Minnesota became the first state to enact an anti-discrimination law that includes protections for gender variant people in employment, housing, education, and public accommodations, as well as increased enhanced penalties for hate crimes committed against transgender people (Currah & Minter, 2000). As of August 2011, 15 states and the District of Columbia protect gender identity and expression (Human Rights Campaign, 2011).

According to the activists in Minneapolis, the inclusion of language protecting trans people was the result of a long battle, one that included disputes within the LGBT community as well as between that community and more conservative elements who opposed protection of both sexual identity and gender identity and expression (Currah & Minter, 2000). At the state level, there was debate over whether to include transgender protection or simply cover sexual identity. Key local advocates, including Barbara Metzger, a lesbian activist from St. Paul, and Susan Kimberly (formerly Bob Sylvester), a

previous president of the St. Paul City Council, insisted that trans people could not be excluded (Currah & Minter, 2000).

In 1997, *It's Time, Illinois!* produced a statewide report *Discrimination and hate crimes against transgender people in Illinois*. Transgender activists in Evanston, Illinois met with the Human Relations Commission regarding incidents of discrimination. At the City Council hearing the chair of the Human Relations Commission framed the ordinance for the legislators. In 1997 the Evanston City Council included gender identity in its list of protected categories, broadly encompassed in the definition of sexual orientation (Currah & Minter, 2000). As of October 2011, 143 cities and counties prohibit discrimination on the basis of gender identity and/or expression (National Gay and Lesbian Task Force, 2011a). This means that 44% of the U.S. population is covered by a transgender-inclusive nondiscrimination law; the rate of such enactment is steady, between five and fifteen new jurisdictions per year since 1996 (National Gay and Lesbian Task Force, 2011a; Transgender Law and Policy Institute, 2011a). There have been recent legislative actions to remove this protection. In Virginia, Gov. Robert McDonnell signed a new executive order on February 25, 2010 omitting “sexual orientation” from the list of protected categories of state workers (Najafi, 2010). A similar initiative was introduced by Michigan Republican Tom McMillin in which HB5039 would “gut local non-discrimination ordinances that offer protections to groups not covered by the state’s civil rights law” including gay and transgender people (Heywood, 2011).

**Workplace.** No federal law consistently protects transgender people from discrimination in the workplace. Although federal sex discrimination law, under Title VII of the Civil Rights Act of 1964, has historically been interpreted to exclude transgender

workers, some recent cases have challenged that understanding (Human Rights Campaign, 2007). In *Price Waterhouse v. Hopkins*, 490 U.S. 228 (1989), the United States Supreme Court held that discriminatory conduct directed toward the plaintiff (a biological female) based on sexual stereotyping, including assertions that the plaintiff's mannerisms and dress were not sufficiently "feminine," constituted discrimination on the basis of sex. The Sixth Circuit Court of Appeals (Kentucky, Michigan, Ohio, and Tennessee) has since applied the *Price Waterhouse v. Hopkins* (1989) rationale to extend protection to transgender persons, in *Smith v. City of Salem*, 378 F.3d 566 (6<sup>th</sup> Cir. 2004) and *Barnes v. City of Cincinnati*, 401 F.3d 729, 735 (6<sup>th</sup> Cir. 2005). State and federal courts applying state law have reached varied conclusions as to whether transgender individuals are protected by state anti-discrimination statutes, some following the Price Waterhouse decision, while others apply restrictive rationales (Bazluke & Nolan, 2005).

Surveys have shown that anywhere from one in five to one in two transgender individuals have experienced gender identity discrimination on the job (Broadus, 2006; Human Rights Campaign, 2008). At the end of 2004, when the first edition of the report *Transgender inclusion in the workplace* was published by HRC, only 27 of the Fortune 500 companies prohibited discrimination on the basis of gender identity and/or expression. As of October 2010, that number had increased to 337 of 615 businesses of the Fortune 1000 companies that participated (Human Rights Campaign, 2011). Additionally, The Human Rights Campaign rates Fortune 1000 companies' performance on LGBT employment benefits. Businesses including IBM Corp., Eastman Kodak Co., American Express and Microsoft Corp. provide comprehensive transgender health benefits (Human Rights Campaign, 2011).

**Higher education.** Gay pride organizations have existed on college campuses since the late 1960s. The homophile organizations the Mattachine Society and the Daughters of Bilitis served as inspiration for the establishment of the first student gay rights organization at Columbia University in 1965 (Beemyn, 2003). The Student Homophile League gained university recognition in 1967, and the second chapter was founded at Cornell University, in 1968; New York University followed that year and in 1969 Northwestern University's Gay Liberation Front was founded. By 1971, there were 175 colleges across the United States that had gay student organizations (Beemyn, 2003). In 1971, the first gay and lesbian resource center was founded at the University of Michigan (Beemyn, 2002). Several other centers were opened in the 1980s, with the majority founded in the 1990s and 2000s. There are currently 175 LGBT Resource Centers on college and university campuses in the U.S. and Canada (Consortium of Higher Education LGBT Resource Professionals, 2011). Those centers that opened earliest were generally called Gay & Lesbian resource centers; those that opened in the 1980s already included bisexuals as GLB or LGB resource centers; finally at the turn of the 21<sup>st</sup> century, transgender or gender variant people were added to the alphabet soup of key players of the campus community resource centers (Beemyn, 2002; Sanlo, 2000). At the University of Wisconsin, for example, around the time the LGBT campus center was opened in the Memorial Union in 1998-99, students advocated for more resources for underrepresented groups, including bisexual, transgender and queer people of color. The staffing of the center was restructured to include programming positions for these constituent groups that are often overlooked in the LGBT community (UW-Madison LGBT Campus Center, 2008). In 1997, at the University of Michigan Office of LGBT

Affairs, the newly stated goals for the office were to increase transgender inclusion and education concerning transgender issues. At the same time, the Division of Student Affairs created a gender-identity working group that focused on gaps in services for transgender individuals and made recommendations for inclusion that led to the creation of the Provost's Taskforce to examine the climate on campus for TBLG people. In addition, Transforum was established by students as a group for alumni, students, & faculty of the University of Michigan that provided resources for trans people. In 2005, the office collaborated with University Housing to help them develop a gender-neutral housing policy (University of Michigan Spectrum Center, 2010).

Concurrent with the development of LGBT resource centers, inclusion of sexual orientation in non-discrimination policies at colleges and universities took place for the most part between the early 1970s and mid 1990s; more than 500 colleges and universities added sexual orientation to their nondiscrimination policies during that period (Sanlo, 2005). The University of Iowa was the first post-secondary school to add gender identity protection to its non-discrimination policy. The majority of colleges have added GI&E policy inclusion in the years from 2003-2010; over 400 schools now protect GI&E (Beemyn & Pettit, 2006; Transgender Law & Policy Institute, 2011b).

The first non-discrimination statute that included GI&E was enacted in Minneapolis in 1975. The presence of an out transgender activist and the coalition of support with the LGB community heralded success that would not be matched by other municipalities or states until the early 1990s. Higher education and business lagged behind legislative inclusion of trans people by 20 to 30 years, with most of the for- and non-profits returning to include transgender people after sexual orientation was added to



non-discrimination policies. During the 21<sup>st</sup> century the trend to protect GI&E has grown significantly, with over to 400 college campuses and 337 Fortune 1000 companies prohibiting discrimination on the basis of gender identity/expression in policies. Inclusion efforts may involve months or years of advocacy work and political organizing. In Kalamazoo, Michigan, for example, there was a protracted battle between advocates and opponents for GI&E and sexual orientation protection. The City Commission approved, repealed, and subsequently passed an ordinance in 2008; opponents, led by the American Family Association of Michigan, successfully circulated a petition for public vote on the issue in November, 2009. With a resounding 65% of those voting in the affirmative on November 3, Kalamazoo now protects its residents from discrimination, on the basis of both sexual orientation and gender identity and expression. (Heywood, 2009; Jessup, 2009; Mack, 2009).

### **Lesbian, Gay, and Bisexual Identity Development**

In the preceding section, I discussed the historical and legislative connections between the LGB and T civil rights movements. Now I will turn to developmental theories, examining first the literature on LGB identity development, and concluding with the growing field of transgender identity development. Fassinger and Arsenault (2007) reject the idea that these four groups (L, B, G & T) represent “distinguishable, homogenous entities with an indisputable sociosexual identity existing across time and space,” arguing instead that “gender expression, sexuality, and sexual behavior constitute fluid, dynamic processes” in which individuals engage (p. 21). Consequently, the need to examine together LGB and T identity development theories arises from the same problem

we face in separating out the civil rights struggles of trans people from those fought by people in the LGB communities: they are inextricably intertwined and interrelated.

Since the late 1970s, a significant body of literature on lesbian, gay, and bisexual identity has emerged. Among those researchers whose studies have been applied to college student populations are Cass (1979), D'Augelli (1994) and Fassinger and Miller (1996). Cass's Homosexual Identity Model provided a context of gay identity and its dependence on the individual's interpersonal environment through six stages: identity confusion (indicating initial awareness of homosexuality), identity comparison (indicating acceptance of gay or lesbian identity), identity tolerance (acknowledgement of gay or lesbian identity), identity acceptance (positive belief of identity), identity pride (focus on gay or lesbian issues), and identity synthesis (homosexuality and heterosexuality are less dichotomized). In addition, Cass maintains that individuals do not automatically advance through all six stages (1979). In more recent years, theorists have moved away from stage models of development. D'Augelli (1994), in particular, presented a lifespan model of lesbian, gay, and bisexual identity development based on his social constructivist view of sexual orientation. Six interactive, progressive processes connected to lesbian, bisexual, and gay identity formation are used in place of stages. The processes are: exiting heterosexual identity, developing a personal LGB identity status, developing an LGB social identity, claiming an identity as LGB offspring, developing an LGB intimacy status, and entering an LGB community. D'Augelli's lifespan model emerged from his research on gay male identity in college, providing an especially strong link between his lifespan models of identity development and the student development literature (1991).

Studies that examine the intersection of race or ethnic identity and sexual identity reveal the struggle to integrate these identities in a twenty-first century American society and its cultural context (Chan, 1995; Cintron, 2000; Moradi, Worthington, & Fassinger, 2009). “In research on Latina lesbians, and on Asian-American gay men respectively...most preferred to be validated for both their ethnic and their lesbian/gay identities. Nonetheless, they were perceived as being primarily lesbian/gay once their sexual identities became known” (Chan, 1995, p. 88). The tendency by others to give primacy to sexual orientation when defining identity can lead to isolation from the family and community of primary ethnic/racial identity. Fassinger and Arsenault (2007) have recently developed a theory that they call the model of identity enactment of gender-transgressive sexual minorities. This model considers temporal influences (including age experiences and cohort experiences) in relation to gender orientation, sexual orientation and cultural orientation; along with individual differences these influences interact alongside the developmental processes of LGBT individuals, including the personal (health), interpersonal (relationship and families), social (education and work), and sociopolitical (legal and political rights).

Research since the 1990s has highlighted the fact that gay men, lesbians, and bisexual individuals do not share universal identity development processes or coming out experiences. Bisexuals, in particular, may come to bisexual identity after self-labeling as lesbian or gay. Others may identify bisexual feelings from childhood onward (Renn & Bilodeau, 2005). Research on bisexuality has been hampered by the dichotomization of sexual identity into homosexuality and heterosexuality. Developmentally, there appears to be no single pattern of homosexual and heterosexual attractions, behavior, and

relationships that characterizes self-identified bisexual men and women (Fox, 1996). For some bisexual-identified individuals, sexual identity remains constant, while for others sexual identity varies in response to personal factors as well as external circumstances. One key difference between bisexual men and women and gay men and lesbians is “in the degree to which a visible community of similar others exists and serves to support the individual in the coming out process” (Fox, 1996, p. 73). Bisexual individuals are still more frequently isolated and marginalized due to the misperception that they “choose” their sexual and affectional orientation and cast doubt on the argument that one is “born gay” (Rieger, Chivers, & Bailey, 2005). The Klein Sexual Orientation Grid (or KSOG) expands on the original Kinsey scale of sexual behavior. The KSOG sets out seven variables, including: sexual attraction, sexual behavior, sexual fantasies, emotional preference, social preference, lifestyle, and self-identification that one can map out of a scale of seven from exclusively opposite sex to exclusively same sex (American Institute of Bisexuality, 2010). Transgender identity is explored in the Fassinger and Arsenault model, but there are also developmental models that focus exclusively on the role of gender identity and expression in a transgender developmental context.

### **Transgender Identity Development**

The term transgender was coined in the 1980s, and attributed to Virginia Prince, who used it to refer to herself and others who fell somewhere on a spectrum between “transvestite” and “transsexual” (Stryker, 2006). Transgender was used to describe someone who changed social gender through the public presentation of self (Stryker, 2008). In the 1990s the term took on a political dimension as an alliance covering all of those individuals who have at some point not conformed to gender norms, and the term

was used to question the validity of those norms, or pursue equal rights and anti-discrimination legislation, leading to its widespread usage in the media, academic world and law (Bornstein, 1994; Stryker, 2006). Currently, transgender “refers to individuals whose gender identity, that is, their sense of being male or female, or between or outside traditional gender norms, conflicts with their sex assigned at birth and/or societal norms for their gender expression. The term may encompass a broad range of gender non-conforming identities...” (Bilodeau, 2005, p. 30). The term continues to evolve.

There are few healthy, non-pathologized models of transgender development (Bilodeau, 2005). Much of the scientific discourse on transsexuality in the nineteenth and twentieth centuries looked for a psychological or physiological “cause” for transsexuality (Stryker, 2006; Whittle, 2006a). Hirschfeld’s argument that trans manifestations were distinct from “homosexuality” was a concept that would not be widely adopted until much later in the twentieth century (Stryker, 2006; Whittle, 2006a). There were several schools of thought on transgender identity that developed through the twentieth century. Psychiatric and medical models continue to be used to “explain” the phenomenon of non-normative gender identity, which presupposes a standard for male and female identity development that does not include any allowance for, or explanation of, deviance from normative gendered behavior (Bailey, 2003; Nicholson, 1995; Wilchins, 2004). The medical and psychiatric establishment have been accused of coercion in working with trans individuals; requiring them to live for one year as the “opposite” sex before approving hormonal and medical procedures that will ensure a “full” transition (Singer, 2006). Significantly, the psychiatric diagnosis of Gender Identity Disorder (GID) does not acknowledge that gender identity can be fluid over time and vary with each

individual's identity. The medical establishment does not endorse partial transition, for example, hormone treatment, without surgery, or partial surgery (World Professional Association for Transgender Health, 2009). Finally, there is little acknowledgement of genderqueer individuals, like myself, who do not want any medical intervention but do not identify as exclusively either male or female.

It has only been in the very recent scholarship on transgender identity that models have been developed that specifically address gender identity or transsexual identity development in a non-pathologized way. Devor's 14 stage model of transsexual identity formation (2004) builds on Cass (1979) and Ebaugh (1988), specifically with regard to role exit. Ebaugh wrote that people move into and out of many roles in the course of a lifetime and asked what it means to leave behind a major role or incorporate it into a new identity. This is the phenomenon of becoming an "ex." Ebaugh explored career role changes specifically, but also interviewed transsexuals. Ebaugh devised a role exit model that includes: disillusion with a particular identity, searching for alternative roles, turning points that trigger a final decision to exit, and finally, the creation of an identity as an ex (1988). Devor's 14 stage model acknowledges that for any individual transsexual, it may well be the case that "the best way for them to live their lives is to go no further than any particular stage" (2004, p. 44). The 14 stages are similar to the seven stage lesbian and gay identity model that Cass defined, but with opportunities to stay at a certain stage without progressing to full transition, which includes: abiding anxiety, identity confusion about originally assigned gender and sex, identity comparison about originally assigned gender and sex, discovery of transsexualism, identity confusion about transsexualism, identity comparisons about transsexualism, tolerance of transsexual identity, delay before

acceptance of transsexual identity, acceptance of transsexual identity, delay before transition, transition, acceptance of post-transition gender and sex identities, integration, and pride (2004). I would argue that as one chooses to remain at, or exit through these processes, pride can be accomplished as well; that is, one can exit the process at tolerance of transsexual identity and achieve integration and pride. For most individuals along the gender diverse spectrum, integration and pride are possible. This self-actualization allows for resilience in the face of an intolerant and discriminatory culture, including that of higher education, which will be discussed further in the policy section.

Despite changes in North American society in the sex roles of men and women in the last 40 years since the onset of the modern feminist movement, this society is still a “highly gender dichotomized world” (Devor, p, 47, 2004). Young girls are afforded the opportunity to experiment with masculine roles, as there is a socially accepted category for the “tomboy.” At the onset of puberty, this experimentation is expected to be set aside for more socially acceptable feminized gender expression. Young boys have no such outlet to try on female gender identity, as the “sissy” role is demeaned and boys who exhibit such behavior are subject to, minimally, verbal taunts, and may also be victims of bullying and physical violence, including suicide (ABC News, 2010; NNPA News Service, 2009). If boys continue to exhibit “sissy” behaviors and girls persist in “tomboy” expressions of identity after the onset of puberty, it is generally assumed that the males are gay and the females lesbian (Devor, 2004). I would argue that sexual identity and gender identity and expression are so intertwined in our culture that, outside of academia and queer spaces, there is little understanding or recognition of diverse gender identities that are independent of sexual identity.

While Devor elaborates a 14 stage model of transsexual development, Whalley's Continua (2005) describes a lifespan model that acknowledges each person as a gendered, sexed, and sexual being. Reicherzer and Anderson use Whalley's Continua as a jumping off point for their own transgender age stage model (2006). Reicherzer & Anderson's model includes seven age spans of transgender identity development from pre-school (ages 3-6), school age (ages 6-11), early adolescence (ages 12-15), late adolescence (ages 15-18), early adulthood (ages 18-35), middle adulthood (ages 35-60) and advanced adulthood (ages 60 and beyond). Reicherzer's and Anderson's model, similar to Devor's, acknowledges that there is more societal allowance for masculine females in the tomboy role of pre-school and school age, while no such acceptable feminized archetype exists for young males. With the onset of puberty, youth who are transgendered may experience anguish over "body betrayal" (Reicherzer & Anderson, p. 6) as females undergo breast development and the onset of menarche; for natal males, the experience of body hair growth and deepening of vocal range "may exacerbate an experience of gender incongruence" (p. 6). Additionally, sexual feelings may also be confusing as trans youth develop an attraction to same, opposite, both, or no sexes.

A study on violence against youth by GenderPAC (2006) demonstrated that hostility toward gender non-conformity starts early and is commonplace: 54% of youth reported that their school was unsafe for males who are not as masculine as other boys, while one-quarter of all students (27%) complained of being bullied for not being masculine or feminine enough. Additionally, 61% of students reported seeing gender non-conforming classmates verbally attacked, and more than one-fifth (21%) reported seeing them physically assaulted. Both GenderPAC and the National Coalition of Anti-



Violence Programs (2008) have reported on bias and hate crimes against transgender people, particularly young male-to-female individuals of color (Roen, 2006). The intersection of age, race, class, and gender expression has been woefully understudied and these youth are particularly at risk for exploitation, violence and poverty (Towle & Morgan, 2006).

The LGB identity development models discussed in the preceding section, particularly D’Augelli’s lifespan model, are used in a college context for transgender students in studies by Renn and Bilodeau (2005) and Bilodeau (2005; 2007). These studies found that “transgender students may follow a developmental pattern similar to the D’Augelli’s (1994) lifespan model of sexual orientation development” (Bilodeau, 2005, p. 30). The lifespan processes would thus include: exiting a traditionally gendered identity; developing a personal transgender identity; developing a transgender social identity; becoming a transgender offspring; developing a transgender intimacy status; and entering a transgender community. I argue that a supportive campus culture, one in which GI&E is protected and transgender identity is not pathologized as an ailment, would help facilitate healthy transgender identity development, for both students and adults in that community.

### **Policy Analysis**

#### **GIE Inclusion in Non-Discrimination Policy Development**

Since 1996, over 400 college and university campuses have chosen to include gender identity and expression and sexual orientation in their non-discrimination policies. During the late summer of 2007, Stanford University and the University of Michigan became two of the “top 25 schools” to include protection of gender identity, according to

GenderPAC (2007). Although policy protection of transgender people is a step in the right direction, much of the literature continues to characterize transgender identities as mental illnesses and biological maladies, which shapes the discourse in higher education, influencing policy initiatives that focus on the separation and isolation of transgender individuals, that is, in bathrooms and locker rooms (United Council of Wisconsin Students, 2005; World Professional Association for Transgender Health, 2009). The line of reasoning that only transgender individuals have gender identity or face challenges around gender expression silences the conversation that would encourage everyone to examine their gender identity and expression, gay or straight, gender normative or transgender.

There are examples of tangible changes to institutional policies that were embarked upon to protect transgender students, but have been extended to all students. One example is the creation of gender-blind housing, in which students are assigned a roommate regardless of gender. In 2004, Wesleyan University began matching students who choose gender-neutral placements and houses them in various halls. In 2004, Sarah Lawrence College also began offering areas of “all gender” housing in campus residence halls. In 2005, the University of Pennsylvania began offering a gender-neutral housing option, in which returning students can complete an application to live with someone of a gender different than themselves (National Student Gender Blind Campaign, 2008). Fifty students elected to use the open housing option at the University of Chicago during the fall of 2009 (Mauriello, 2009). At Northwestern University, a pilot program for gender open housing was inaugurated in the fall of 2010. A larger number of colleges and universities are opting to create LGBTQA living-learning programs or theme floors with

gender-neutral bathroom facilities and mixed-gender rooms. These include many of the schools in the University of California system, such as Berkeley, Davis, Irvine, and Santa Barbara, as well as schools in other states, including the University of Colorado - Boulder and the University of Iowa (Transgender Law & Policy Institute, 2011b).

Additionally, some schools are specifically addressing the needs of transitioning students by establishing a simple procedure to change the name and/or gender designation on all of their campus records, including identification cards, listings in electronic and print directories, and files in admissions, financial aid, the registrar's office, and the health center. For example, at the University of Utah and the University of Oregon, trans students can change the gender designation on their main college record without evidence that they have had gender reassignment surgeries (GRS). Not requiring proof of medical intervention is important, as most transitioning students are not in a position to have GRS, even if they desire it. At the University of Vermont, trans students who are not yet able to change their names legally can still request an identification card with a name other than their birth name. Transgender students at American University and the University of Illinois-Chicago can request a new ID at no cost that has a gender-appropriate picture and only their last name and the initial of their first name (Transgender Law & Policy Institute, 2011b).

As many transgender advocates know too well, bathrooms are frequently brought up as a first site of resistance or incursion for trans-identified individuals. Some colleges and universities, including New York University, Ohio University, UCLA, and the University of California - San Diego, list gender-neutral restrooms on their web sites. Colleges and universities that have changed male/female restrooms into gender-neutral

ones include the University of Chicago and San Diego State University, while New York University and American University plan to include gender-neutral bathrooms in all of their new buildings (Transgender Law & Policy Institute, 2011b).

One area that is slow to be affected by policy change, but is critical to the health and safety of transgender students, is university counseling and health services. Few therapists and health care providers on college campuses are educated regarding the specific needs of transgender students (Beemyn, 2005). Even transsexual students who encounter respectful and informed health center staff often cannot receive transition-related treatment as most college insurance plans specifically exclude coverage for sex reassignment surgeries and related treatments, including hormone replacement therapy (Beemyn, 2005). However, some campus health centers have implemented structural and procedural changes to create a more welcoming environment for transgender students. New York University, for example, has developed private changing rooms and gender-neutral bathrooms for patient use, offers women's health exams outside of women's health services in cases where students are not comfortable in women-only spaces, and allows for students to have their preferred name used on medical records and announced when they are seen for an appointment (Transgender Law & Policy Institute, 2011b). These examples demonstrate that some institutions have moved proactively to improve the campus climate for transgender students.

While positive examples of changes made after GI&E policies were adopted do exist, a survey conducted by Beemyn and Pettit (2006) of 25 institutions showed that few institutional changes had occurred from 2003-2005, when many of the schools initiated these policies. They found that nearly half of colleges and universities had made no effort

to establish gender-neutral bathrooms, and few of the institutions created private showers and locker rooms for transgender students using the athletic facilities. Four institutions: Harvard, Ohio State, Suffolk University and the University of California – Santa Barbara, offer hormone treatment under the student university health insurance coverage. Only six institutions: Ohio State, Oberlin, University of Hawaii, Tufts, University of Oregon and Duke University, offered the option for students to self-identify beyond either male or female on all institutional forms. More recently Beemyn presented a follow-up survey of 81 schools with GI&E protection inclusion completed in November of 2009 (2011). In this study 98% of the institutions provided transgender awareness trainings, 52% offered gender neutral housing, 51% require gender neutral bathrooms in future building construction, 63% offered health insurance coverage for transition counseling and 32% offer health insurance coverage for hormones; however only 14% offer health insurance coverage for surgeries and just 6% offered transgender-inclusive admissions forms. Beemyn concluded that all of these institutions still have work to do in order to create a welcoming climate for transgender students. Finally, while 73% of the 81 schools surveyed have LGBT resource centers, only 175 of the 2,618 four year accredited colleges and universities in the US and only one of the 1,040 two year community colleges have staffed LGBT resource centers (U.S. Department of Education, 2011; University of Texas at Austin, 2011). Without staffed LGBT resource centers, most campuses do not have the personnel or commitment to LGB people, nonetheless transgender community members. This study includes a discussion of the role of LGBT resource centers in providing support to transgender people on four Big Ten campuses.

Allan argues that traditional models of policy studies in education “have typically followed from systems theory approaches widely employed in the social sciences” (2003, p. 48). The following section will highlight several traditional approaches and contextualize them within GI&E policy development; subsequently, feminist policy analysis, particularly Allan’s policy discourse analysis, will be discussed in depth as it provides the conceptual frame for this study.

**Traditional policy approaches.** There are several types of traditional policy development approaches, including: rational, organizational process, political, and symbolic. These types of policy studies all fit into a positivist, modernist approach. Traditional rational perspectives see policy as a tool used to solve objectively defined problems. The method applied consists of a problem diagnosis, consideration of solutions, and selection of the “best” solution to the problem. The policy should be evaluated and then adjusted from the data (Shen, 1995). For example, in the rational model, the university administration would determine that there are certain numbers of individuals who have non-normative gender identity and that they should be protected in the university non-discrimination policy. A committee would meet to discuss this, and determine the changes that the institution must undergo when this policy is enacted, the evidence to be presented to the board of trustees in order to garner their support, and the best method to present the information to the board. The board would then consider the evidence, and if found compelling, would vote to include GI&E in the non-discrimination policy.

From the perspective of organizational process approaches to policy, there is a perceived problem by the organization and this triggers a search for a solution to the

problem among standard operating procedures (SOPs). Once the analysis of the situation is completed, the SOPs may be revised, retained, or discarded (Shen, 1995). In this case, those individuals with non-normative gender identity would present evidence to the administration of the institution that GI&E should be protected because individuals come up against institutional barriers. The administrators would evaluate the necessity of a policy change or whether changes in specific areas, for example, the registrar's office or residence life, would be enough to address the concerns of transgender individuals.

The political process approach is also a rationalist one, but this method of policy development acknowledges the role of values in policy making (Fischer, 1980; Bacchi, 1999). In the political frame, the purpose of policy is perceived to “regulate conflicts, distribute scarce resources, and allocate other interests...” (Shen, 1995, p. 82). Political rationalists are incrementalists and pluralists. The way to effect change, in this model, is to think small, and define issues narrowly. By this method, incremental changes can be agreed to by policymakers without arousing the ire of the public. The incrementalist approach was used by politicians and activists in support of the Employment Non-Discrimination Act (ENDA) being passed to protect lesbian, gay, and bisexual people without including protection for transgender individuals. Congressman Barney Frank argued that once ENDA was passed and LGB people were granted employment protection, that the “T” could be added at a later time.

The symbolic, or cultural frame, reveals to us the meaning of verbal and visual images that stand for a deeper shared meaning by those members of an organization (Bolman & Deal, 2003). “Symbols are embedded in policy statements....the policy process begins with perceived problems and a context of shared meaning...” (Shen, 1995,

p. 85). For example, if the organizational culture of a university is one that places a high value on its reputation and maintaining the status quo, the notion of adding gender identity and expression to its non-discrimination policy may be viewed as “trendy” and unnecessary. Problems can be dealt with on a case by case basis and no policy initiative is desirable. Traditional models of policy studies, Allan notes, have typically followed from systems theory approaches applied in education and the social sciences (2003).

**Policy discourse analysis.** Allan critiques traditional policy studies’ frameworks because they do not consider gender central to the analysis “nor specifically focus on the role of policy in the promotion of emancipatory goals” (p. 49). Allan particularly discusses how women are frequently construed as victims in policy statements dealing with their status in the university. Do reports about transgender people on university campuses position them as victims? Dominant discourses have pathologized trans people, especially in a medicalized model which demands a diagnosis of Gender Identity Disorder for those individuals who want to transition from their biological sex to that of something else (Bilodeau, 2005). There was a trend in the majority of twentieth-century discourse on homosexuality that conflated or confused gender identity and sexual identity, perpetuated by voices in both the LGB and heteronormative sub-cultures, which led to marginalization of trans perspectives (Benjamin, 2006; Stryker, 2008). Allan makes the observation that “well-intentioned attempts to advance the equity policy may unwittingly perpetuate discourse and practices that reinforce *inequality*” (2003, p. 45). The initial discourse around “protection” of transgender people on college campuses has tended to reinscribe their subject position as “victims” of, minimally, misunderstanding to, at the extreme, acts of violence. Despite the work of educators and activists in the last



decade, there remains a prevailing ignorance towards gender non-conforming people and what it would take to make a university campus a more welcoming place for these individuals. Initial reports discussing the merits of adding GI&E policies or the status of transgender people reveal much about a campus in terms of its institutional values and priorities. This will be discussed in a later section.

Reports presented by task forces, commissions, or committees on transgender people's status on university campuses share much in common with status of women commissions, which were inaugurated in the late 1960s and continue to produce reports (Allan, 2008). These commissions usually have a direct reporting line to Affirmative Action/Employment Equity Offices. They are formally recognized university investigative committees that report to a provost, president, or governing board (Allan, 2008). These commissions are used "...as benchmarks for documenting status, conditions, and positions of women, and for making policy recommendations at particular institutions" (Allan, 2008, p. 71). Allan describes the commissions' purpose as focused on demonstrating administrative support for the improvement of women's status, giving women a collective voice on campus, and serving as a sounding board for women's concerns (Allan, 2008).

The themes that consistently emerge from women's commission reports fall into six categories: sexual harassment, curriculum, campus safety, maternity leave policy, sex discrimination, and career advancement. Reports on the status of transgender people at universities share some of the categories with the women's commission reports. I found six thematic areas in preliminary research of reports from Big Ten schools, including: education and training, safety, health care, policy, support, and climate. While women's

commissions have a 40-year history, transgender inclusion has only emerged as a locus of policy consideration in the last decade. The University of Madison – Wisconsin issued a report on gay, lesbian, and bisexual students in 1992 and again in 1997; however, transgender inclusion in the report did not occur until 2004. Michigan State University issued a report on adding gender identity to its non-discrimination policy in 2002, and subsequently in 2007. The University of Michigan task force issued its first report in 2004 and followed up in 2006. Finally, the University of Minnesota’s Transgender commission issued its first report and recommendations in 2006-2007.

The focus on bathrooms as a particular locus of discomfort for transgender people is a recurring theme in the University of Michigan report *At the crossroads* “...the University would be free to exercise its discretion to determine the most appropriate use of restroom, shower and locker facilities” (University of Michigan, p. 12, 2004). The language used in a press release from the student government announcing the inclusion of GI&E at the University of Wisconsin system (United Council of Wisconsin Students, 2005) is framed around transgender “issues and concerns” particularly highlighting “violence, intimidation, harassment, abuse, seclusion and indifference” toward trans people. One paragraph of the press release is devoted to highlighting the experience of a trans student who expressed fear for her safety in campus bathrooms (2005). The language of this press release is constructed around a discourse of vulnerability for a minority population (Baxter, 2003). These transgender individuals, like the women Allan highlights in her study of status of women’s commission reports (2008), are depicted as being, by their nature, vulnerable. Similarly, the theme of trans people as an at-risk population is one that runs throughout a document produced by the Purdue University

LGBTQ Advisory Board: “transgender and intersex students are particularly at risk of harassment and discrimination” noting that in residence halls students “face ostracism, harassment, discrimination, and sometimes violence...” (2008, p. 6).

In 2003, the University of Michigan established the Task Force on Campus Climate for Transgender, Bisexual, Lesbian, and Gay (TLBG) Faculty, Staff, and Students. The provost charged the task force to “...collect information about the current climate at the University for TBLG people; to learn about relevant practices and policy within the university... and then, based upon the Task Force’s findings, to develop a set of recommendations...” (University of Michigan, 2004, p. 1). Allan discusses the subject position of women in the policy reports of university women’s commissions. One of the key themes that Allan highlights is that of “women attempting to overcome obstacles.” These reports consistently depict women as “violating rules about who is allowed to enter a particular place or participate in a particular activity; that is discursively constitutes as ‘outsiders/within’ “(2008, p. 79). This positioning of women as outsiders and supplicants is “accomplished through discourses of access that link various forms of institutional access with the attainment of equality” (2008, p. 79).

Here the work of Michel Foucault is particularly useful. Power, he argued, is not uniform and centralized, but rather it inheres in individuals, including those who are under scrutiny or singled out for approbation. Contemporary forms of disciplinary organizations (prisons, schools) allow ever larger numbers of people to be controlled by specialists whose “power exists only when it is put into action” (Foucault, 1982, p. 219). Who are the specialists in the university who have the power to construct the discourse concerning trans people? Is it Human Resource specialists who determine and interpret

policy as it relates to transgender employees? Is it Employment Equity offices that interpret what constitutes discriminatory practices? Is it Student Affairs professionals in residence life who determine where transgender students will live in residence halls? What is the subject, in this case, the transgender individual, *able* to say, and what is the subject *allowed* to say? Can those subjects exercise autonomy in an official institutional document? Finally, whose voices remain unheard? The University of Michigan report *From inclusion to acceptance* (2004) describes a pervasive climate for trans individuals as one of “shame and fearfulness” (p. 3). The campus climate is described as “unsafe” for trans persons (p. 9). In the University of Michigan report, the subject position of transgender individuals is strikingly similar to that of women as described in Allan’s study. The report depicts transgender people as encountering “severe difficulties in virtually every aspect of their lives, both internally in coping with their own feelings and then socially in interacting with others” (University of Michigan, 2004, p. 9). These individuals are described as bringing these “problems” and “struggles” to the university campus, which then in the report proposes “accommodation” for this “special population” (University of Michigan, 2004, pp. 9-11). Does this amount to an implicit categorization of transgender, or more narrowly defined, transsexuality, as a disability? Who decides this? Who is qualified to do so? And what does this imply regarding the formulation of institutional policy responses to the presence of trans people on campus? The psychiatric definition of Gender Identity Disorder (GID) in the DSM- IV is fiercely disputed within the transgender and transsexual communities, which highlights the problem of identifying who is qualified to speak for these communities, and construct policy on their behalf (Hausman, 1995).

The particular value of Allan's use of policy discourse analysis to discuss women's subject position in status of women reports is most apparent here, for it provides an excellent means for identifying and analyzing the subject position of transgender people in university commissioned reports. Allan argues that women are cast as trespassers, attempting to overcome obstacles, requesting that the rules of the institution be changed to allow them access (2008). In Iverson's policy discourse analysis of diversity action plans (2009), she found that diverse individuals were portrayed as "at-risk outsiders by the discourses of access and disadvantage" and therefore "dependent upon the university for access to and success in higher education" (p. 209). Meanwhile, transgender individuals on college campuses are frequently constructed as vulnerable victims, who need extraordinary accommodation and resources dedicated to their "special needs."

This study contributes to an important new body of knowledge. The research has implications for institutions that have, and those that are considering, inclusion of GI&E in non-discrimination policies. Research is needed to help higher education administrators understand what gender identity and expression is and how policy change can be successfully implemented. Adding gender identity and expression protection to non-discrimination policies is a growing trend in higher education, and institutions will benefit from understanding the processes of campuses that have completed the inclusion of GI&E and how that has, or has not, affected the policy implementation and tangible results of protecting GI&E. Both GenderPAC and the Transgender Law and Policy Institute provide standards as to what actions should follow policy implementation, and are useful resources (2008; 2011b).

One cannot deny the discrimination and violence that trans people have experienced, but to frame the discussion of inclusion of trans people in a university community exclusively around victimization and violence silences what gender diverse people bring to a community in terms of positive contributions, and it does not acknowledge the resilience of transgender people. Allan asserts that women's commission reports have largely been ignored in "...historical accounts and governance studies of higher education..." (2008, p. 73). The same can be said for transgender inclusion in policy studies. Are the transgender commissions' recommendations fated to repeat the same themes for 40 years that women's commission reports have done with little notable variation? Only time and further study will tell.

### **Summary**

Thanks to the work of dedicated scholars including Susan Stryker and Genny Beemyn, the history of the transgender civil rights movement and the role of LGBT offices and groups on university campuses has been preserved and illuminated. The work to include and protect transgender individuals stands alongside the modern gay rights movement, as well as being intertwined with it. Minneapolis, Minnesota was the first municipality to protect gender identity in 1975; more recently Kalamazoo, Michigan, passed its non-discrimination ordinance in a public vote in November, 2009. Business and higher education policy inclusion lagged behind cities and states, for the most part, until the 1990s. Similarly in LGB identity development research, the T piece has only recently been written about as a unique developmental journey by Aaron Devor and Brent Bilodeau. This dissertation draws together history, developmental theory and feminist policy analysis in order to examine the language in documents produced by

select Big Ten schools in their processes to include GI&E in their non-discrimination policies and/or examine the status of transgender people on campus. The methods chapter will discuss the study design, sites, and documentary analysis employed in order to complete a multi-site case study.

## CHAPTER III

### RESEARCH METHODOLOGY

“Familiarity with conceptual frameworks, researcher reflexivity, and immersion in primary and secondary data, rigorous and systematic analysis, detailed documentation, and attention to context are all important components of policy discourse analysis” (Allan, p. 53, 2008). This methods chapter will outline these aspects of policy discourse analysis in this particular study, followed by a discussion of how PDA will be employed to examine university reports discussing transgender people and/or policy inclusion.

#### **Researcher Attributes**

In a study such as this, in which the analysis is framed by a particular methodology (policy discourse analysis), there must be an examination of both the “experiential and conceptual lenses researchers bring to bear on the data” (Allan, 2008, p. 53). To that end, I have familiarized myself with concepts such as discourse, power, knowledge, and subjectivity in the feminist and poststructural literature. Researcher reflexivity, including personal reflexivity and epistemological reflexivity, is also necessary. Personal reflexivity demands examination of our own values, experiences, political beliefs and social identities, and asks how these factors have shaped the research (Denzin & Lincoln, 2000; Jones, Torres & Arminio, 2006). For example, my identity as a genderqueer person and a member of the transgender civil rights movement is one that is deeply personal, but my commitment to gender equality is placed in a larger social justice and research agenda that demands epistemological reflexivity as well.



Epistemological reflexivity requires us to engage with such methodological questions as: How have the design of the study and the method of analysis shaped the data and the findings? How has the research question defined and limited what can be “found”? “Thus epistemological reflexivity encourages us to reflect upon the assumptions that we have made in the course of research, and it helps us to think about the implications of such assumptions for the research and its findings” (Willig, p. 10, 2001).

### **Research Questions**

This study employs the method of policy discourse analysis to understand how the documents produced in including GI&E in university non-discrimination policies and/or the status of transgender people on campuses frame the discussion about transgender people, and what reality is produced by task force, commission, or committee reports. “A hybrid methodology, policy discourse analysis focuses on written documents; it is a strategy for examining policy discourses and the ways they come together to make particular perspectives more prominent than others” (Iverson, p. 197, 2009). The resulting study may therefore reveal significant discrepancies between objectives sought, means used, and outcomes achieved. For example, a university’s commissioned report on the status of transgender people may use language depicting them as “fearful” or as “victims,” even as it strives to make the university more welcoming to transgender individuals.

In order to examine the discursive framing of transgender people and their “needs” in university reports, the following research questions guide this study:

1. What do university reports describe as problems and solutions for transgender people in universities?
2. What are the predominant images of transgender people that emerge from university reports?
3. What discourses are employed to shape these problems, solutions, and images?
4. What subject positions are re/produced through these discourses?
5. What realities do these problems, solutions, and images construct?

In Allan's monograph (2008), she surveyed 21 reports spanning 30 years. The primary data for this study will consist of 16 reports issued at four Big Ten schools from 1992-2010 (see Appendix A). Secondary sources will include memos, newspaper articles, and information drawn from university web pages. This constitutes a rich source of texts to facilitate a policy discourse analysis of this kind.

### **Data Selection and Sampling Criteria**

I initially intended to study a variety of institutions spread out over two states, and subsequently, all of the member schools of the Big Ten conference, but later narrowed my focus upon realizing that there was no bounded system or basis for comparison in a study of this size. Creswell cautions the researcher to limit a study to four cases; studying the bounded system of four institutions in the Big Ten conference will make the case study more manageable and the results more useful (Creswell, 1998; Yin, 2003). In particular, criterion sampling was employed (Stake, 2006). The four universities are all state research institutions with large undergraduate enrollments, a history of student

activism, and LGBT Resource Centers. The following criteria guided the sample selection:

1. All four of the Big Ten institutions formed committees to address the needs of LGB and transgender people and produced documents. Additionally, the four selected institutions have an abundance of documents that were produced in the process of adding GI&E to their non-discrimination policies and have changed their policies within the last six years. The first to do so was the University of Wisconsin in 2005, followed by the University of Michigan and Michigan State in 2007, and the University of Minnesota in 2009.
2. Institutions were chosen whose commissions have issued two or more reports discussing transgender people at their institution, and/or adding gender identity and expression to a non-discrimination policy. All four of the institutions produced diversity documents on LGB and T communities at their campus, which will be referenced - however, I focus specifically on those documents pertaining to trans people and GI&E policy. Most are stand-alone reports, but some, for example those at the University of Wisconsin and the University of Michigan, discuss transgender people at length within the context of a report on campus climate for LGB and T faculty, students, and staff.
3. The sample was limited to research universities in the Midwest, because they form a bounded system of comparison, and these public institutions afforded more opportunity for data access, since many of their reports and supporting documents are available on-line.

I studied a total of 16 task force or committee reports over a period from 1992 to 2010; these include two from Michigan State University (2002, 2007), five from the University of Michigan (2003, 2004a, 2004b, 2005, 2006), four from the University of Minnesota (1993, 2006-2007, 2007-2008, 2008-2009), and five from the University of Wisconsin (1992, 1997, 2004, 2008, 2010). Spanning the period 1992 to 2010, these documents were products of policy-making efforts made by committees examining campus climate for LGB and T people, as well as grappling with the addition of GI&E to university non-discrimination policies. The documents were variously titled “commission reports,” “task force reports” or “committee reports,” and were selected as primary data sources because they are designed to provide a general overview of climate or relevant topics for LGB and T people on a particular campus at a specific time. Finally, the length of the selected reports range from 3 to 164 pages per single report. Supporting documents used in the preparation of official commission reports (for example, faculty senate minutes) will serve as secondary data sources. Additional secondary sources include articles, historical information on web pages (including LGBT resource centers), and the University of Minnesota Transgender Commission website. The secondary sources spanned the period from 1993 to 2011. Secondary sources are not part of the raw data used for coding purposes, but they provided insight into the discussion about GI&E, and the ways in which LGB and T issues were depicted to the audience of university publications, including staff, students, faculty, alumni and community members.

### **Data Collection**

Data was collected from available online information of official reports produced since 1992 and posted on the web sites at the four Big Ten universities. I worked my way

through gathered documents including preliminary and final reports, minutes of meetings, news articles, brochures, and LGBT Resource center web pages. Copies of official reports and documents produced since 1992 were acquired through on-line searches of university web pages. Allan advises that this process of data collection is an entry to the first layer of analysis because “a brief but intensive reading of the materials” will aid the researcher engaged in policy discourse analysis “to see policy patterns and exceptions within and across institutions” (2008, p. 57).

### **Researcher as Instrument**

In order to discuss my role as “instrument” for this research, it is important to note that, at the time of writing the dissertation, I had accumulated six years of experience working at LGBT resource centers at two different universities. I served on committees at both institutions that advocated for the inclusion of GI&E, and it was added to the institutional non-discrimination statements while I worked in those resource centers. My familiarity with university culture and the workings of committees provided me with an insider’s perspective for this dissertation. This perspective affected the research in several ways. My insider knowledge helped me collect data efficiently by understanding how these committees, commissions and task force groups are situated in the context of the university. Further, I have extensive access to a network of colleagues who work at LGBT resource centers as well as scholars of LGBT topics in a higher education context whom I could call on for help when needed, and with whom I could discuss my research.

However, the role of insider is not an uncomplicated one. My involvement in work that advances the equity of LGBT people is one that is current and strong. It is important to pay close attention to my assumptions and find ways to be critical of the

work of these groups. At the same time, it was important not to allow my research perspective to dismiss the possibility of change-making that these groups may be able to exercise. As Allan points out, “policy discourse analysis reflects a blend of interpretive, critical, and post-structural approaches, it provides a built-in means of sustaining the within/against positioning of this inquiry” (2008, p. 58).

### **Data Analysis**

The data sources, as noted above, were identified and collected, and analysis consisted of reading and rereading collected documents. “Important data are not necessarily readily accessible, lying there on the surface.... Nothing is regarded: everything is weighed and sifted, and checked or corroborated” (Gillham, 2000, pp. 31-32). I spent three months working through written texts, reading and sorting documents, designating them into categories of primary and secondary data sources.

In order to ensure that the policy discourse analysis methodology I have adopted is valid and that I am able to apply it effectively, I undertook a procedural pilot study using two publicly available documents from the University of Michigan and the University of Minnesota (accessible through the internet and posted by these universities). I examined them using the policy discourse analysis approaches I implemented. This pilot included the University of Michigan’s *From inclusion to acceptance report* (2004) and the University of Minnesota’s *Transgender commission report* (2006-2007). For the pilot study, I developed separate file folders for storing coded text and contextual data related to each commission in the study. While reading each document, I made notes about patterns that helped inform subsequent analysis.

I employed Allan's (2008) policy discourse analysis methods, drawn from Strauss and Corbin's (1990) design for developing grounded theory, and Miles and Huberman's (1984) system for pattern coding. The flow chart in Figure 1 outlines the data analysis process in a visual form. Coding was limited to the selected sample of 16 official committee reports and was accomplished manually. The initial coding process in the pilot followed Allan's technique in order to identify key terms and allow for "examination of how they were deployed within a document, among documents at a single institution, and between documents issued at different institutions" (p. 60, 2007).

The initial coding (Phase 1) follows a deductive process in response to the research questions guiding this study. I approached the data looking for text that corresponded with the research questions, concepts or themes. I jotted notes in the margins of the reports and used different colored highlighting segments of text according to the categories: *policy problem*, *policy solution* and *images of transgender people* drawn from the research questions in this study. Some segments of text were linked to a single category, while others were linked to two or all three. The "policy problems" report contained segments of text related to policy problems across all four universities and all official reports from each university. Appendix C provides a summary of codes developed throughout the coding process.

Preliminary reading and analytic notes revealed that "protection" was a term used to describe policy problems, solutions, and images of transgender people across the reports. Following Allan's methodology, segments of text related to protection were coded according to correspondence with a policy problem, solution, or image of transgender people in the reports (2008). For example, the harassment of transgender

people was coded as a “problem”; the need to afford transgender people “protection” was coded as “solution”; and the image of transgender people was coded as “victim” by both explicit and implicit language used in the reports. Phase two coding derived from reading the committee reports and consisted of the following problems:

1. Climate
2. Safety: Violence and harassment
3. Implementation: procedures

The solutions that were proposed to address the problem areas consisted of:

1. Facilities
2. Non-discrimination policy
3. Education and training
4. Public safety
5. Review comprehensive gender program
6. Services and support
7. Representation of (LGB)T people
8. Oversight committee

The category of images of transgender people focused on in the committee reports consisted of:

1. Students
2. Faculty
3. Staff
4. “Victims”



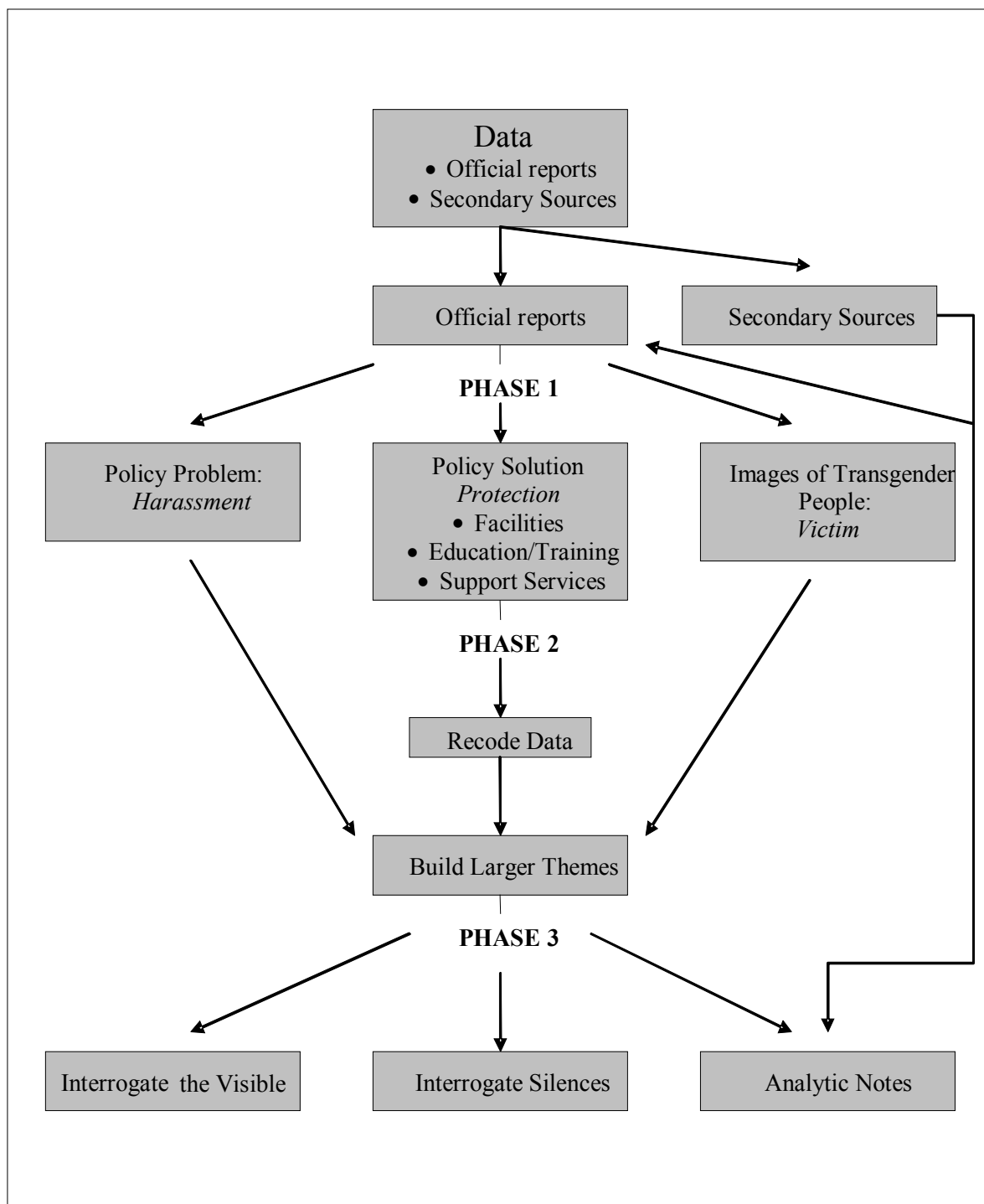


Figure 1. Analytic process for policy discourse analysis.

The metaphor of the spiral is used in discussions of data analysis. Qualitative data analysis, distinct from quantitative data, demands different techniques. The qualitative

researcher enters and re-enters the spiral, continually engaging with the data, reflecting, filtering, and coding. Detailed description is followed by classifying the information and interpreting the data. The initial phase of the coding process focuses on what was “articulated or made evident in the policy documents” (Allan, 2008, p. 61). Policy discourse analysis calls for analyzing absences, or policy silences as well as presences, thus a supplemental analytic process is needed. To that end, the approach of the Subaltern Studies Collective was applied. The Subaltern Studies Collective of South Asian scholars formed in the 1980s, focusing on postcolonial societies of South Asia and the developing world (Landry & MacLean, 1996). Subaltern studies is strongly linked to the work of Italian Marxist Antonio Gramsci (1881-1937), in whose work “subaltern designates non-elite or subordinated social groups” (Landry & MacLean, 1996, p. 203). In the field of subaltern studies, scholars read for silences in the documents, that is, identify what has not been included, or gaps, which also reveal what institutions value or do not consider a priority by their inclusion or exclusion (Spivak, 1988). Subaltern studies provides a methodology for reading public texts produced by, in this case, university administrators, and reading for gaps where the voices of transgender people are either represented by the institution or whose voices are not present in the official documents (Chaturvedi, 2000). Transgender people are often positioned in institutional discourse as those who are disadvantaged by their trans status, and are therefore excluded or marginalized from LGB campus resources or services. Thus the subaltern studies approach can help reveal the double marginalization of transgender people on university and college campuses.

In practice, this aspect of my analysis was accomplished through the use of marginal notes as well as the mini summaries I composed for the pilot study of two

documents. Rather than accepting the data at face value, I questioned the documents to “uncover hidden assumptions and expose the discursive power inherent in the reports” (Allan, 2008, p. 62). For example, in examining the positioning of transgender people in the text, I looked at how the reports discussed access to restrooms. The reports frame the discourse of transgender need for unisex or single stall bathrooms with words such as “safety” and “privacy.” Would transgender people use that same language or, if they were speaking for themselves in this text, would they employ words such as “isolation” or “separation?” Whose privacy and safety is the institution really protecting? Is it trans people or gender normative people who would feel discomfort at sharing bathroom space with trans people? Subaltern studies affords the opportunity to interrogate the silences or assumptions in these university reports. Allan (2008) discusses the need to examine “implicit assumptions” and “explicit descriptions”; employing policy discourse analysis as well as subaltern studies can expose “policy silences,” particularly in revealing “how policy reinforces normalcy/deviance as well as constructs normative frameworks about how to solve social policy problems through policy” (p. 62). For example, Iverson (2009) found that 21 diversity action plans issued at 20 U.S. land-grant universities from 1999-2004 frequently positioned diverse individuals as victims by the discourse of discrimination, “requiring institutional intervention to ensure their safety and provide support” (p. 209). There are competing discourses in these diversity action plans, but they often default to discourse that depicts diverse individuals as objects being acted upon on as a commodity, and less frequently as individuals with agency who can act autonomously and influence the institution from this discursive position (Iverson, 2009).

Allan recommends that, in using inductive and deductive coding phases, themes be followed within and among the documents in order to “...make connections among them...develop constellations of meaning...and identify subject positions discursively constituted by the reports” (2008, p. 63). This process is described as categorizing by Lincoln and Guba (1985). As displayed in Figure 3.1, this initial pilot process allowed me to reflect on how coded text reflected and shaped discourses in each report. For example, after analyzing coded data, I was able to identify *protection* as a common theme underlying the articulation of policy problems, while policy solutions were to be provided by education and training. This particular discourse was used in such a way that it produced the *victim* subject position of trans people. These themes will be further examined in the remaining documents and will be discussed in depth in Chapter IV.

### **Credibility of Policy Discourse Analysis**

Qualitative, or narrative data, cannot be measured by criteria applied to quantitative studies; Lincoln and Guba (1985) offer credibility, transferability, dependability, and confirmability as alternative criteria for assessing the trustworthiness of findings in qualitative research. Allan (2008) asserts that researchers employing policy discourse analysis “can work to enhance the credibility of their work” by attending to methods for collecting and analyzing data, delineating the conceptual and philosophical foundation of policy discourse analysis, and carefully framing the research questions of the study (p. 65). I follow Allan in outlining the conceptual theory of policy discourse analysis and describing how I framed the research questions for this study. Credibility is also enhanced with “orderly and systematic sorting, filing, and coding, analytic notes, summaries and records of the process” (Allan, 2008, p. 65).

Applying multiple perspectives, also referred to as triangulation, to the interpretation of data further enhances research credibility (Miles & Huberman, 1994). Allan argues that since policy discourse analysis is a blended methodological approach, triangulation is embedded in the methodology. In this study, using multiple theoretical perspectives, including feminist poststructural theory and subaltern studies, allows me to examine and interpret the data from more than one theoretical approach and aids in detecting and accounting for distortions that might be in the data (Silverman, 2001). Peer debriefing also aids credibility; in this dissertation consultation with the advisor, the dissertation committee, as well as scholars including Genny Beemyn and Elizabeth Allan, has helped refine the study over the last year of readings and meetings. Transferability is described by Lincoln and Guba (1985) as a way of achieving a type of external validity. Policy discourse analysis used by Allan on women's commission reports (2008) and Iverson's (2009) diversity action plans, and for this study on GI&E inclusion discussion in reports, has provided evidence for transferability of the method applied.

Dependability in qualitative studies has both positive aspects and drawbacks. The benefits of external auditing in establishing credibility include: the opportunity to summarize preliminary findings, assess the adequacy of data and preliminary results, and provide an opportunity to gather feedback to strengthen the findings. The pilot study included in this chapter allowed me to cross check themes and identify categories common to both the Michigan and Minnesota reports; those initial results were read and critiqued by my dissertation advisor, Andrea Beach, as well as Elizabeth Allan and Genny Beemyn. The drawback of external auditing is that it relies on the assumption that there is a fixed truth or reality that can be accounted for by the researcher and confirmed

by an external auditor. This process may lead to confusion rather than confirmation. An external auditor cannot know the data as well as the researcher immersed in the study and may not share the same point of view. This may lead to different understandings of the data. How to manage these different ways of seeing can be problematic (Creswell, 1998; Miles & Huberman, 1994).

Confirmability may be established by a number of methods, including: establishing an audit trail, triangulation and reflexivity. In my pilot study, which established an initial coding of themes, I kept my raw data, written notes, and notes on the development of themes or data reduction and analysis products. The data reconstruction, or initial coding, is outlined in this chapter and my process notes are found in Appendix B. The materials relating to intentions and dispositions include this proposal, as well as preliminary notes. Lastly, the instrument development information includes this chapter's pilot study and analytic figure (Lincoln & Guba, 1985).

Finally, when I discussed trustworthiness and researcher bias earlier, I examined my own biases and keep working on reflecting on my own biases on this topic. Allan recommends reflexivity and peer debriefing to help the researcher attend to their own biases (2008). I discussed the topic with colleagues at other LGBT resource centers and have also discussed the research with Sue Rankin and Genny Bemmyn, experts in LGBT climate studies and transgender inclusion respectively, and stored all of my analytic notes in order to keep myself "honest" in the research and writing of this study.

### **Summary**

The data that is studied in the following chapters includes written reports, campus newspaper articles, faculty senate minutes, and historical documents. The policy

discourse analysis method addresses the research questions regarding how the discussion of transgender people was framed at four Big Ten universities.

The policy discourse analysis method is one that can reveal rich data on a topic of study but also presents challenges. I discussed credibility, transferability, dependability and confirmability in the context of this study; the initial pilot study of reports from the University of Michigan and the University of Minnesota enabled phase one and two coding as well as an opportunity to test the methodology that is employed on 16 reports in the following chapters. The four institutions that were selected for study all added GI&E protection in the last six years: Michigan State University, University of Michigan, University of Minnesota, and the University of Wisconsin; all are large state funded research institutions with a history of campus activism and LGBT resource centers. The use of policy discourse analysis to study documents discussing the topic of GI&E protection coverage in non-discrimination policies and/or the status of transgender people at select Big Ten institutions illuminate the following: what university reports describe as problems and solutions for transgender people in universities, the predominant images of transgender people that emerge from university reports, discourses that are employed to shape these problems, solutions, and images, what subject positions are re/produced through these discourses and what realities these problems, solutions, and images construct. These concepts will be discussed in detail in the following chapters.

## CHAPTER IV

### A DISCOURSE OF VICTIMIZATION AND PROTECTION

In this chapter, I describe ways in which LGB and T commission reports construct subject positions for transgender people in relation to the university; I then identify the discursive strategies contained in these reports, trace their shifts over time, and examine systems of meaning through which these discourses take form and make particular subject positions intelligible. Prior to the presentation of that analysis, I provide contextual information related to the LGB and T reports examined for this study. I have drawn upon information provided by the documents to develop profiles of committee work at Michigan State University, University of Michigan, University of Minnesota and the University of Wisconsin. These profiles were developed in the early stages of coding and analyzing data for the study of commission policy discourses. My intent in making them available here is to give readers a sense of the data in which I was immersed. I have included timelines of commission reports at each institution, details related to the inception of each committee, their mission statement or charge, and a summary of key issues identified in the reports by the committees at each institution.

#### **Commission Report Profiles**

##### **University of Wisconsin**

One of the earliest reports was written in 1991-1992 at the University of Wisconsin. The Gay and Lesbian Issues Committee (GLIC) Report, was submitted to the Dean of Students, Mary K. Rouse. The GLIC was comprised of administrators, faculty,



staff, students, and community representatives. The charge of the committee was to “examine those aspects of the UW-Madison academic and social life which contribute positively to the experience of gay and lesbian students as well as the problems which negatively affect the recruitment and retention of gay and lesbian students” (University of Wisconsin, 1992, p. ii). Sexual orientation protection was added to the UW-Madison non-discrimination policy in 1987; gender identity and expression would not be included until 2005. The report offers some general information regarding the context in which the committee was formed, including the rise in hate crimes against gay men and lesbians in the late 1980s, the AIDS epidemic, the rise in interest in gay and lesbian studies programs, and the establishment of LGB resource centers at universities (pp. 3-4).

The report made specific recommendations based on feedback from individuals at public hearings, inviting guest speakers to meet with the committee, and deliberating on this information (p. 5). The target areas for recommended action included the dean of students’ office, university housing and residential life, health services, the chancellor’s office, and student developmental domains, including: physical, academic, emotional, social, and spiritual. The report offers a sharp critique of university policy and support of LGB students at UW-Madison “What is called for is serious reflection on the university’s part as to the depth of its commitment to nondiscrimination. It has paid lip service to high ideals in its statement of nondiscrimination, but the inconsistencies in its regulations raise troubling questions” (p. 33).

In March of 1994, 40 faculty and staff sent a letter to the University Committee of the Faculty Senate at the UW-Madison requesting that it establish a committee “to address lesbian, gay, and bisexual issues” (Report to the Faculty Senate, 1997, p. 12). In

May of 1994, the Faculty Senate at the UW-Madison established the Committee on Gay, Lesbian, and Bisexual Issues for the purpose of “fostering lesbian, gay, and bisexual scholarship and considering the concerns about services for and equity toward LGB students, faculty, and staff” (p. 3). Faculty were surveyed in 1995 asking if they were engaged in teaching or research on LGB topics; the subsequent report focused on scholarship and curriculum, and campus life for students, faculty, and staff. In this report, transgender students are mentioned for the first time. Harassment and discrimination of staff, faculty and students is the common thread of the report, while specific attention is paid to students in residence halls and domestic partner benefits for staff and faculty (Report of the Committee on Gay, Lesbian, and Bisexual Issues, 1997, p. 4). Group interviews and surveys of students were also conducted, and while transgender students are mentioned in the report, no one they spoke with is identified as such (p. 40). The report also recommends that “the university fund the Lesbian, Gay, and Bisexual Campus Center (LGBCC) with stable moneys [sic] and provide it with visible, accessible space in a central campus location” and that a full time staff position be created to act as a liaison to the LGBT community (p. 6; p. 50).

In 2004, the Committee on Gay, Lesbian, Bisexual, and Transgender Issues revisited the 18 recommendations made in the 1997 report to identify “the current status of each recommendation, and recommend what further steps should be taken” (p. 1). The composition of the committee in this iteration was staff, faculty, and students. The report found that of the 18 recommendations, five were achieved, four were partially achieved, and nine were not achieved. The report concludes by calling upon the UW-Madison campus “to challenge those demeaning and threatening activities, welcome the diversity

that enriches our campus, and uphold our historical principles of equality and respect for all” (p. 8). This same committee issued another report in 2008. The committee notes in its introduction that it met monthly during 2006-2007 and had “listening sessions” with students, staff and faculty (Report of the Committee on Gay, Lesbian, Bisexual and Transgender Issues, 2008, p. 1). The report praises the “strides it [UW-Madison] has taken since 1994” and lists the initiatives undertaken, including: the creation of an LGBT Studies Certificate Program, increased support for the LGBT Campus Center, the creation of two student positions as liaisons in university housing, gender neutral restrooms, and the coverage of non-surgical therapies for transgender students (p. 1).

The report is also highly critical of the institution’s lack of movement on many of the prior recommendations, noting “many important LGBT concerns (some of which have appeared perennially in this committee’s reports, some of which have arisen since the 2004 report) remain entirely unaddressed or only partially addressed” (p. 3). The report’s authors then go on to list what has not been addressed, including no progress on offering training to department chairs on LGBT topics, and the failure of the institution to be proactive on transgender inclusion since adding gender identity and expression protection to its non-discrimination policy (p. 3). The most recent report issued by the UW-Madison committee on GLBT Issues was submitted in 2010. The successes listed in this latest report include securing domestic partner benefits for staff and faculty, and the claim that “some progress has been made towards obtaining a more suitable space for the Campus Center, although it may take several years for a move to actually occur” (p. 1). This report does not mention training or education on LGBT topics for the campus community. The University of Wisconsin system has undertaken a climate assessment

that is in the process of being conducted by Sue Rankin & Associates, and it has hired a coordinator for LGBTQ initiatives; it remains to be seen what changes will emerge from these new undertakings.

### **University of Michigan**

The University of Michigan Affirmative Action Office issued the report *From invisibility to inclusion: Opening the doors for lesbians and gay men at the University of Michigan* in 1991. Known as “The Lavender Report” this study is not included in this dissertation because it is not available through publicly accessible internet sources, unlike all of the other reports cited. It would be another 12 years before the University of Michigan Division of Student Affairs issued its *Final report of the gender identity working group* in 2003. This group was comprised of students, faculty, and staff. The committee met 20 times for over a year before the final report was submitted.

Departments in student affairs and individual students were surveyed for their feedback regarding services and climate for transgender students. Gender Town Hall Meetings were conducted by the Office of Lesbian Gay Bisexual and Transgender Affairs. In the acknowledgments section of the report, students and community members are thanked and recognized as “the driving force for establishing this Working Group” (p. 5). The committee’s charge was issued by the Vice President for Student Affairs, Royster Harper:

...the Division is committed to learning more specifically about the needs of transgender students and possible solutions to these needs toward the ultimate goal of inclusiveness for all students. Because the Division of Student Affairs is particularly interested in learning what it may do within its purview to improve the quality of life for transgender students on

campus, the Charge is designed to identify the needs of students and address issues within the University, and to generate multiple options in areas for which the Division has responsibility. (University of Michigan Division of Student Affairs Final Report of the Gender Identity Working Group, 2003, p. 3)

The key topics identified in the report include: health care, housing services, student records, counseling, safety, career services, and orientation (2003). The major theme that emerges in the discourse of this report is that of students' fear of being outed as transgender. This is mentioned in the sections pertaining to health care, housing, student records, student safety, coordination of services, and in a section on student privacy:

The issue of "announcing a transition" to those who need to know, while at the same time minimizing "outing" and gossip, is a major quandary for any student who transitions. When a student does tell various people in the bureaucracy that they are transitioning...they currently have to do it on their own, and may face ridicule and/or rejection, and questions about the validity, morality and legality of what they are doing. (Division of Student Affairs Final Report of the Gender Identity Working Group, 2003, p. 17)

In September 2002 the Queer Visibility Caucus, composed of LGBT individuals and groups in the University and the greater Ann Arbor community, met with the University of Michigan President, Mary Sue Coleman. The group proposed that a task force be formed to learn more about the campus climate for LGBT faculty, staff, and students. Subsequently the Provost, Paul N. Courant, established the Task Force on the

Campus Climate for TBLG Faculty, Staff, and Students (2004, p. 1). The charge of the Task Force was to “collect information about the current climate at the University for TLBG people; to learn about relevant practices and policy within the University, at other institutions of higher education, and in the private sector; and then, based upon the Task Force’s findings, to develop a set of recommendations...” (p. 1). The membership consisted of faculty, alumni, students, administration, and community members, and the task force issued the report *From inclusion to acceptance* in 2004. The key topic areas were: awareness, education and safety, services and support, health care, and curricular and scholarly issues. The group met every other week for one year and met with individuals from the university and wider Ann Arbor community (p. 1). Additional town hall meetings were held and the Task Force referred to the report of the Gender Identity Working Group as well as the results from a research project called Visibility 2000 undertaken by the Office of LGBT Affairs (this report was not publicly available through internet searches). The report made several recommendations for improvement for LGB and T services at the university, including: adding gender identity and expression to the university non-discrimination policy; education initiatives on “transgenderism”; external review of the Comprehensive Gender Services Program; providing more resources to the Office of LGBT Affairs; restroom accessibility; and the establishment of a TBLG Implementation and Oversight Committee to supervise the execution of the recommendations (pp. i-ii).

There was a TBLG Task Force Report follow-up issued in 2006. The President and “the executive officers discussed the TBLG report recommendations and endorsed a follow up plan” (p. 1). Three subcommittees were formed to address specific areas of

recommended change areas, including: how to implement a procedure for name changes of transgender faculty, students, and staff; education, orientation, and visibility for TBLG faculty, students, and staff; and health care for TBLG faculty, staff, and students. The charge to each subcommittee was to “examine the recommendations, gather more information, if needed; consult with executive officers... or consult with other people...; take action, as appropriate; and report back to the appropriate executive officers” (p. 1). In 2005, the subcommittees submitted their reports. The work of the subcommittee on education, orientation and visibility for TBLG faculty, students, and staff was particularly relevant for this study (2005, p. 2). As with the larger report issued by the Task Force, the intentions of the group were to make recommendations intended to help transgender staff, faculty and students, but some of the report’s language undermines that intent, specifically using the word “transgenderism,” to pathologize a “condition”: “We recommend that the University significantly enhance its efforts to educate faculty, staff, and students about TBLG issues, especially with respect to transgenderism, about which there is a widespread lack of knowledge and understanding.” Specific recommendations, included:

1. Orientation programs for all incoming students, new faculty, and new staff should include content that acknowledges and welcomes TBLG persons as valuable members of the community, reinforces the rights and protections due to *all* members of the community, provides a general introduction to transgenderism and provides information about resources available to TBLG persons.
2. Sufficient funds should be allocated to ensure that key components of such educational efforts are available, including, for instance, a speaker’s bureau that

includes students, faculty, and staff; relevant skits by the Center for Research on Learning and Teaching Players; and funds to create a videotape/documentary on sexual orientation and transgenderism similar to the videotapes on disabilities and depression. (University of Michigan Subcommittee on Education, Orientation and Visibility for Transgender, Bisexual, Lesbian and Gay (TBLG) Faculty, Students and Staff, 2005, pp. 2-3)

The School of Social Work at the University of Michigan issued its own report, *At the crossroads: Addressing the needs of transgender, bisexual, lesbian and gay students, staff and faculty at the University of Michigan School of Social Work*. The faculty advisory group was convened during the summer of 2004 and the report was submitted to the Dean of the SSW in October of 2004. The Dean's charge to the Advisory Task Group was to review the larger University of Michigan report and recommendations and to propose actions and activities for the School of Social Work in response to those recommendations (p. 2). The report's introduction stated:

As an advisory body, our task was to provide the Dean with recommendations for tangible change. Some recommendations have been made as short-term recommendations, while others will be long-term and will require not only financial resources but also institutional change. The Provost's Report served as a springboard for our initial discussion. From there, we moved to issues that affected the SSW TBLG communities specifically. (p. 2)

This is the only school-specific report cited in this study. Since the SSW report used the *At the crossroads* report as a starting point, some of the recommendations are



similar, for example, on curriculum and training, harassment, gender neutral restrooms, and TBLG visibility. Themes specific to the SSW also emerged, including: the intersection of multiple identities and ally visibility. The tone of the SSW report expresses an advocacy stance more overtly than the other University of Michigan reports:

As a group, we also recognized the clear need to make the present report available publicly. We were supported in this effort by the Dean, as she, too, recognized that the SSW was not only at a crossroads of change, but that all too often, groups convened within institutions have no mechanism of leverage, accountability or public discourse. It was important, indeed necessary, to hear stories and experiences from those outside the Task Group. Our intention was two-fold: we needed to complete our tasks in a timely manner and we needed the voices of as many people as possible. Therefore, we invited people to share their perspectives on the climate for TBLG students, staff and faculty, and asked individuals to suggest ways the SSW could improve the climate. ...

Several assumptions and values undergird our analysis and set of recommendations. First, regardless of any well-meaning efforts of the community and public statements of support, we recognize that the SSW exists within a society where systematic mechanisms of oppression and privilege, including heterosexism, biphobia, homophobia and transphobia operate. We do not expect the SSW to be free from these forces; rather, we expect them to operate in various forms within the school. (pp. 2-3)

The SSW website offers updates on the School's activities around TBLG inclusion and on the report's recommendations, including, "a new gender-neutral restroom was opened at the Social Work library in November 2006. ...Art related to LGBT families/diversity was evaluated and approved. Three photographs were purchased by the SSW in March 2007..." (University of Michigan School of Social Work, 2007).

### **Michigan State University**

Michigan State University's Executive Committee of Academic Council (ECAC) formed the Ad Hoc Committee on Gender Identity in 2002 in response to the Associated Students of Michigan State University (ASMSU), which is the undergraduate student government. The ASMSU proposed that gender identity be added to the list of categories "which provide the basis for protection against discrimination and harassment under the University's anti-Discrimination Policy" (Report to ECAS on the ASMSU Proposal to Include Gender Identity in the MSU Anti-Discrimination Policy, 2002, p. i). The standing committee of the Academic Governance system to which the ECAC referred the proposal for comment raised a number of questions about it and the ECAC referred the proposal to an ad hoc committee composed of three faculty and three students. The committee's charge was threefold:

- Charge 1. Consider the ASMSU proposal to amend the ADP [Anti-Discrimination Policy] to include a reference to "gender identity".
- Charge 2. Advise whether it is appropriate to provide protection against discrimination and harassment on gender identity grounds under the ADP and, if so, how best to do it.
- Charge 3. Select a chairperson for the Committee. (2002, p. 1)

The group met 31 times from May to November of 2002 and reported on its goals and activities, including: to develop an understanding the “complex issues” of gender identity; to learn the scope and nature of problems at MSU against which the inclusion of gender identity in the ADP would provide protection; and to determine whether it is appropriate to provide protection against discrimination and harassment on gender identity grounds (2002, p. 1). The committee met with faculty, administrators and community members for input, and studied written materials, including the anti-discrimination policy, faculty council committee’s commentary on the recommendation, Council of Graduate Students feedback, peer institution non-discrimination policies, and ASMSU materials supporting the recommendation (2002, p. 2)

The Committee “found that there is little hard data on such problems” regarding discrimination and harassment of transgender community members at MSU (2002, p. 4). The Committee, did however, cite reasons why the university should provide protection against harassment based on gender identity and expression:

- Michigan State University has been a leader among major public universities in promoting an inclusive environment...Extension of the MSU ADP to provide protection under the gender identity rubric is a natural extension of anti-discrimination attitudes at MSU...
- Several communities in Michigan...have adopted policies intended to provide protection against discrimination on gender identity grounds. So have a few institutions of higher education. The Committee believes this shows a shift in society’s general acceptance of people who are transgender...

- The Committee feels that the low incidence of problems involving gender identity in the MSU community may be due in part to the hesitation of affected individuals to report their problems in the absence of protection under the ADP. (2002, pp. 5-6)

The committee's final recommendation was that the ADP provide protection against discrimination and harassment on gender identity grounds by adding a footnote to the protected category of "gender" to include transgender individuals (2002, p. 10). In April 2003, MSU President Peter McPherson issued a memo in response voicing his concerns regarding the "practicality of the proposed changes, particularly with respect to our ability to reasonably implement an enhanced definition of gender that is perceived by some to be vague and ambiguous" (Memorandum, 2003, p.1). In December 2003, the MSU Board of Trustees modified the ADP to include gender identity in the University's anti-harassment clause, but not in the anti-discrimination clause "pending further study of the implications of such a change" (Second Ad Hoc Gender Identity Committee, 2007, p. 1).

In late 2003, the MSU Academic Council charged a new ad hoc committee, the GI2 committee, to review the work of the first committee and respond to the questions raised by President Peter McPherson (Second Ad Hoc Gender Identity Committee Report, 2007, p. 1). The GI2 committee noted that:

In the intervening period between the addition of gender identity to the anti-harassment clause and the first meeting of the second gender identity committee in December 2005, several universities that serve as benchmarks for MSU, including other Big Ten universities such as Ohio State University and the University of Michigan, and other Michigan

universities such as Western Michigan University, have adopted gender identity anti-discrimination protection. In addition, federal case law on gender identity discrimination has changed significantly. (Second Ad Hoc Gender Identity Committee Report, 2007, p. 5)

The GI2 committee found that modifying the university's antidiscrimination policy to include gender identity would "require few or no changes in existing University policy or practice" (p. 10). Therefore the committee recommended that the "ADP provide protection against discrimination on gender identity grounds" (p. 11). This report asserts that there are limitations to these protections because there are "current University practices that require gender segregation [and] serve legitimate University purposes under the ADP, such as providing for the safety and privacy of all members of the University community" (p. 14). The theme of "legitimate" University purpose is echoed at a number of points in this report (pp. 19, 20, 26, 29, 30, 32, 34). This report is the most overtly "legalistic" in tone of all those examined in this study. For example, the report states:

In determining what an appropriate limitation in the employment context is, the Committee believes that the University should be governed by applicable case law interpreting gender discrimination in employment...Where an employing unit can articulate a limitation on employment that is related to legitimate University purposes, the unit will not be found to have engaged in discrimination under the ADP. (Michigan State University Second Ad Hoc Gender Identity Committee Report, 2007, p. 19)

This position can explain away any number of “legitimate University purposes,” for many areas, including: employment opportunity, assignment to university housing, access to restroom and locker room facilities, university records, academic affairs, participation in student organizations, and participation in varsity and intramural athletics (p. 18). The recommendation of adding gender identity to the ADP was approved by the Board of Trustees in 2007 (Michigan State University Academic Council Minutes, 2007).

### **University of Minnesota**

The University of Minnesota Select Committee for Lesbian, Gay, and Bisexual Concerns was appointed in the fall of 1990 by University President Nils Hasselmo to investigate “the campus climate as experienced by lesbians, gays, and bisexuals within the University of Minnesota” (1993, p. 12). The Select Committee was a special project subcommittee of the Social Concerns Committee of the University Senate. The President was moved to encourage the formation of this committee by student members of the University Lesbian, Gay, and Bisexual Network. The areas of particular study were the presence of ROTC on campus despite the exclusion of LGB people from its programs, lack of university benefits for gay and lesbian families, and an increase in violence directed at LGB people on campus (p. 12). The committee began to meet during the fall of 1991 and the charge was “to investigate the University of Minnesota campus climate for lesbian, gay, and bisexual faculty, staff, and students; to produce a report on these findings; to send forth recommendations based on these findings; and to suggest implementation strategies for these recommendations” (p. 12). The committee was comprised of students, faculty, administration, alumni, and staff. This report, unlike any others in this study, mentions that it received a budget line of \$10,000 of University

Senate funding to support the curriculum survey conducted in 1992 (p. 12). During 1992 the committee also facilitated ten focus groups and hosted open microphone testimonial sessions as well as conducting a survey of Big Ten schools regarding their nondiscrimination policy and benefits, and services provided to their LGB community (p. 13). The following specialized subcommittees and groups were also created: GLBT Emergency Response Team, Domestic Partners Work Group, Employee Benefits Subcommittee, Curriculum Subcommittee, Campus Climate Subcommittee, Hate Crimes Subcommittee, Student Survey Development and Focus Group Facilitators (pp. v-viii).

In late 1992, President Nils Hasslemo stated that the work on the Select Committee during that year “documented for [him] and the entire University community that prejudice against gays, lesbians, and bisexuals exists in our community, and that acts of discrimination against individuals and groups are occurring far too often” (p. 13). The Interim Report of the University Select Committee for Lesbian, Gay, and Bisexual Concerns was sent to President Hasselmo in January of 1993. The recommendations made were:

- Establish a Gay, Lesbian, Bisexual, and Transgender (GLBT) Programs Office.
- Provide a full benefits and privileges package for the families and children of gay and lesbian employees.
- Establish a Gay and Lesbian Studies Program
- Develop educational training programming on gay, lesbian, bisexual, and transgender issues and concerns

- Update all printed publications and material to reflect diversity in sexual orientation. (Final Report of the Select Committee on Lesbian, Gay, and Bisexual Concerns, 1993, p. 13)

The University of Minnesota issued the report *Breaking the silence: Campus climate for lesbians, gay men, bisexuals, and transgender people* in late 1993. By the time the full report was issued, an office for GLBT Programs had been established. The recommendations to update University publications and to establish a training program on GLBT topics was referred by the President to the offices of Equal Opportunity and Affirmative Action and Academic Affairs. The recommendation to provide benefits to gay and lesbian families was approved through the Faculty Senate and the Board of Regents by the fall of 1993 (p. 14).

It would be another 13 years before a report was issued at the University of Minnesota, this time specifically examining transgender people and their experiences at the University. In 2005-2006, the University of Minnesota Systemwide Academic Taskforce on Diversity was established. That report recommended an approach to diversity “attuned to the continual examination of meaningful access and equity for all University members, particularly those from marginalized communities” (University of Minnesota Transgender Commission Report and Recommendations for Institutional Change 2006-2007, p. 5). With this impetus in early 2006, the Systemwide Director of GLBTA Programs reached out to a staff member and alumni to co-chair the newly founded University of Minnesota Transgender Commission, with the intent to help “move the University into alignment with its expressed diversity goals,” specifically:

1. To value and celebrate gender diversity;



2. To create access to the entire University for people of all genders; and
3. To eliminate the discrimination faced by transgender and gender nonconforming students, staff, faculty, alumni and community members. (p. 5)

The Transgender Commission was therefore composed of constituents representing all of the above mentioned groups. In spring of 2007, the Commission issued a call for stories with the goal of “gathering personal testimonies of gender-based campus experiences...which might help University decision-makers to understand why crafting gender-friendly policies and practices is essential to creating an affirming, accessible and equitable environment for everyone” (p. 6). Five working groups were formed to address the following areas: facilities, housing, policies, education training, and outreach (pp. 9-10). A series of recommendations and goals for institutional change emerged from each of these working groups, including: community building; health care access; facilities and restroom access; policy and procedural change; education, training and curricula; communications planning, and programming (pp. 13-22). This Commission is unique among the universities in this study; it has an explicit mission to “create equity, access, and an inclusive environment for people of all genders through education, advocacy, and institutional change” (University of Minnesota Transgender Commission, 2011).

The University of Minnesota Transgender Commission issued a follow-up report in 2007-2008. The report includes a list of accomplishments from its first year of work as well as goals and strategies for the upcoming academic year. The accomplishments include: reshaping the commission infrastructure to include nine workgroups; mobilizing membership for systems change; allowing for individuals to participate in workgroups

that do not attend the monthly commission meetings; events, including an open house, keynote speakers and a commission retreat; the launch of the Lavender House LGBT living and learning community in residential life; a transgender friendly restrooms map; and delivery of (Trans)Gender 101 trainings across the state (pp. 3-6). The goals for the year include: community building, including adding more students to the commission and building relationships with organizations within communities of color; adding gender identity and expression to the university nondiscrimination policy; increasing access to university buildings, including restrooms; revising the university's health insurance options to include gender related care; expand the (Trans)Gender 101 training and develop web-based resources for faculty to revise their courses to include more content on gender diversity; and seeking out grant funding opportunities (pp. 7-8). The commission positions itself as “ a resource to people interested in exploring new ideas about the conception and organization of gender itself.... We seek to create change... that improves the lives of transgender students, staff, faculty, and community, and has benefits for the entire University community and beyond” (p. 3).

The most recently available report for the University of Minnesota Transgender Commission is from 2008-2009. The report discusses progress made toward the goals set out from the previous year, including: conversations about whom the commission reaches and includes, and how public conversations were held on indigenous conceptions of gender as well as the intersections of gender with faith and spirituality; continuing to identify and map accessible restrooms; continuing to work on inclusion of gender services in university health insurance plans; (Trans)Gender 101 trainings and gender dialogues, including work with Winona State University; programming a week of events

featuring Kate Bornstein; launching the Trans Advocacy Team, a Bias Incidence Response Team specific to gender related incidences; and consulting with other universities on how to navigate institutional changes to encourage institutions to be more gender friendly (pp. 2-6). The accomplishment that the report highlights specifically is that of inclusion of gender identity and expression in the university nondiscrimination policy, after many years of advocacy work in this area:

Since the inception of the Transgender Commission, amending the University of Minnesota Equal Opportunity Statement to include gender identity and gender expression has been seen as one of the most fundamental needs of gender non-conforming students, staff, faculty, and community stakeholders. ... There was a time when we received the message that movement on this front was politically dangerous and unlikely. This achievement is the culmination of years of work on the part of trans people and allies...

The Transgender Commission will be celebrating this achievement throughout the year, and focusing on how it can help the University of Minnesota fulfill the promise of inclusion it makes to gender non-conforming people and other historically oppressed people as embodied in the new policy statement. (p. 4)

The Commission goals for 2009-2010 included: continuing to make the commission more inclusive of diverse voices; educate, train and mobilize the new Trans Advocacy Team; work to develop and implement concrete goals with accountability measures for the facilities team to create high-traffic gender neutral restrooms; and

develop a gender dialogue series that utilizes a learning circle format (p. 6). The University of Minnesota Transgender Commission is a unique phenomenon in the context of this study: a group dedicated to transgender advocacy and education of all campus community members. Its accomplishments are tangible and noteworthy, and the discourse is one that is affirming and highlights the discourse of agency, which will be discussed in greater depth below.

### **Subject Positions**

What subject positions are discursively produced through the policy reports of university LGB and transgender commissions? The data from this study reveal that one of the dominant subject positions is that of transgender people as “victims” who are harassed and attacked in residence halls, restrooms, classrooms, or simply walking across campus. Furthermore, the discussions contained in these reports generate an image of the fearful transgender person. Genderism is “an ideology that reinforces the negative evaluation of gender non-conformity or the incongruence between sex and gender. It is a cultural belief that perpetuates negative judgments of people who do not present as a stereotypical man or woman” (Hill & Willoughby, 2005, p. 534). Bilodeau is correct in asserting that a discourse of *genderism* shapes images of trans people as “deviant” and/or having a disorder (2008, p. 5), and who are therefore in need of both protection and accommodation. The victim subject position situates trans people as “fearful,” having “special needs,” and possessing “disabilities” (Division of Student Affairs Final Report of the Gender Identity Working Group, 2003, p. 9, p. 15, p. 18).

This positioning of trans people as victims is accomplished through a discourse of protection that identifies various forms of institutional policy inclusion with the

attainment of transgender accommodation. Simultaneously, a discourse of resiliency is voiced by the trans people quoted in these reports and in secondary sources. Here, gender variant people are discursively constituted as tenacious survivors and change-agents. Despite their differences, however, both discourses position transgender people as in need of something they lack – something that can only be granted by the institution. In the remainder of this chapter, I examine these discourses of protection, genderism, and trans agency, and consider how they construct multiple and competing subject positions. I am not arguing that the discourse of protection as applied to trans people stands alone in constructing these subject positions; as Allan points out, such commissioned reports “provide discursive strategies that circulate and intersect within broader discursive fields” (2008, p. 79).

### **The Victim**

How does the victim discourse re/produce the image of the trans person on campus? Most importantly, by emphasizing trans people’s desire to be *protected*. The message many of these reports convey is that it is the responsibility of staff to protect and help transgender students, as is typically expressed here:

We recommend that

9.1 Serving as primary points of contact, the Office of Lesbian Gay Bisexual and Transgender Affairs and the Ombuds Office be able to advise transgender students who are planning a transition regarding whom to notify and how to notify them as discreetly as possible – i.e., help them notify only those who really do need to know, and do it in ways that will minimize “outings” that result from gossip.

9.2 The primary point of contact help the transgender students by informing relevant staff members that the University of Michigan recognizes the validity of what the student is doing – and requesting that the student’s privacy be protected to the extent possible. (Division of Student Affairs Final Report of the Gender Identity Working Group, 2003, p. 17)

The victim subject position re/produced via commission reports represents trans people as wanting to be safe in spaces that are otherwise deemed unsafe. Trans people desire to be protected in residence halls, classrooms, restrooms, that is, in spaces on a university campus depicted in these reports as being dangerous or hostile. The following examples exemplify this:

In a system where gender is naturalized and invisible, and the rich and fluid mosaic of gender diversity is targeted and silenced, simple tasks can pose significant challenges for trans people at the University of Minnesota – using a restroom, being identified by a professor, receiving an accurate UCard, locating housing, obtaining necessary healthcare, or being required to adhere to an office dress code, among many other examples. Everyday tasks and fundamental needs such as these, which gender-conforming people often take for granted and are rarely forced to critically consider, may result in institutional barriers, humiliation and even violence for members of trans communities. (University of Minnesota Transgender Commission Report and Recommendations for Institutional Change 2006-2007, p. 6)

... the Division of University Housing [should] increase its efforts to provide a housing environment that is safe and free of harassment for all

students. In particular, it is essential to add more training for house fellows about how to create and implement a safe and inclusive environment, and how to respond quickly and effectively to harassment of LGB or transgender students. Housing should provide fast, predictable, effective systems of making and responding to complaints about harassment in any form. (Committee on Gay, Lesbian, Bisexual, and Transgender Issues University of Wisconsin-Madison, 2004, p. 1)

Historically and nationally, many incidents of harassment and assault on transgender people go unreported because transgender people often fear law enforcement officers even more than they fear their attackers, and also fear being outed if they report the assault. Given this context, there is often a general fear of public safety officers among transgender students, and a general unwillingness to seek their help or to report incidents of harassment and assault. This is true even though transgender students are much more likely to be harassed or assaulted than the average student. As a result, despite the ongoing cooperation and concern shown by the U-M's Department of Public Safety, the Hospital Security Office and the Housing Security Office regarding lesbian, gay, bisexual and transgender issues, transgender students who enter the University of Michigan are likely to feel unprotected and vulnerable to public harassment and assault. (Division of Student Affairs Gender Identity Working Group, 2003, pp. 13-14)

The committee has learned from the testimony of transgender students and faculty that, in some circumstances, allegations have been made that

University faculty have acted on biases regarding gender identity in grading students and in course practices. One student, for instance, reported that a professor had refused to grade the exam of a transgender student who had used his preferred rather than his legal name on the exam (Michigan State University Second Ad Hoc Gender Identity Committee, 2007, p. 30)

Trans people are positioned in the discourse as believing that the university community should be educated about them, both through formal learning spaces in the classroom and curriculum, as well as in informal trainings of staff, faculty and students. Consequently, it is through their appeal for the creation of safe spaces for on university campuses that these reports construct the transgender victim. The focus on trans people's victimization – their fear, the harassment they experience, the unsafe spaces they occupy – all position them as vulnerable. It is important to note, however, that commission reports do not construct an image of the trans victim as being content to remain a victim. For example, a 2003 University of Michigan survey of its LGB and T students indicated that transgender students were critical of University Health Service and recommended that clinicians be trained on how to work with transgender students (Division of Student Affairs Final Report of the Gender Identity Working Group, 2003, pp. 7-8). In a subsequent 2006 report, it was noted that Counseling and Psychological Services “is training its clinicians to provide a positive initial contact for transgender, transitioning, and gender-questioning students” (TBLG Task Force Report Follow-up, 2006, p. 3). Elsewhere, the University of Michigan report *From inclusion to acceptance* gives voice to transgender community members surveyed and indicates how they spoke up about



unisex restroom and dressing rooms. Additionally, in the Gender Identity Working Group survey “of those transgender persons who had encountered problems owing to gender identity, only a third were satisfied with the official University response” (p. 10). In the University of Michigan report to the dean of the school of social work on TBLG needs, individuals surveyed gave the feedback that “the lack of visible advocates and allies [is a] fundamental issue, particularly in conjunction with the lack of out faculty and staff” (TBLG Advisory Report, 2004, p. 8).

Hence, what these reports depict is the trans person who is working to be recognized as a full member of the university community, possessing all of the rights and privileges that status confers. The University of Minnesota Transgender Commission Report quoted a community member, who said

I attended the University of Minnesota during the mid-nineteen seventies.

As a young, confused and frightened transgender student...I did not feel able to share my feelings of discomfort with anyone about how the world perceived my gender. ...I hope that the University of Minnesota will become a model for other educational institutions, leading the way to help create an environment of understanding, inclusion and compassion for transgender people. (University of Minnesota Transgender Commission Report and Recommendations for Institutional Change 2006-2007, p. 5)

A student quoted in the University of Michigan *Gender identity working group report* outlined the resistance she had faced in various offices of the institution regarding name change and medical treatment and recommended: “Two of the women who work in the graduate affairs office know because they’ve seen my records, and they’ve always been

extremely helpful when I needed it. ... The best you could do is have the people in the academic offices aware of trans people.” (p. 52). The student elaborates on many of the ways that transgender students are marginalized in university offices, and then offers solutions on how to address these obstacles so that transgender students can be successful at the University of Michigan. The advocacy to include gender identity and expression protection in university non-discrimination policy exemplifies the desire for institutional inclusion by transgender people. All of the committees or task force reports from the University of Michigan (2004), Michigan State (2007), University of Minnesota (2006-2007), and University of Wisconsin (2004) support GI&E inclusion in non-discrimination policies.

### **A Discourse of Vulnerability**

“Fearful,” (Division of Student Affairs Final Report of the Gender Identity Working Group, 2003, p. 9) “unprotected,” (p. 14) with “special needs,” (p. 15), having “distress,” (Report to the Task Force on the Campus Climate for TBLG Faculty, Staff and Students, 2004, p. 2) and “gender identity problems” (Michigan State University Ad Hoc Committee on Gender Identity, 2002, p. 5) are some of the ways commission reports describe transgender people working and studying at universities. These characterizations are accomplished through discourses of “distress and dependency,” and are remarkably similar to the way women were constructed as subjects in the university policy documents studied by Allan, including women’s “fear” cited in the Ohio State University President’s Commission on Women, and that women are an “at-risk” population by their very nature in the Pennsylvania State University Commission for Women (pp. 92, 106, 2008). The above-cited discourses are part of and mutually reinforce a dominant

discourse of transgender vulnerability. A recent report released by the National Gay and Lesbian Task Force, *Injustice at every turn: A report of the national transgender discrimination survey* (2011), talks about the “insurmountable challenges” that transgender people face in education, employment, housing, public accommodations, and health care. While it is demonstrably true that they face challenges, this policy discourse also constructs transgender and gender variant people as vulnerable as a natural outcome of our gendered society, which in turn reinforces genderism by shaping gender variance in ways that promote transgender people’s appeal to, and dependence on, cisgender people (Allan, 2008). Transgender people, much like women in Allan’s study, “are positioned as vulnerable because they are construed as reliant upon the institution to provide for their ‘needs’” (p. 92).

For example, the dominant discourse of transgender vulnerability feminizes all transgender people, whether transmasculine or transfeminine. Depicting an entire population as vulnerable and in need of protection, much like Allan’s study of women, therefore reduces transgender people to “feel[ing] unprotected and vulnerable to public harassment and assault” (Division of Student Affairs Final Report of the Gender Identity Working Group, 2003, p. 14). Allan cites the Ohio State University President’s Commission on Women: “fear in one form or another is a daily fact of life for many women on our campuses” (Allan, 2008, p. 99). Neither transmasculine nor transfeminine people can challenge contemporary masculine norms; one group was formerly female bodied and the other group is female identified. Depicting transgender people as fearful of harassment and violence parallels the discourse in Allan’s reports where a “dominant discourse of femininity...constructs women as needing to be fearful of and protected

from strangers lurking in dark corners of the university” (p. 103). Allan argues that a femininity discourse reinforces “white, middle class, and heterosexual norms about how women ‘should behave’” and that this dominant discourse “serves to support sexism, heterosexism, and racism” (p. 92). Add to that list genderism and transphobia, and we would have a more complete list.

Even while the stated purpose of the reports is to document institutional problems and make recommendations to improve the status of transgender people, a discourse of vulnerability circulates in the reports in ways that contribute to shaping and sustaining the vulnerable subject position. There are powerful cultural paradigms prescribing what it is to be masculine and feminine in 21<sup>st</sup> century Western culture, and these binaries operate in overt and subtle ways. There is a small discursive space to express a “third gender,” but this exists in mostly LGBTQ and academic spaces, for example at the National Gay and Lesbian Task Force Creating Change conference, or in Gender Studies departments. As Stephen Whittle notes, “the questioning that trans people present to others’ identities is a growing challenge to all who place their confidence in the binary rules of sexed lives: man/woman, male/female, masculine/feminine, straight/gay” (2006a, p. xiii). While critical theory maintains that subjectivity is discursively constituted, it does not imply that transgender people are passive in the process of identity formation, because “we are both subjects and agents in the social relations mediated by texts” (Allan, 2008, p. 94). There is also the reality that some discourses circulate more widely and are more accepted than others; and most people are simply unaware that there are varied discourses to draw upon in order to make sense of the world (Allan, p. 94).

As I have indicated, several discourses relating to the subject position of trans people circulate in the text of transgender commission reports. Some of these align with and support dominant discourses of transgender vulnerability, transphobia and cisgender privilege, while others challenge these. As described above, the subject positions constituted through commission reports consistently depict transgender people as vulnerable victims needing protection by the institution. And yet, a discourse of transgender resiliency also contributes to shaping an alternative image: that of change-agent. I will discuss this subject position in a later section.

### **A Discourse of Protection**

LGB and transgender reports contribute to shaping the vulnerable victim position through a *discourse of protection* that is closely tied to policy inclusion. The call for accommodation of transgender people has been central to nondiscrimination policies, as discussed previously. It is this discourse of protection, therefore, that produces and positions the particular subject positions examined in this chapter. The protection discourse constructs the victim transgender subject position and thus shapes understandings of gender identity and expression policy inclusion.

The discourse of protection is expressed most explicitly through the reports' focus on *facilities*, i.e., residence halls, restrooms, locker rooms, and other physical spaces on campus. It is also expressed via claims that general ignorance around gender variance leads to violence, and consequently considerable attention is paid to a second category of *education and training*. Finally, *support services* – i.e., programs and staffing intended to help transgender people feel understood and accepted on university campuses – is the third strand that comprises this discourse of protection. For example, one

recommendation proposed includes developing a Standard Practice Guide that will outline "...a means whereby a transgender person, who wishes accommodation under the nondiscrimination policy, can register with an appropriate office that will gather information and determine the person's eligibility for accommodation in a timely manner on a case-by-case basis..." (University of Michigan, 2004, p. 13).

Hence, I have developed the following three labels to describe the components of the discourse of protection: (1) *Facilities* is the component that calls for the assessment of physical spaces in order that they to be made "safe" or manageable for transgender people on university campuses; (2) *Education/Training* is the component that depicts ignorance as the main cause of the harassment and violence that transgender people encounter in their daily lives while on campus, and calls therefore for its elimination; and (3) *Support* is the component that asserts that aid offered by university staff will be what helps transgender people to cope with the "problems" they face due to their gender identity and expression. The following commission report excerpts provide examples of these distinct strands within the discourse of protection:

1. Facilities: Adopt the Transgender Commission's recommended *Policy on Restrooms and Restroom Use*, first on the Twin Cities campus and eventually system wide. Secure financial and staff resources for the modification of existing, single-occupancy public restroom facilities to become gender neutral, including installation of new signage and door locks. *There is a critical and urgent need for safe and accessible gender-neutral restrooms at the University of Minnesota. For people whose gender expression differs from their perceived gender, or for people who are not always perceived as female or male, entering restrooms*

*labeled Women or Men can result in discrimination, harassment, violence or arrest.* (University of Minnesota Transgender Commission: Report and Recommendations for Institutional Change, 2006-2007, p.3) [Emphasis in original]

2. Education/Training: One proposition underlying this report is that perceived lack of safety is generally correlated with lack of information; in other words, ignorance about people who are “different” (particularly from a culturally dominant group) breeds misunderstanding, misjudgment, and in some cases hatred and violence. We believe this to be true in general for TBLG persons, but particularly true for transgender persons. (University of Michigan From Inclusion to Acceptance: Report of the Task Force on the campus Climate for Transgender, Bisexual, Lesbian and Gay (TBLG) Faculty, Staff and Students, 2004, p. 9)
3. Support: In many cases, transgender students need some basic counseling to help with family and relationship problems, problems with handling depression, and problems in coping with ongoing harassment because of their appearance. Having access to a friendly counselor who is aware of the various needs of transgender students could be of great help to such students. (University of Michigan Division of Student Affairs Final Report of the Gender Identity Working Group, 2003, p. 12)

### **Peeing in Peace - A Discourse of Facilities**

As noted earlier, the history of reports discussing transgender-specific university policy issues did not begin until the 2000s; in the 1990s gender identity and gender expression were rarely mentioned, and if so it was always in the context of larger LGBT commission reports. There is little quantitative data on transgender people, either at

universities or in a more general context. It is difficult to study the topic if there are no numbers regarding transgender people generally and incidents of discrimination specifically. Much like Allan's study on Women's Commission reports, the themes conveyed through this discourse are not necessarily quantifiable (Allan, 2008). Some reports – for example, the 1993 University of Minnesota system committee study – did include a survey of transgender people as well as narrative information from a focus group. Later reports, such as the Michigan State Second Ad Hoc Gender Identity Committee report of 2007, include appendices with materials drawn from decisions of court cases, press releases, and the Transgender Law and Policy Institute web page. These data sources are referenced in subsequent sections.

The first report that examined GI&E as a stand-alone phenomenon was the Michigan State University Ad Hoc Committee on Gender Identity (2002), which reported to the Executive Committee of Academic Council (ECAC). The topic of facilities, that is, residence halls, locker and shower facilities in athletic buildings, and bathrooms, was addressed in that report. The report expressed attitudes later echoed in other schools' reports, such as isolating or segregating trans identified students as a reasonable solution for their "protection." For example, the MSU 2002 report states, "students may be reasonably accommodated in a room with a roommate who accepts the placement, or through placement in a single room, in a residence hall with private bathroom facilities..." (p. 11). The report goes on to discuss bathroom facilities at MSU more generally, "The bathroom at work is the most commonly cited example of a 'problem situation' ... can be resolved on a case-by-case basis...providing the transgender individual access to private, unisex restroom facilities would be a reasonable outcome"



(p. 12). But the report concludes that the institution should not be forced to offer such facilities where they are not available. The University of Michigan Division of Student Affairs *Final report of the gender identity working group* (2003) recommends “Expansion of facilities, including restrooms and locker rooms, across campus to accommodate a variety of gender expressions.” While this Student Affairs generated report’s tone sounds more supportive, segregation is once again suggested as the best remedy: “Options include, but are not limited to, single-stall ‘unisex’ bathrooms and maintaining a separate curtained area in locker rooms, dressing, and shower areas for increased privacy” (p. 20). The University of Wisconsin echoes the theme of transgender “discomfort,” and once again the proposed solution is bathroom segregation in its university housing. Consequently, the University undertook to review “(i) policies and procedures that may cause discomfort for students who identify themselves as transgender, [and] (ii) restrooms to determine if they can be converted into unisex facilities...” (University of Wisconsin – Madison Committee on GLBT Issues Report to the Faculty Senate, 2004).

The *facilities* discourse is taken up by both Faculty Senate-generated reports and Student Affairs-produced documents in the context of including GI&E in the university non-discrimination policy. In fact, it is this policy initiative that provides these reports with their mandate. At Michigan State University, the Ad Hoc Committee on Gender Identity was generated in response to a proposal by the student government of MSU. The University of Michigan report was generated by the Student Affairs side of the house. The University of Wisconsin reports generated in the 2000s were produced by a committee of the Faculty Senate. Finally, the University of Minnesota Transgender

Commission reports were submitted to the Vice-President and Vice-Provost for Equity and Diversity. The charge to the Gender Identity Working Group at the University of Michigan from the Vice President for Student Affairs, Royster Harper, was issued in March 2002 and stated, in part,

Because the Division of Student Affairs is particularly invested in learning what it may do within its purview to improve the quality of life for transgender students on campus, the Charge is designed to identify the needs of students and address issues within the University, and to generate multiple options in areas for which the Division has responsibility.

Successful completion of the Charge would result in a thorough identification and analysis of needs of and issues related to transgender students and the identification of options for satisfying these needs.

(University of Michigan, 2003, p. 3)

The *facilities* component of the discourse of protection is particularly apparent in commission report discussions about bathrooms. A 2007 report describes the lack of single stall restrooms in key university buildings: “Unisex facilities are available in many campus buildings but are notably absent from many heavily-trafficked buildings, such as the Hannah Administration Building, the Main Library, and the MSU Union” (Michigan State University Second Ad Hoc Gender Identity Committee, 2007, p. 24). However, this report also identifies the current university restroom ordinance that “prohibits persons in most circumstances from using the restroom designated for the opposite sex” (p. 23), and it emphasizes the importance of protecting those whose biological sex assignment at birth matches their gender identity and expression, that is *cisgender* individuals, from any

potential discomfort in using restrooms (Bilodeau, 2007, p. 2). “Safety in using restroom facilities is of paramount concern for many if not most faculty, staff, and students.

Providing segregated facilities for women and men and providing lockable doors on single-stall facilities adequately address these safety concerns for most employees and students” (p. 24). At the University of Wisconsin – Eau Claire, one student who transitioned from male to female was quoted in a student government press release:

one difficulty she faced dealt with something most take for granted: bathrooms. “There is no safe choice when you are between genders and are constantly forced to make a decision. I felt unsafe going into either one, particularly the men’s bathroom” she said. “I was afraid I would get assaulted or in the women’s bathroom being arrested for simply being there. For me and other transgender people it is a matter of safety and comfort. Any protections can ease the oppressions I face daily. (The United Council of University of Wisconsin Students, 2005, n.p.)

The language around bathrooms discusses privacy and safety for transgender people, but there is another clear message: mixed-gender bathrooms make cisgender people uncomfortable, and this discomfort can lead to violence and other health risks:

*There is a critical need for accessible and safe gender-neutral restrooms at the University of Minnesota. For people whose gender identity or gender expression differs from their perceived gender, or those who are not always perceived as male or female, entering restrooms labeled *Men* or *Women* can result in discrimination, harassment, violence or arrest. To avoid these potentially unsafe situations, transgender and gender non-*

conforming people often refuse to use public gendered restrooms, and sometimes even change their eating and drinking habits, leading to health risks: urinary infections, dehydration, kidney failure, and other health problems can occur from avoiding bathroom use. (University of Minnesota Transgender Commission Report, 2006-2007, pp. 15-16)

Gender segregation in the guise of protecting transgender people is the unstated theme that runs throughout the *facilities* strand of this discourse. It allows the institution to depict itself as concerned for the privacy and safety of transgender people without either addressing the larger issue of why gendered spaces such as bathrooms, dorm rooms, and locker rooms are dangerous places for a transgender person; or confronting cisgender privilege and exploring why gendered spaces were created and how that might change if we challenge unstated cultural norms.

### **Violence Bred from Ignorance - A Discourse of Education and Training**

A second component of the protection discourse is evidenced by a focus on *education and training* around sexual and gender identities. The reports manifest a belief that violence, discrimination, and harassment of gender variant individuals are bred from ignorance and fear. Therefore, training and education should be undertaken by the university community to remedy this lack of understanding. The University of Michigan 2004 report on TBLG people singles out “transgenderism” as a topic that faculty, staff and students need to be educated about because they “know little or nothing about transgenderism or the special challenges to the transgender members of our community. Further, we believe that the extreme lack of knowledge in the community is linked with the perception...that transgender people are at significant risk with regard to

discrimination and harassment” (University of Michigan, From Inclusion to Acceptance, 2004, p. 15). This report is an example of how even a group with good intentions continues to pathologize transgender people. Similarly, the introduction to “transgenderism” in the University of Michigan 2004 report conflates “transgender” with the diagnosis of Gender Identity Disorder as defined by the American Psychological Association:

Transgender is an umbrella term describing persons whose gender identities, expressions, or behaviors are not those traditionally associated with their birth sex. Of transgender individuals, those most intensely challenged by traditional gender-role expectations are transsexual persons....By contrast, some less strongly affected transgender persons may live part- or full-time in a gender not their birth gender without desiring sex reassignment. Others may cross-dress on occasion while still normally identifying with their birth gender. In other words, transgenderism embraces a broad range of individual behaviors and identities.

The American Psychological Association classifies such gender dysphoria as Gender Identity Disorder, a “strong and persistent cross-gender identification” that can cause clinically significant distress or impairment in social, occupational, or other important areas of functioning. Since transgenderism is generally an intensely private matter, it is impossible to estimate its incidence, although clearly it is not extremely rare.

Transgender persons encounter sever difficulties in virtually every aspect of their lives, both internally in coping with their own feelings, and then socially in interacting with others. The considerable social stigma that still attaches to transgenderism leads not at all infrequently to verbal harassment and physical violence...

The consequences for transgender individuals is a climate of shame and fearfulness... (University of Michigan Report of the Task Force in the Campus Climate for Transgender, Bisexual, Lesbian and Gay (TBLG) Faculty, Staff and Students, 2004, pp. 2-3)

By way of contrast, the University of Minnesota Transgender Commission offered its own definition of “transgender”:

Gender is a fundamental and complex part of our identities; as such, people choose many words to describe themselves and /or their communities, including but not limited to: transgender, transsexual, intersex, Two Spirit, genderqueer, gender variant, gender non-conforming, FTM (female-to-male), MTF (male-to-female), drag queen/king, cross dresser, bi-gender, differently gendered, transboi, gender-blended, gender outlaw, gender non-normative, woman, and man. For the purposes of this report and our mission statement, we have chosen to use the word *trans* to refer to anyone who transgresses or is not validated by our cultural gender norms. (University of Minnesota Transgender Commission Report and Recommendations for Institutional Change 2006-2007, p. 5)

A subsequent report suggested concrete steps for educating members of the university community:

- Expand the reach of the introductory (Trans)Gender 101 training that Commission members provide to groups across the state.
- Develop a Gender Dialogue program that will utilize a learning circle format to allow participants to have in-depth, ongoing discussions about gender identity, systems of gender, and the intersections of gender and other aspects of identity.
- In collaboration with the Minnesota Transgender Health Coalition, develop a module on working with transgender clients for use by health care training programs.
- Develop web-based resources for faculty who are working to revise their courses to include more content on the diversity of gender and transgender lives and experiences. (University of Minnesota Transgender Commission Report and Recommendations for Institutional Change 2007-2008, p. 8)

Michigan State University, in its first Ad Hoc Committee on Gender Identity (2002), rejected a proposal to include GI&E in its non-discrimination policy because, “there is no standard definition of ‘gender identity,’” it was “not a well-understood term in our University community,” and “the general University community is not familiar with the range of complex gender issues...” (pp. 3, 6). The committee did, however, acknowledge that since “gender identity issues are generally ill understood...[the] remedy for this situation is education aimed at increasing knowledge about these issues and individual sensitivity to these issues” (p. 12). By 2007, when MSU did recommend including GI&E in its non-discrimination policy, there was an acknowledgement that

undergraduate and graduate students, teaching assistants, faculty, and staff “differ in the kinds of information they need, and they also differ in the ease with which it can be delivered” (p. 35). Concrete methods of targeting each group were recommended, and the university offices responsible for offering such training were considered:

Gender identity issues are generally ill understood and ill appreciated in the MSU family. As a great university, the most appropriate, and indeed the best, remedy for this situation is education aimed at increasing knowledge about these issues and individual sensitivity to these issues.

- First, for students, an educational program on gender identity issues that is developed and administered through the residence life offices
- Second, for faculty and staff, educational programs and training in gender identity issues that would bring appropriate speakers to scheduled unit level events at which all those who work in the unit are present
- Third, for faculty, staff, and students, a series of dialogues on issues of gender identity. (Michigan State University, Ad Hoc Committee on Gender Identity, 2007, pp. 12-13)

Typically, commission reports describe education and training as necessary. Most often it is from the perspective of needing to educate cisgender people out of their ignorance and fear of transgender people:

We assert that a great deal of sexist and homophobic violence and discrimination is rooted in reaction to gender diversity. We recognize the need to adequately introduce and address trans issues and gender theory as



part of any discussion that confronts homophobia. ... We recognize the need for in-depth training opportunities for students, staff, faculty and community members that are specifically focused on transgender and gender diverse identities, issues and policies. (University of Minnesota Transgender Commission Report and Recommendations for Institutional Change, 2006-2007, p. 20)

And yet, most commission reports reflect a lack of institutional commitment to engage in such training. For example, the University of Wisconsin report in 2008 states that since the last report was issued in 2004, “we are able to identify no steps toward training department chairs in LGBT issues and no implementation of the Board of Regents’ Resolution on Gender Identity/Gender Expression...” (p. 3). This Faculty Senate-generated document has a tone that is critical of administrative inertia:

Much of the progress in LGBT issues since 1994 has arisen from the initiative and commitment of a relatively few committed individuals, either as volunteers or in their capacity on this committee. Obviously, we applaud this work. But in the absence of campus-wide coordination many important LGBT concerns (some of which have appeared perennially in this committee’s reports, some of which have arisen since the 2004 report) remain entirely unaddressed or only partially addressed.

For example, we are able to identify no steps toward training department chairs in LGBT issues and no implementation of the Board of Regents’ Resolution on Gender Identity/Gender Expression, mandating that non-discrimination clauses and practices system-wide include addressing

issues related to gender and gender identity. We see this lack of campus-wide accountability as a serious obstacle to further progress and as an indication that the campus has not yet integrated LGBT issues into the university's structural understanding of its responsibilities for a diverse and inclusive climate. (University of Wisconsin, p. 3, 2008)

The 2010 iteration of this report is only *one page* in length, contains no mention of any training of faculty or department chairs, and concludes: "A number of the issues raised in the 2008 report are still relevant. The committee will continue to work on them during this academic year and in the future." (2010, p. 1). Yet there is no mention of educational training of any kind.

Typically, the reports are either silent on who should administer this training, or they are made the responsibility of LGBT resource centers or Employment Equity Offices. "The Office on Institutional Equity (OIE) and the Lesbian, Gay, Bisexual and Transgender Affairs Office (LGBTQA) will review and compile information to promote cross-campus sharing of innovative programs..." (TBLG Task Force Report Follow-Up, 2006, n.p.). At the University of Michigan, there is only brief discussion of education: "Through the Office of Lesbian Gay Bisexual and Transgender Affairs, offer increased education on transgender issues that is designed to meet needs related to implementing the recommendations on this report" (Division of Student Affairs Final Report of the Gender Identity Working Group, 2003, p. 20). Was the LGBT Office consulted before this recommendation was issued? Would they receive financial and staff assistance to do this added work? And why charge only the LGBT Office instead of recommending a campus-wide initiative? As someone who has worked in two LGBT resource centers over

the last six years, I suspect that the answers to these questions are: no, no, and as with any diversity initiatives, the work is usually assumed to be the sole responsibility of the members of that community.

The University of Michigan's Task Force on the Campus Climate for TBLG Faculty, Staff and Students formed a subcommittee on Education, Orientation and Visibility. The subcommittee recommended that the University "significantly enhance its efforts to educate faculty, staff and students...especially with respect to transgenderism, about which there is a widespread lack of knowledge and understanding" (2005, p. 3). Unfortunately, the recommendations frame the educational initiative in a pathologizing manner by calling for the creation of "a videotape/documentary on sexual orientation and transgenderism similar to the videotapes on disability and depression" (p. 3). Sexual and gender identity are not comparable to either a disability or a mental illness, and the subcommittee therefore reified negative attitudes by proposing "solutions" such as this.

In most cases, we can only speculate how such reports were received by university presidents, provosts, vice-presidents, and faculty senators. In the case of Michigan State's First Ad Hoc Committee on Gender Identity, however, the then president of the institution, Peter McPherson, shared his reaction to the work contained in the report:

I was concerned that a number of questions were unresolved.... In my view, not only must the proposed change be clear in terms of it's (*sic*) protections, we also have an obligation to assure that if a person is going to be charged with discrimination, the rule must have enough clarity for common understanding, or it is not fair to those being charged.... I

continue to have concerns regarding the practicality of the proposed changes, particularly with respect to our ability to reasonably implement an enhanced definition of gender that is perceived by some as vague and ambiguous. (Michigan State University Memorandum, April 8, 2003, p. 1)

As a result of the president's stated concerns, gender identity and expression was not added to the MSU non-discrimination policy. The Second Ad Hoc Committee met from 2005 to 2007 to address the concerns of the then-president and discussed how several peer institutions had added GI&E to their non-discrimination policies. The committee concluded that:

1. Modification of the University's ADP [Anti-Discrimination Policy] to include gender identity would require few changes in existing University policy or practice. In particular, University practices in areas of concern raised by McPherson are either consistent with appropriate limitations to the ADP or are already in need of modification to comply with new case law on gender nondiscrimination.
2. Modification of the University's ADP to include gender identity is not only consistent with the University's mission of "advancing knowledge and transforming lives," but serves the University's interests in recruiting talented faculty, staff, and students and in competing for external grants.
3. Modification of the University's ADP to include gender identity will only partially address the needs of transgender members of the University community. The University can implement measures that will address the concerns not only of transgender faculty, staff, and students, but also of other members of the

University community.... (Michigan State University Second Ad Hoc Committee on Gender Identity Committee, 2007, p 1)

This report was accepted and the university subsequently included GI&E in its non-discrimination policy. It is not atypical for movement on this issue to come about in this way – *i.e.*, not because of the persuasive arguments made by hard-working committees, but because of external factors, such as an administrative change at the institution (for example, Lou Anna K. Simon became the president of Michigan State University in 2005).

There also may be a need for the institution to be eligible for external grants that require a nondiscrimination policy inclusive of GI&E - for example, the Michigan based Arcus Foundation requires that all grantees protect sexual orientation and gender identity in their institutional non-discrimination policies, as does the Denver based Gill Foundation. Finally, change may come because peer-institutions have made the change; as noted above, MSU's 2005 decision to revisit the transgender question explicitly cited the fact that several universities that serve as benchmarks for MSU had adopted gender identity anti-discrimination protection.

### **Support - A Discourse of Services**

*Support*, the third component of a discourse of protection, provides another way of positioning transgender people as victims. Like facilities and education, *support* is a discursive strategy that shapes the transgender subject and informs understanding of transgender people at the institution as the discourse circulates in public reports and elsewhere. In contrast to facilities and education, which focus on segregation of transgender people and training of cisgender people respectively, the services and support

strand of the discourse of protection is identified by reference to *need*. That is, transgender people are cast as having particular needs, such as access to medical care, counseling services, and/or an LGBT office, in order to be able to live healthy lives; and these needs are framed by the language in the reports, and are then mediated and controlled by various institutions or offices on campus. University mediation of transgender people's health is paralleled by the medical control of diagnosing Gender Identity Disorder. The strict Standards of Care followed by the Gender Services Program are set by the World Professional Association for Transgender Health (WPATH), formerly known as the International Benjamin Standards.

The 2001 Standards of Care (the standards of care were revised in 2011, but is not relevant to the documents in this study, which precede those revisions) outline the treatment standards for those diagnosed with Gender Identity disorder (WPATH, 2011), including “a. A documented real life experience of at least three months prior to the administration of hormones; or b. A period of psychotherapy of a duration specified by the mental health professional after the initial evaluation...” (p. 13). The University of Michigan and the University of Minnesota offered gender confirmation services for transsexual people. The “treatment” of transsexuals at the University of Minnesota was initiated through the Department of Psychiatry in December of 1966 (Outhistory, 2011). In a history of LGBT people at the University of Minnesota, it was noted that “since the early 1970s, in making...counseling and treatment available, the University has provided a vital service to transgender people in the Upper Midwest” (Wrathall, 1993, p. 61). Yet those needs may not always be well mediated by the institutional bodies charged with this task, as evidenced in the following excerpts:

Questions raised about the policies and practices of PHS [the Program in Human Sexuality of the Department of Family Practice and Community Health] include the following: demands that married couples be divorced before proceeding with treatment, being forced to use the bathroom of one's anatomical sex during the pre-operative period, manipulative threats to delay surgery, and withholding information on diagnoses and medications. ...the psychotherapy component of the program frequently increased clients' levels of depression and confusion and lowered their self-esteem. (Breaking the Silence: Campus Climate for LGBT People, University of Minnesota System, 1993, p. 26)

The University of Michigan Hospitals and Health Centers Comprehensive Gender Services Program (CGSP) is a small service provided by a few faculty from several departments. The Program follows the International Benjamin Standards. There is an intake function that provides the initial review of potential patients and provides an explanation of our process (strict adherence to the Benjamin Standards). The CGSP is one model of care and may not be the model of choice for every client. (University of Michigan Subcommittee on Healthcare for Transgender, Bisexual, Lesbian and Gay Faculty Staff and Students, 2005, p. 4)

One transgender student replied to a survey question as follows:

[Some difficulties I have faced at UM as a trans person] Getting some basic medical care, which happens to include the need for hormones. Getting insurance coverage for the same. Hormones are prescribed all the

time by people other than endocrinologists or Transgender specialists ...  
 why are there so many issues if the person requesting the hormones  
 happens to be Transgendered? Especially if the request is simply a refill on  
 hormones the person is already taking? (University of Michigan Division  
 of Student Affairs Final Report of the Gender Identity Working Group,  
 2003, p. 37) [Emphasis in original]

While different from facilities and education, the *support* strand is an important component of a protection discourse because it too works to construct the victim subject position. For example, in the University of Michigan Final Report of the Gender Identity Working Group, there is concern expressed that

University Health service's sole reliance on the Comprehensive Gender Services Program at the University of Michigan Health System for transgender information and care may be a barrier to care. University health care providers may lack knowledge regarding the use of hormones for transgender students and the medical implications of such use. They may also lack awareness of insurance coverage issues and cost issues related to treating transgender students. (2003, pp. 7-8)

For those students not under treatment in the Gender Services Program, University Health Services professionals may not be conversant with transgender students' needs. The University of Michigan report points out that "Transgender students need open access to general health care from people who are not prejudiced against them. It is not difficult to imagine how frightening it would be...to suddenly be confronted with a shocked, angry, hostile 'caregiver' who is unfriendly to transgender people" (p. 8). In



the same report, counseling services are discussed: “There is a gap in awareness of transgender issues and the needs of transgender students among members of the Counseling and Psychological Services’ clinical counseling staff” (p. 12). An earlier quotation highlighted the perception that transgender students face particular “relationship problems, problems with handling depression, and problems in coping with ongoing harassment...” (p. 12). The use of the word “problems” three times in one sentence discussing the mental health needs of transgender students is striking, mainly in how it positions the counseling services of the university as a rescuer of those students, despite the recognition that clinical services are lacking for these students. In this report, words such as “issues” and “concerns,” which put the onus for “their problems” on trans students, are also used in discussing counseling services. The presupposition is that transgender students have “issues” and “concerns” that the counselors, if properly trained, can help them to resolve (p. 13). There is an explicit analogy drawn between transgender people and disability in one report:

An example of an existing model is the one used to support students with disabilities – students who have a variety of specific, individual needs as do transgender students. The model features contact people/liaisons within Division of Student Affairs units who help the student by pulling service team members together to address specific, individual concerns. All the liaisons meet periodically to exchange information and support each other. There is also an annual award that acknowledges the work of leaders in the field and serves to raise awareness on campus. (GIWG, 2003, p. 18)

A report produced in 2002 at Michigan State University once again discusses transgender people in the context of their problems: "...some individuals are reluctant to seek action on, or assistance with, gender identity problems in the University community because they are unsure of the reception they will receive from those they would have to approach about these issues" (Michigan State University, 2002, p. 5). And yet, the report states that "there is little or no track record involving...gender identity issues in the residence hall system. Students seek and obtain counseling related to gender identity from various individuals at the University" (p. 5). These passages are filled with contradictions: according to the passage above, there is little evidence of gender identity as an area of note in the residence halls, but people are reluctant to come forward and seek redress if there are incidents, as is also stated. One of the places that LGBT harassment reports are housed at is in LGBT resource centers, which has multiple roles on campus: advocacy, education, support and visibility. I discuss these centers in greater depth in the following section.

### **The Role of LGBT Resource Centers**

It is worth noting that LGBT resource centers are sometimes discussed in these reports as safe places for LGB and T students to go in order to feel supported and protected by the institution – i.e., they figure prominently in the discourse of support services – but their work is often underfunded and understaffed. The University of Wisconsin report, for example, recognized the unstable funding line and lack of full-time staff at the center: "The Center...has an appropriate space on campus in the Memorial Union. Funding for the Center's student staff and operations remains subject to the General Student Segregated Fees allocation process and is not institutionalized" (2008, p.

5). One of the roles that an LGBT resource center plays is that of expert and advocate for all things queer on a university campus: “in its interviews with forty respondents, ‘half discussed their feelings that the LGBT campus centers serve as the *sole* LGBT resource on campus, or are often seen as *the* solitary voice of the LGBT campus community’,” and “The LGTB community and its supports are fairly invisible on this campus...[Outside the LGTBTA office], being queer here is a fairly lonely road” (University of Michigan, 2004b, pp. 7, 16). The Michigan State University resource center, for example,

provided cross-university expertise on the implementation of new transgender student support initiatives. Most significantly, the development of a new transgender student housing policy that potentially impacted multiple institutional systems. This initiative required the collaboration of the leadership of the Department of Residence Life, University Housing, Office of Inclusion and Intercultural Initiatives, Office of the Vice President for Student Affairs, Registrar’s Office, Financial Aid, Admissions, and Academic Orientation Programs. (Michigan State University LGBT Resource Center Annual Report, 2008, pp. 1-2)

The University of Michigan Gender Identity Working Group report offers directives of what the LGBT office *should* be doing for transgender students:

9.1. Serving as primary points of contact, the Office of Lesbian Gay Bisexual and Transgender Affairs and the Ombuds Office be able to advise transgender students who are planning to transition regarding whom to notify and how to notify them as discreetly as possible – i.e., help them notify only those who really do need to know, and do it in ways that will minimize “outings” that result from gossip.

9.6. The Division of Student Affairs develop a model for serving transgender students, and have the Office of Lesbian Gay Bisexual and Transgender Affairs and the Ombus Office jointly implement it. We recommend these two offices because the Office of Lesbian Gay Bisexual and Transgender Affairs by its name as well as its programs and services will be visible to transgender students and can advocate for them, and the Ombuds Office, although it is a one-person office with an unpredictable workflow, can provide the anonymity that some transgender students consider crucial and the neutrality that many University departments consider helpful in resolving the issues that students bring forward.

(GIWG, 2003, pp. 17-18)

Through the Office of Lesbian Gay Bisexual and Transgender Affairs, offer increased education about transgender issues that is designed to meet needs related to implementing the recommendations in this report.

(GIWG, 2003, p. 21)

Yet there is no mention of *how* these initiatives will be implemented, either with staff or financial resources to support these initiatives, beyond this brief comment: “We recommend that the LGBT Affairs office be given additional resources, but that it also be directed to assume a more central role in improving the climate for TBLG students” (University of Michigan, 2004, p. 7). The Michigan State University Second Ad Hoc Gender Identity Committee similarly directs the office of LBGT Concerns to build on “current panel discussions...” but offers this in the context on a section of the report on

educational programming that offers many vague suggestions regarding a speaker's bureau, videos, theatre workshops and the "implementation of annual, quarterly, weekly, and one-time educational and cultural events for the entire campus community and for targeted groups" (2007, p. 36). Beyond suggesting that these initiatives be coordinated through Human Resources, the LBGT Office and the Office of Inclusion and Intercultural Initiatives, no funding line or oversight is mentioned. The University of Michigan's *From inclusion to acceptance* report mentions the feedback of LGBT people in its climate survey: "many of our respondents believe that, at a minimum, the existing office needs better funding and expanded staffing" (p. 18), and that

It is worth considering, in this regard, whether the LGBTA office would profit from a general reorganization. Currently, it is placed under the Vice President for Student Affairs – a sensible arrangement because the office primarily serves students. However, even in this respect, we believe that the LGBTA office should considerably expand the range of its services. In other portions of this report, for instance, we recommend a role for it in opening lines of communication to the Department of Public Safety and to the Department of Intercollegiate Athletics. The LGBTA office can potentially play a much larger role in improving campus climate at the margins. Ultimately, the office, which is and will doubtless remain the principal locus for TBLG advising and development on campus, needs to be integrated also with the newly formed Office of Institutional Equity. (U of M., 2004, p. 18)

There is little mention of LGBT resource centers in the Michigan State University and University of Minnesota Transgender Commission reports. At the University of Wisconsin and the University of Minnesota, resource centers were founded as a direct result of reports issued by LGB committees. The University of Wisconsin-Madison *Issues of concern to gay, lesbian and bisexual students out on campus* report (1991-1992) stated

There is virtually no place on the university campus that is free from possible harassment or hostility for gay, lesbian and bisexual students. There is no designated space where these students and their friends can interact and develop a supportive community. The lack of such space contributes to the sense of isolation, alienation and anxiety a gay, lesbian or bisexual may develop through constantly responding to environmental conflict with no respite. A gay, lesbian, and bisexual center would be one way to remedy this situation. (p. 21)

The resource center at UW-Madison was subsequently founded in 1992, staffed by students. The 1997 report from Wisconsin recognized the transience of a student-staff and a lack of reliable funding:

LGB students are active in trying to create a campus they can safely and proudly call “ours.” However, as the current situation with the LGBCC suggests in a very dramatic way, the foundation that exists for their efforts is precarious. Even without the pending budget loss, groups must constantly deal with the facts that the LGB student population is very diverse; many student groups form in crisis times and disband as need

dissipates - or leaders graduate. While inevitable, and a good thing in many ways, the ebb and flow of activity does underscore the need for student groups to have the support of structures that offer “institutional memory,” mentoring, and stability beyond the typical student’s year or two of involvement. And given the possibility of loss of a way to fund the LGBCC with student fees moneys, more, and more secure, funding becomes increasingly important. (p. 46)

A recommendation in both the 1992 and 1997 University of Wisconsin reports was the creation of a full-time liaison to the LGB and transgender student community. In the fall of 2003 the position of Director of the LGBT Campus Center was created, but funding for the center was still unstable:

The Center has an appropriate space on campus in the Memorial Union.

Funding for the Center’s new professional director must be renewed annually, at the discretion of the Vice Chancellor for Student Affairs.

We recommend that obtaining funds from the General Student Segregated Fees be ended and that 100% of the funds for the LGBTCC staffing, programs, and services be institutionalized. This would relieve the Center from the annual uncertainties associated with the General Student Segregated Fees allocation process. It would also demonstrate the UW-Madison’s commitment to its diversity policy. (2004, p. 6)

The University of Wisconsin reports are the most explicit in terms of mentioning dollar amounts and reiterating over and over again that there needs to be more secure funding

for its staff and programs as well as a space that is adequate to serve the LGBT community:

The LGBTCC first opened its doors in July 1992 with \$29,400 in start-up funds from the student government and the commitment of a handful of volunteers. Since that time it has come to play an essential role as safe space, social hub, and intellectual center not only for the LGBT communities but for the wider campus concerned about LGBT issues – a role recognized in the hiring of a professional director and student staff funding from 128 funds (student segregated fees) to 101 funds (general purpose revenue). These have been important steps toward regularizing and stabilizing the center's operations. However, critical issues of stability remain. Since its founding, the center has struggled with problems of space. Not only to accommodate its enlarged staff and library, but also because of the particular privacy concerns that attach themselves to LGBT issues, the campus needs to finally resolve that problem. In addition, although many of the other funding sources for the center have been moved to steady 101 funds, the academic staff positions, which are essential to the stable operation of the center, continue to be funded through less secure program revenue 136 funds. (2008, p. 5)

In the University of Michigan (2004) and Michigan State (2007) reports, when resource centers are mentioned at all it is in vague terms in connection with educational trainings and, as in the University of Michigan report, as having little campus visibility and few resources:



TBLG students widely express great appreciation for this office and the work that it does. Many students feel...that the LGBTA office is insufficiently funded, and that, more generally, the office needs to be more prominent in campus life. We agree with both these points, and note with dismay the recent reduction in the LGBTA budget, which threatens the effective campus-wide disseminating of information about sexual orientation and gender identity. ...there was a clear need for additional LGBTA locations or spaces on campus. As one remarks, “Centralized information regarding TBLG resources must be in more locations; it is currently ghettoized in the LGBTA office, which is viewed on campus as a resource for students but not for faculty and staff”...many of our respondents believe that, at a minimum, the existing office needs better funding and expanded staffing. (University of Michigan, *From Inclusion to Acceptance*, 2004, pp. 17-18)

The outcomes of the work of these centers are mixed. For example, in a 2005 study it was noted that support for transgender students is typically combined with services for lesbian, gay and bisexual students, but that these centers or student groups “rarely address gender identity issues and often provide limited support to transgender students, especially to transgender students who identify as heterosexual” (Beemyn, Davis, Curtis & Tubbs, 2005, p. 51). In a more recent study by Beemyn and Tubbs (2011), they found that “it can be critical to have a full-time staff person focused on making the campus better for transgender students” (p. 28). Of the 81 colleges and universities responding to a survey on discrimination of transgender students, of those

surveyed that had transgender inclusive policies 59 (73%) had professionally staffed Resource Centers (p. 28).

Despite these challenges, there is a high correlation between those campuses that include GI&E in their non-discrimination policy and the presence of a staffed LGBT resource center: 91 of 170 schools with resource centers protect GI&E; that number rises to 192 of the 392 colleges and universities that protect GI&E when state systems with at least one resource center at the flagship campus are included (Consortium of LGBT Resource Center Professionals, 2011; Transgender Law and Policy Institute, 2011b). The role of LGBT resource centers is central to the provision of services for the trans community and form a significant part of the support discourse. Yet there is a disconnect between, on the one hand, the general tendency in these reports to invest the institution with the responsibility for “fixing” the lives of trans people while, on the other hand, the only body on campus that is universally seen as the place where trans support can be properly addressed is starved of resources and does not have the authority necessary to fulfill this institutional goal. An examination of the role of LGBT resource centers as advocates and visible representatives of LGBT people (outsider) as well as university administrative offices (insider) would be a fascinating stand-alone study.

In sum, discourses of protection (including facilities, education, and support and services) construct the victim subject position. As such, transgender people are positioned as fearful of harassment, violence, and discrimination and in need of protection that can only be provided by the institution. For example,

Such a climate of indeterminate fear is not easy to address. We believe the best approach is through a combination of, on the one hand, a more

determined effort to educate the entire community about TBLG matters generally and about transgenderism in particular; and, on the other, clear policy statements against harassment and discrimination backed up by a strong commitment to enforce them. (U of M, 2004, p. 14)

We also recommend that the Division develop a policy to govern decisions with respect to housing assignments for transgender students. First, however, a means must be developed that permits transgender students to register for accommodation, an issue that should be addressed at higher levels of the University Administration. Once this is accomplished, the Housing Division will need to develop a policy that specifically addresses housing assignments for transgender students. We recommend this be done as soon as possible because, in the absence of such a policy, the decision-making process, handled on a case-by-case basis, is bound to be difficult and hurtful to transgender students. (U of M, 2004, p. 20)

While these three components of a protection discourse construct the victim subject position, this is not the only position made available to transgender people through commission report discourses. An alternative discourse found in the commission reports constructs a subject position of vulnerability that is, at times, interrupted by a discourse of agency and resiliency.

### **The Change-Agent**

While discourses of vulnerability employed in university commission reports shape the victim transgender subject position, an alternative discourse of resiliency also

circulates and contributes to constructing the change-agent subject position. The voices of transgender people are sometimes heard in these reports, but most often they are either overshadowed or framed by the dominant discourses of vulnerability that situate transgender people as victims, fearful, and in need of protection by the institution and its staff. Nonetheless, while the vulnerability discourse positions transgender people's "problems" as the ill to be remedied, a discourse of resiliency identifies genderism as the problem in need of a solution.

In contrast with the vulnerability discourses that shape images of transgender people as victims in need of protection by the institution and its leaders, a resiliency discourse contributes to images of transgender people making change on their own behalf. As noted in Chapter II, the transgender civil rights movement gathered strength in the 1990s, with groups such as Transgender Nation and Transsexual Menace advocating for transgender voices in the gay pride movement. Fuelled by increasing access to the internet, far flung transgender people were able to connect, share, and organize within larger LGB advocacy groups. On campuses, the "T" was added to commission reports, and gender identity and expression was added to non-discrimination policies in the 2000s.

The first commission report to include transgender voices was the University of Minnesota report in 1993. Instead of waiting for the institution to intervene on their behalf, one transgender community member advocated for "more education of the faculty, staff and clinic personnel about transsexuals. We're not just drag queens, someone to stare at, or trying to be flamboyant; we are just trying to be who we really are and live our life" (p. 29). In contrast to university reports around "problems" of safety

and privacy for transgender people in bathrooms, another transgender respondent, in a later report, said simply “unisex bathrooms should be much more prevalent, perhaps having a ratio of unisex bathrooms to sexed bathrooms in every building, especially those with commonly used classrooms” (University of Michigan, 2004, p. 10). One trans identified student interviewed by Brent Bilodeau explained how he took matters into his own hands: “I just walked up to my professors and told them. I said ‘Look my name is Anna on the roster, but I’m going by Charlie, if you’d please call me that...’ And most of my professors were okay with that” (2007, pp. 84-85). In the Michigan State report, it was acknowledged that transgender people are not always frightened of being outed, or believe that they are invisible, but rather that “many transgender individuals also challenge norms surrounding socially constructed, binary gender systems, which categorize all identities and related into two, narrowly defined ‘male’ or ‘female’ options” (2007, p. 17). Hence, it is indeed possible, as Leslie Feinberg writes, to be a “transgender warrior,” that is, to be one among many in a long history of transgender people fighting back against injustice (1997). These voices tend to be buried in the appendices of commission reports, or are found in secondary data sources such as, for example, in the 2004 University of Michigan *Report of the task force on the campus climate for TBLG faculty, staff and students* or the 2006-2007 University of Minnesota *Transgender commission report*. Nonetheless they reflect a discourse of resiliency in that they provide a transgender-centered and a trans-positive approach that highlights transgender people’s agency.

## **A Discourse of Resiliency**

As was noted in chapter II, there are few non-pathologized models of transgender development. The university reports examined in this study echo much of the scientific discourse on transsexuality from the nineteenth and twentieth centuries, referring to “transgenderism” and transgender individuals as vulnerable victim supplicants to the institution in need of protection and support. With the exception of the University of Minnesota Transgender Commission, few of the reports address gender variance as a spectrum, but focus instead on transsexuality as though it were synonymous with transgender. This phenomenon is not surprising, as psychiatric and medical models continue to narrowly define gender variance within the context of gender dysphoria (discontent with biological or birth sex) and Gender Identity Disorder as outlined in the DSM-IV (1994). Aaron Devor, however, offers a 14 stage transsexual identity formation model (2004), and Brent Bilodeau (2005) presents an identity development model specifically for transgender college students. These identity development models, along with Whalley (2005) and Reicherzer and Anderson (2006), offer a means for understanding transgender identity formation in a way that does not judge or pathologize individuals.

That said, Hausman discusses the idea that there is an “official story” written by transsexual autobiographers, represented by the writings of Christine Jorgensen (1967), Jan Morris (1974), Mario Martino (1977), Renee Richards (1986), and most recently Chaz Bono (2011). The official story presented in these autobiographies “are indicative of the establishment of an official discourse...regulating transsexual self-representations and, therefore, modes of transsexual subjectivity” (p. 2006, p. 337). These narratives tend

to strictly conform to the parameters of an established “transsexual personal history” in order to obtain the desired medical treatment (Hausman, p. 337).

In order to gain access to hormonal and surgical interventions, trans people must go from being “unambiguous men, albeit unhappy ones, to unambiguous women” (Hausman, p. 338). This is not to say that there is no truth to the narrative that one feels born into the wrong body and desires to undergo a transition to something else. But the sort of official discourse Hausman describes, as well as the rigid medical standards that require a more or less complete transition to the “opposite sex,” undermines the ability of trans people to embark on a partial transition or to live in an ambiguously gendered space. Sherilyn Connely, writing about the prospect of vaginoplasty to “complete” her transition from male to female, tacitly acknowledges the imperative this official discourse generates: “I’m not opposed to the idea, but I’d also like to get a tummy tuck and see the Aurora Borealis....Maybe someday I’ll have the time and resources, but putting vaginoplasty at the top of my personal Must-Have list would be a path to madness” (2010, p. 82).

This “official” discourse has been privileged in discussions of trans people not only because it derives from trans people themselves and is therefore considered to be “authentic,” but more importantly because it adheres to the traditional gender binary and is thus more palatable to and comprehensible by the general public. Consequently, many of the university reports examined here treat transgender or gender variance as being synonymous with transsexual, precisely because the “official story” narrative has the widest popular circulation.

The American Psychological Association classifies such gender dysphoria

as Gender Identity disorder, a “strong and persistent cross-gender identification” that can cause clinically significant distress or impairment in social, occupational, or other important areas of functioning. Since transgenderism is generally an intensely private matter, it is impossible to estimate its incidence... (University of Michigan, 2004, p. 2)

The problem, therefore, is one of authenticity – i.e., the ability of trans people to express their identity without recourse to discourses that are either pathologizing or limiting. “This is not to suggest that transsexuals’ accounts of their own experiences are wrong or flawed; rather, it is to suggest that representations of transsexual experiences are constructed within the parameters of a humanism that pervasively denies the existence of disruptive accounts of sex and sexuality” (Hausman, p. 357). The most recent example of the “official story” is that of Chaz Bono, formerly the celebrity daughter, and now son, of Cher:

Over time, it began to dawn on me that though embodied as a female, I was not a woman at all. That despite my breasts, my curves, and my female genitalia, inside, I identified as a man. This meant, of course, that I was transgender, literally a man living in a woman’s body. I have always felt more comfortable wearing boys’ and men’s clothes. Without a doubt, as a child I thought of myself as a boy. But the process of coming to terms with the reality that I am in fact transgender was horrific. It upended my entire life. (Bono, 2011, p. 4)

In contrast with the “official story” there are some less well known trans voices that challenge this acceptable narrative which has developed regarding trans people:



Being transgender guarantees that you will upset someone. People get upset with transgender people who chose to inhabit a third gender space rather than “pick a side.” Some get upset at transgender people who do not eschew their birth histories. Others get up in arms with those who opted out of surgical options, instead living with their original equipment. Ire is raised at those who transition, then transition again when they decide that their initial change was not the right answer for them. Heck, some get their dander up simply because this or that transgender person is not “trying hard enough” to be a particular gender, whatever that means. (Smith, 2010, p. 26)

Chaz Bono too breaks from his own “official story” to muse:

As I look back on the early years of my childhood, review the events I do remember, and revisit the images of me that are held by others, it occurs to me how tricky not only memory is but gender itself can be. Tricky in the sense of being fluid, gray as opposed to black-and-white, and dynamic instead of static. (2011, p. 19)

We can sometimes hear the voices of transgender people in these university reports operating outside the “official story.” For example, in response to a survey question administered by the Gender Identity Working Group that asked “Things I wish I would have known about UM - Ann Arbor as a Transgender, Transsexual, FtM, Mtf, two-spirited, or Genderqueer person before I arrived on campus,” one respondent wrote “that there is such an emphasis here on transitioning and that creates a hostile

environment for those who don't necessarily want to transition all the way or at all" (University of Michigan, 2003, p. 43). A trans student's voice adds,

I'd use the word "transgender." I'd also use "non-operational female to male." I'd also use the word "genderqueer." I identified as a feminist before identifying as trans. It was really embedded in me. It played a big part in my decision to not have surgery. I've tried with my identity not to reinforce the gender binary system, and options have been limited to the trans community focusing so much on transsexualism. The only option if you're male to become female, or vice-versa. Transgender youth have felt the binary gender system is not for them. (Michigan State University, 2007, p. 17)

Most often, though, these voices can only be found in other sources. In chapter II, I briefly mentioned the work of the Subaltern Studies Collective of historians, whose impetus was the rewriting of colonial history from below, from the point of view of those who produced no official documents. Ranajit Guha argued that the documentary evidence of the colonial archive, called the "prose of the counterinsurgency" or "official evidence," takes its shape from the will of the colonial administrators but is also predicated upon another will, that of the insurgent. Developing out of the ideas of postcolonial theory, this argument rejects the view, associated with Edward Said, that colonized peoples are powerless prisoners of the discursively constructed identities imposed on them by imperial masters. On the contrary, while obliged to speak through the discourses of the colonizers (e.g. Said's *Orientalism*), they also appropriate the beliefs and assumptions embedded in these discourses and, informed by their own interests and cultural

influences, turn them back on the colonizers through the use of irony, mimicry, and other language tropes, to which the colonizer must in turn reply. Hence, the relationship between colonizer and colonized is not simply a one-way exchange, controlled entirely by the interests and beliefs of the colonizers. A constantly changing “third space” is created through this dialogue, one that contains elements of both the colonizer and the colonized. Consequently, it should be possible to read for the presence of a rebel consciousness as a factor in the construction of even an “official” body of evidence (Guha, 1984).

While originally developed as a means to better understand the experiences of colonial India, this perspective has obvious relevance for understanding how people everywhere are “othered” within their own culture and, equally importantly, how they in turn reply to this process, thereby also making visible their agency in a world in which they are otherwise marginalized. While in the case of a peasant insurgency there are no written testimonials of the peasant experience, transgender counter-narratives are in fact available to us, although they are often buried in university reports’ appendices, or are found in secondary sources. The “official” university voice is authoritative; the transgender change-agent is marginal.

Who or what is this “subaltern”? This concept derives from the writings of Italian theorist Antonio Gramsci (1881-1937), who viewed political and cultural issues from a Marxist perspective. The term designates any marginalized, non-elite and/or subordinated person or social group struggling against hegemonic power, and thus it can be employed in discussions about race, class, gender, sexuality, ethnicity, and religion (Young, 1990). Transgender people fit easily into this category of socially subordinated groups. Spivak

collaborated with the Subaltern Studies Collective but also offered a feminist and deconstructionist critique of what she argued was the positivist and humanist essentializing of the peasant insurgency. With particular regard to women, Spivak noted “...in a collective where so much attention is rightly paid to the subjectivity or subject-positioning of the subaltern, it should be surprising to encounter such indifference to the subjectivity, not to mention the indispensable presence, of the woman as crucial instrument (Spivak, 1985, p. 227). The “official story” that privileges the transsexual narrative is also an essentializing narrative, that is, one that reinforces the gender binary, which one can only be male or female. It therefore elides a contrary perspective:

There seems to be an obsession among transfolk with their own histories...Are we looking for validation of our present state in the stories of our past? And the most pervasive of them all: I have always been this way. Have I always been this way? Which way? Have I always had a sense that I am neither man nor woman...well...no....Fuck this always nonsense! How could I always be anything? I’ve been constantly changing and growing and adapting since I was born! Isn’t that what humans are meant to do? ...The only thing I have always been doing is growing. Who cares whether we have always been this way? Let us instead say: I have always been becoming what I am right now. (Diamond & Blazes, 2010, pp. 176-177)

The “official story” is also one that is largely a “white story”; we rarely hear the voices of trans people of color. These gender variant individuals are not invisible, but their voices are not heard at all in the university reports in this study. The University of

Michigan School of Social Work and the University of Minnesota Transgender Commission, however, do recognize the intersectionality of identities and how those multiple identities can be sites of multiple oppression and resistance - that “no particular form of oppression is more damaging than another, but that all forms of oppression are interconnected. We assume that the sum of our identities and our experiences as members of specific societal groups are linked inextricably to our personhood...” (University of Michigan School of Social Work, 2004, p. xi). “The Transgender Commission must see interrupting the vast institutional racism that plays out within transgender and queer communities as essential to our work, and acknowledge the barriers to access within our very Commission” (University of Minnesota Commission Report, 2006-2007, p. 2).

These voices are present in some secondary sources, and they speak to a double marginalization:

Perhaps most difficult, for me, is that so often trans folks of color are told they are “doing a white thing” by being trans. As if the gender binaries of male and female were universal, and universally adhered to, in every culture. Absolutely not so: There is a rich history of third gender or otherwise non-male and non-female specific people in many cultures, including the pre-Spanish Philippines.... The only article that stuck with me from my first year women’s studies class pointed to 17<sup>th</sup>-century Chinese reports of people who were born male and ended up female or vice versa. These Asian gender-crossers were considered to be examples of the fluid nature of yin and yang....European colonizers [sought] out and destroy[ed] these ambiguously-gendered people. Transphobia is now

rampant in formerly colonized places, as a legacy of colonialism.

(Tokawa, 2010, p. 207)

Similarly, “I am trans and queer and brown and Muslim, and I cannot separate the impact of any one of those things – positive or negative – from all of the others” (Al-Walid, 2010, p. 266).

These examples illustrate the claim made by some that there exists a discourse of transgender agency and resilience in queer, gender, and transgender studies (Bornstein, 1994; Wilchins, 2004; Stryker, 2008; Stryker & Whittle, 2006) – one that recognizes the importance of transgender people challenging the gender binary, and advancing equity for all people. Not surprisingly, however, this discourse is rarely present in university commission reports. As I have argued, most of these reports focus on the victimization of transgender people, and they position the university as a protector. The University of Minnesota Transgender Commission Report (2007-2008) is a notable exception to this discourse of victimization:

The Commission strives to honor transgender people and celebrate gender diversity, make visible the systems of gender that profoundly affect all of our lived experiences, and eliminate the discrimination faced by transgender and gender non-conforming students, staff, faculty, alumni, and community members. (University of Minnesota Transgender Commission Annual Report, 2007-2008, p. 2)

In contrast to the women’s commission reports in Allan’s study, which describe “awards ceremonies, annual banquets, and publications designed to highlight women’s achievements” (2007-2008, p. 96), there is no such evidence of a transgender affirming

discourse in the reports used in this study. Again, it is only the University of Minnesota that describes the inclusion of gender identity and expression in its non-discrimination policy in what could be called an affirming discourse. “The Transgender Commission will be celebrating this achievement throughout the year, and focusing on how it can help the University of Minnesota fulfill the promise of inclusion it makes to gender non-conforming people...” (2008-2009, p. 4).

However, this university commission, unlike its peers at other institutions, also has an explicit mission to “create equity, access, and an inclusive environment for people of all genders through education, advocacy, and institutional change” (p. 1). Other task forces and commissions at the University of Michigan, Michigan State University, and the University of Wisconsin have a mandate to study the climate for LGB and T people, or consider the inclusion of gender identity and expression in non-discrimination policies – but only the University of Minnesota commission has an explicit mission of transgender equity and inclusion.

Finally, the discourse of resiliency reveals itself in commission reports when discrimination and inequity are explicitly named. For example,

Although University of Minnesota initiatives currently exist to foster equity between women and men – essential and irreplaceable work being done by the Office for University Women...the Transgender Commission may be the only organization which strives to eliminate discrimination and create equity for people of all gender identities and expressions....Each member of the larger University of Minnesota community expresses their gender in their own unique way, trans and non-trans people alike – the

interwoven tapestry of which we refer to as gender diversity – and we hope to build an environment that seeks to learn from, affirm, and celebrate them all. The Transgender Commission works toward a University climate where all gender identities are visible and validated. (University of Minnesota Transgender Commission Annual Report, 2006-2007, p. 6)

The change-agent subject position shaped through a discourse of resiliency is one that recognizes, as Allan puts it, “the constraints of institutional discrimination,” but refuses to accept them as inevitable. Thus, images of transgender people circulating in the reports can shift from the predominant one of vulnerable victim to that of a resilient change-agent. The University of Minnesota Transgender Commission reports represent that theme most clearly.

A discourse of resiliency provides an opportunity to put aside the discourse of trans people as somehow “crippled” by their own defective gender, a condition which can only be solved in an institutional setting by isolating them away from uncomfortable cisgender people (i.e., violence against transgender people is caused by lack of understanding by cisgender people). However, this discourse is not as prominent as other discourses circulating in commission reports, and thus the resilient change-agent subject position is often obscured by the more pervasive image of the transgender victim.

### **Summary**

In this chapter, I have described the ways in which discourses of transgender commission reports construct subject positions for transgender people in relation to the university. Discourses of protection, including facilities, education and support services,



situate transgender people as victims within the institution and have important implications for how climate is understood and assessed. Vulnerability discourses of fear produce the transgender victim subject position, which depicts transgender persons as supplicants to institutional authority. On occasion, a discourse of resiliency interrupts these, and produces a change-agent subject position where the focus is on recognizing that transgender people have contributed to a deeper understanding of gender, and to the opening up of spaces that challenge gender norms for cisgender people as well. Using the lens of subaltern studies to listen to transgender voices in the official reports and secondary sources helps us hear a discourse that is both “official” as well as challenges and creates a space where gender is fluid and transgender people offer up their own gender journeys, which are as diverse and varied as the individuals that make up the transgender community.

## CHAPTER V

### IMPLICATIONS FOR THEORY, PRACTICE, AND FUTURE DIRECTIONS FOR RESEARCH

#### **Synthesis of Findings**

Through this study, I have identified discourses of vulnerability and protection employed in university LGB and T commission reports. Similar to Allan, who follows two strands of discourse – one of distress and one of dependency, both of which shape the *vulnerable woman* subject position – as part of a larger discourse of femininity, I have linked the three strands of facilities, education/training, and support together because they all articulate what is perceived to be the “problems” of discrimination, harassment and violence for transgender people on university campuses - and as such, they serve to construct a reality in which transgender people are seen and treated as victims in need of protection (2008). I examined the three categories of facilities, education/training, and support separately because each frames the problem of protection differently. The university reports discussed in chapter IV describe harassment and discrimination of transgender people as problems; the “safety” solution proposed in these reports consist of accommodation and segregation for transgender people, which it is believed will help to protect them from violence on campus.

The predominant images of transgender people are those of victims and supplicants to university policy and decision makers. A less overt image of the transgender change-agent is produced through a resiliency discourse, often found in

appended surveys or in secondary sources. The discourses used to shape these problems, solutions, and images are those of facilities, education/training, and support. The predominant protection discourse is one that presents itself as offering safety to transgender people through isolation and segregation - a solution that operates, among other things, to relieve cisgender people's discomfort around gender variance through transgender "accommodation" but at the cost of reinforcing the marginalization of gender variant people. The education and training discourse derives from the assumption that cisgender people need to be educated out of their ignorance, which otherwise leads to acts of harassment and violence against transgender people. Finally, the discourse of support ostensibly aims to help transgender people to succeed in the university, but simultaneously reifies their victim subject position; that is, transgender people are herein depicted as needing protection from harassment and violence, and only the university can provide this.

The discussion around protecting trans people's fear of being outed is framed in terms of protecting their privacy, and is a theme that runs throughout the reports. The voices of trans people, most often heard in secondary sources, offers a subject position in contrast to that of the victim; instead they speak as resilient change-agents, advocating on their own behalf and in order to affect change at the institutional level. For example, "Andre Wilson was the lead negotiator for Michigan's Graduate Employees' Organization in 2005, when the union successfully fought to have sexual reassignment surgery covered by the university's graduate student health insurance" (Stipling, 2009). The protection discourse frames transgender people as having "problems" or as victims suffering from "transgenderism" - an illness needing remedy. Highlighting the change-

agent discourse in chapter IV does not negate the fact that trans people themselves do articulate the negative subject positions produced by these victim discourses. It would be impossible not to, given the larger socio-cultural attitudes towards gender variance. Internalized transphobia encourages trans people to fall into an accommodationist position themselves to be able to survive at an institution in order to work, study and live. Practically speaking, gaining access to a gender neutral bathroom in one's work or living space is immediately more important than insisting on an all-gender restroom that challenges the gender binary. In framing the discussion around transgender people as presenting "problems" to the institution that need to be solved, the reports encourage the internalization of negative stereotypes about trans people by trans people.

It is important to note that the reports cited in this study represent years of collaborative work on the part of committed staff, students, and faculty. These committees work under institutional constraints, including concern for the image of the university that will be available to the public. Thus despite the best intentions of these equity-seeking groups, their work may reinforce the inequity that they seek to change (Allan, 2008). Therefore, the realities that these problems, solutions, and images construct in reports have resulted in positive policy developments concerning transgender people, but they also re-inscribe genderism and segregation of trans people on university campuses. The subject position of the transgender victim needing protection by the university in order to be safe is remarkably similar to how women and minorities in university reports are depicted as "outsiders" and "at-risk" populations in the studies of Allan (2008) and Iverson (2009) and Allan, Iverson, and Ropers-Huilman (2010). Transgender people, similar to Allan and Iverson's studies of women and diverse

populations in higher education, are treated in the discourse as subjects who are outsiders asking the institution to allow them admission and accommodation, because the institutional norm is a model that has remain largely unchanged in the history of US higher education: male, white, cisgender and heteronormative.

### **Policy Discourse Analysis and Subaltern Studies**

The application of subaltern studies in this dissertation also adds a new lens to the hybrid methodology of policy discourse analysis. The lenses of policy discourse analysis and subaltern studies allow for deeper readings of committee reports on LGB and T people at universities. The Michigan State University, University of Michigan, and University of Wisconsin reports all had mandates of either studying the problem of including gender identity and expression in the university non-discrimination policy (University of Michigan, Michigan State University) or to study the climate for LGB and T people on campus (University of Michigan, University of Wisconsin, University of Minnesota 1993 report). In particular, Michigan State University's 2002 and 2007 reports had a legalistic tone that prioritized the protection of the institution from harm as its primary focus. This attitude, which employs both the political process and symbolic approaches of policy development, places the need to solve (or avoid) institutional problems ahead of addressing transgender people's equity or inclusion at the institution. Only the University of Minnesota Transgender Commission had an explicit charge and mission of transgender inclusion and equity with an advocacy focus for transgender and gender variant people.

The University of Minnesota Transgender Commission is an exception, having been founded in March 2006, to help "move the University into alignment with its

expressed diversity goals” including “to value and celebrate gender diversity” and to “create access to the entire University for people all genders” and finally, to “eliminate the discrimination faced by transgender and gender nonconforming students, staff, faculty, alumni and community members” (p. 5). This commission included transgender university and community members. The formation of a group of and for gender variant people, instead of a committee examining them and their “problems,” is a key difference that distinguished the Minnesota report from the others examined in this study, where only occasionally transgender people were present at the policy making table. This also helps to explain why there are so few trans voices heard in those other reports. If a university wishes to form such a committee on its own campus, this is a key consideration to keep in mind. Similarly, the resiliency discourse positions genderism, that is, the unseen power structures of binary gender systems, as the problem in need of a resolution (Bilodeau, 2007). Again, Minnesota is the exception in this study. The Transgender Commission was not perfect, for its reports too expressed a victim discourse around restroom safety in particular. However, the exceptional tone of the Minnesota reports is one that recognizes transgender people as gender warriors, that is, as change agents challenging the gender binary. Hence, the Minnesota reports offer hope for another kind of discourse – one that is made visible through the introduction of a subaltern studies lens.

### **Inclusion of Trans Students, Staff, and Faculty**

The LGBT resource center is a key service offered by the institution and these committee reports conceptualize them as “solutions” to transgender people’s problems in and of themselves, and they are a unique point of contact between the three strands of the

discourse of protection. They are positioned in the reports as *the* mechanism through which services might be obtained; thus they are the most authoritative source of education and training about transgender people, and their mission is support for LGB and T people. Hence, as a body within the institution, LGBT resource centers are expected to achieve the impossible. They are the institutional solution to what has been framed as a problem, that is, transgender people on university campuses. Consequently, reframing the discourse in a way that mitigates the negative effects of the discourse of protection should create new possibilities for seeing what the role of resource centers can be on university campuses, helping them to overcome their weak position within the institutional structure and their lack of resources. Institutions undertaking any work around transgender inclusion need to take these resource centers into consideration. Chronic underfunding and understaffing limits resource centers' ability to serve transgender students, and even less so staff and faculty, therefore, a concrete allocation of resources needs to be included in these reports, not just vague recommendations or declarations that LGBT resource centers should be key contact points between trans people and the institution, and offer trainings to cisgender community members. Time and again, in the University of Wisconsin reports in particular (1997, 2004, and 2008), the problems of the resource center's lack of space and a funding line based on a variable student fees are highlighted. Any diversity plan, especially those inclusive of LGBT people, needs to make all university departments responsible for sharing in advancing the institution's commitment to equity and inclusion. That is, multicultural and equal opportunity offices, much like LGBT resource centers, cannot be the only advancement of equity areas. LGBT resource centers can be the central contact point in facilitating co-

curricular learning opportunities that can help in the process of thinking and talking differently about trans people, but all departments must be charged to participate in providing services and integrating equity into academic and student affairs areas. The positioning of LGBT resource centers within institutional reporting lines and organizational charts also matters. The majority of centers across the country are housed within student affairs; a much smaller number report to the academic side of the institution. The result, as I noted, is that conversations including transgender faculty and staff are largely absent from these reports. In contrast with Allan's study of university women's commission reports, where there is discussion about both faculty and staff women, trans staff and faculty are mostly invisible and silent in University of Michigan and Wisconsin student affairs driven reports. It is only when the University of Wisconsin Committee on Gay, Lesbian, Bisexual, and Transgender Issues submitted its first report to the Faculty Senate in 2004 that staff and faculty matters are included; the focus of recommendations in this report revolve around curriculum revisions to include LGBT subject matter and university benefits. The audience for this report is the Vice President and Vice Provost for Equity and Diversity, which reflects an academic affairs positioning within the UW system. The focus on benefits and curriculum is also present in the first University of Minnesota report (1993). When staff or faculty are mentioned in the Michigan State University reports, it is in regard to costs and appropriate limitations on the non-discrimination policy that are in the university's interest (2007). Cisgender people are the target of recommended educational training, with no mention of the need for education among cisgender LGB people about transgender topics. Finally, the University of Minnesota Transgender Commission once again is the exception amongst



these institutional reports. When discussing the key focus areas in policy inclusion, education, and health care and facilities, students, faculty and staff are included in the discussion.

### **Concrete Implications for Campus Policy**

How can institutions support initiatives that are gender-friendly and challenge the gender binary that genderism reinforces? Educational opportunities must be offered to all levels of institutional leadership, most especially senior administrators who have the most control over university policies and practice. If those who have influence on policy do not understand the topic of genderism and the lived experience of gender variant people, the discourse of protection will continue to be the predominant one, reinforced even by well-intentioned committees. Gender neutral housing and bathrooms are beneficial to both cisgender and transgender people. Lesbian and gay cisgender students could room together, as well as male and female friends and siblings. Gender neutral restrooms would allow parents with male and female children and disabled people with male or female caregivers to access a gender neutral bathroom. And the privacy issue for cisgender people is completely ignored in these reports: what about those people who do not want a public communal bathroom and are cisgender? What about students who grew up as only children and have no desire to live in a dormitory-style shared accommodation? We need to pose the question as to why bathrooms need to be sexed at all. Sex-segregated bathrooms presuppose a need to protect women from the attacks of men and that women need to be segregated and protected for the sake of feminine modesty. At the National Gay and Lesbian Creating Change conference all public bathrooms are shared and are gender neutral. If this can work at a conference of over

2,000 queer people and their allies, why can't we start to shift to mainstreaming this kind of public bathroom arrangement on university campuses? And it is not really an issue of cost. When campus offices have called me and asked how they can create a gender neutral bathroom from a single sex bathroom I direct them to make a gender neutral sign and offer a brief explanation as to why the change was made. That is really all it takes: a couple of photocopies is all of the cost involved.

Bilodeau (2007) noted in his study that the trans students he interviewed placed little emphasis on transgender inclusive services in counseling and health centers, in contrast to the recommendations generated by Beemyn and Tubbs (2005) and in many of the university reports. This, I believe, reflects the transsexual focus of previous studies and reports, as well as the tendency to adhere to a medical model of treatment for transsexuals. Bilodeau notes that the trans college youth he interviewed did not adhere to the "official story" narrative of transitioning from one sex to another (p. 155), reinforcing the binary of changing from one thing to another, which is less threatening than ambiguity. While I admire and respect the work of Bilodeau and Beemyn, they both reiterate recommendations for policy and services for trans students that contribute to and therefore perpetuate the discourse of protection. For example, Bilodeau's use of the word "accommodating" or "accommodation" in discussing facilities including restrooms, locker rooms, and residence halls reiterates the segregation of transgender students and reinforces the position of transgender people as supplicants relying on institutional benevolence (pp. 142-143). I recognize that there are legitimate safety concerns for transgender students on university campuses, but if we continue to isolate and separate transgender people from cisgender people, we are in fact reenacting genderism.

As I mentioned earlier in this study, there are parallels with Allan's work examining women's commission reports. She concludes that many of the themes that were set out in the 1970s are echoed in 40 years of subsequent reports. Over a shorter time frame, we see this at the University of Wisconsin reports of 1997, 2004 and 2008, where the majority of the 18 recommendations set out in the 1997 report are revisited because they were not accomplished. Universities that are setting up commissions must be mindful of this and set achievable goals for which university leadership is held accountable for the outcomes. The work of these commissions must be made highly public in order to push the institution on follow through accomplishing the goals that are set out in the report.

The recent growth of policy inclusion for transgender people is noteworthy. When this study was proposed in 2006 there were 75 universities and colleges that included trans people in non-discrimination policies. Now there are more than 400. Policy inclusion is a good thing, but it is just a first step in a complicated process of making campuses *de facto* more gender-friendly. If these policy changes are based on a discourse of transgender protection, what are campuses accomplishing? Are they simply reinforcing genderism in the guise of transgender inclusion? At this point the research and policy initiatives seem to be stuck on incremental policy change, such as gender neutral bathrooms and the option of adding a preferred name in the university's record system, rather than the push to transform campus culture to be more gender-friendly, as with the Minnesota Transgender Commission. I argue that the focus has been predominantly on students, neglecting the inclusion of trans staff and faculty. Current non-discrimination policy is made by power holders, not by stakeholders in the

communities that the reports are written about, and thus will not actually advance gender equity. The notable exception to this rule is the Minnesota Transgender Commission.

Allan discusses the possibility of changing the subject position: we *can* imagine new possibilities. Individuals and committees can think about and identify “more desirable subject positions and then consider what discourses would be most likely to produce such positions” (Allan, 2008, p. 157). For example, if committees want to avoid reinscribing genderism through a victim discourse, they could draw on discourses, such as those cited in the chapter IV, which are outside of the traditional narrative, interrupting these well-worn conversations about transgender vulnerability and victimization for one that positions transgender people as leaders on challenging gender norms. The University of Minnesota Transgender Commission is an example in how the victim discourse can be interrupted and reframed into a more gender-friendly discourse. My hope is that this dissertation provides a sort of roadmap for what pitfalls institutions should avoid and what model they should aspire to, by looking at the discourse used in the Minnesota Transgender Commission reports, as well as their accomplishments, while undertaking policy change and inclusion of gender variant people in in order to make campuses into gender-friendly places.

### **Further Study**

As was noted in chapter IV, LGBT resource centers play an important campus role in the disability discourse as depicted in these reports. They are most often the resource that is recommended for education and trainings of the cisgender campus community. They are also referred to as a source of support for transgender students. These centers as often under-resourced but are offered as the institutional solution to the

“problem” of transgender people on university campuses. A useful further study would examine the role of resource centers as both insiders, that is, as departments of the institution, and as outsiders, advocates for a marginalized community.

The topic of the climate for LGB and T people on the university campuses that inspired these reports was the impetus for the University of Michigan and University of Wisconsin reports as well as the first report from the University of Minnesota. Examining the discourse of these reports on the LGBT campus climate would make for an interesting further study. The University of Wisconsin system hired Sue Rankin to do a system-wide assessment beginning in 2008 and concluding in 2011. Rankin and Associates also did a climate assessment of the University of Minnesota in 2000-2001 and Michigan State University in 2009. It would be useful to apply policy discourse analysis to these climate studies in order to investigate what subject positions of LGBT people are constructed through these documents.

Finally, a policy discourse analysis of reports looking at LGB people would aid in further defining the discourse around gender and sexual minority communities. That is, such a study would help to shed light on genderism as it is reconstituted in the cisgender LGB context; encouraging LGBT communities to be more inclusive of transgender people by examining the language around LGB and transgender people on university campuses would help to highlight the similarities and differences between those groups of people, as was discussed in chapter II.

### **Conclusion**

Through the use of policy discourse analysis applied as the lens to examine the LGB and T commissioned reports at four Big Ten universities, I was able to shed light on

the way that transgender people are depicted in the majority of these reports as victims in need of protection by the university. I also examined a contrary discourse: that of the resilient change agent, through the use of the subaltern studies method of reading for voices that are marginalized and may not be present in “official” university documents. From this, I detailed and discussed implications for future research regarding LGBT resource centers, and applying the frame of policy discourse analysis to LGBT campus climate studies and LGBT commission reports.

Further, through the synthesized lens of both theory and practice, I outlined recommendations for improving higher education practice related to how university committees can model themselves along the lines of the University of Minnesota Transgender Commission, including the involvement of gender variant people on decision making committees. This would aid in applying a discourse of transgender agency rather than one of disability. Interestingly, while previous scholarship (i.e., Beemyn, 2005; Bilodeau 2007) on climate for transgender students and genderism provided critical insight for guiding the recommendations outlined in this chapter, the recommendations that I provide differ significantly. The difference is that the change strategies that I outlined emerged from a combination of using policy discourse analysis on the documents and reading for subaltern voices.

Examples of a few recommendations that emerged from this study include following the model of the University of Minnesota Transgender Commission, challenging the use of the word “accommodation” in facility segregation and isolation of transgender people, and challenging the subject position of transgender people as vulnerable victims or as supplicants to university authority. This is in contrast to

recommendations generated by previous scholarship (Beemyn, 2005; Bilodeau, 2007), which indicated that “accommodation” of transgender students through isolation and segregation, in particular, was a key policy recommendation.

I do not intend to imply that these previous studies are unimportant in building a scholarship of recognition and equity for transgender people on university campuses. But the fact is that the discourse around transgender people in higher education has not changed much since the initial reports issued by the Michigan State University (2002) and the University of Michigan (2003). Time and again, separation and isolation of transgender people is recommended as a solution to their “problems” on campus in regards to facilities. Future research should push universities into a direction more along the lines of the work of the University of Minnesota Transgender Commission, which supports including gender variant people on university decision making committees and reframing discourse to recognize trans people as resilient change agents, not simply vulnerable victims.

Thus, a key implication of this study is that without an examination around the language used to talk about transgender people, and the concomitant genderist attitudes towards gender variant people, achieving progress beyond inclusion of gender identity and expression in non-discrimination policies will not be achieved. There is a significant difference between including GI&E protection in a non-discrimination policy and making a campus gender-friendly and inclusive of gender variant people. And, as informed by policy discourse analysis and subaltern studies, this study suggests that the examination of language used to discuss transgender people must account for both the categorical

assumptions of a binary system and the systemic nature of genderism and its oppressive effects on cisgender and gender variant people.

In closing, I would like to cite the University of Minnesota Transgender Commission report, and highlight that this commission's work points to the intersectionality of identities and the work that white people must do:

The Commission strives to honor transgender people and celebrate gender diversity, make visible the systems of gender that profoundly affect all our lived experiences, and eliminate the discrimination faced by transgender and gender non-conforming students, staff, faculty, alumni, and community members.... One of the priorities of the leadership team has been to consider who the Transgender Commission does and does not reach, who feels ownership in the Commission's work, whose voices get heard, and how to make the Commission's work fit within a larger vision for social justice.... The Commission was pleased to sponsor two public conversations about culture and race in LGBTQ communities.... [These] created space to hear and honor voices of people of color, to allow white folks to explore white culture and privilege, and for all to speak honestly about how to build a social justice movement that truly works for the liberation of all our communities. (2008-2009, p. 2)



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## Appendix A

### University Reports Used as Primary Data Sources

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Appendix B

Institutional Contexts of University LGB and T or Gender Identity Reports

This appendix provides contextual information related to the university reports examined for this study. I have drawn upon information provided by the reports to develop profiles of committee work at Michigan State University, University of Michigan, University of Minnesota, and the University of Wisconsin. The information in each profile was paraphrased or excerpted directly from the reports and secondary sources related to the development of the reports.

These profiles were developed in the early stages of coding and analyzing data for the study of the reports policy discourses. This gives readers a glimpse into the data in which I was immersed. I have included timelines of reports at each institution; details related to the genesis of each committee or commission, their mission statement or charge given by university authority; background information as it was provided by the reports; and a summary of key issues identified in the reports at each institution. The profiles are presented in alphabetical order.

### **Michigan State University: A Profile of LGB and T inclusion Efforts 1970-2010**

Table B.1 Timeline of Michigan State University LGB and T inclusion efforts

<i>Date</i>	<i>Event</i>
1970	Gay and Lesbian student group founded (now known as The Alliance)
1992	<i>Moving Forward</i> report
1993	Office of LGBT Concerns founded
2002	<i>Ad Hoc</i> Committee on Gender Identity - Report to the ECAC on the ASMSU Proposal to Include Gender Identity in the MSU Anti-Discrimination Policy
2007	Second <i>Ad Hoc</i> Gender Identity Committee - Report to the Academic Council
2010	LGBTQ Campus Climate Assessment

### **Charges and Missions of LGB and T Committees at Michigan State University (As Available)**

The Michigan State University *Ad Hoc* Committee on Gender Identity was formed in 2002. The committee's charge was threefold: "Consider the ASMSU proposal to amend the ADP [Anti-Discrimination Policy] to include a reference to 'gender identity'. Advise whether it is appropriate to provide protection against discrimination and harassment on gender identity grounds under the ADP and, if so, how best to do it. Select a chairperson for the Committee. (*Ad Hoc* Committee on Gender Identity, 2002, p. 1)

Table B.2 Michigan State University: Key Issues Identified in Michigan State University Reports

<i>Date</i>	<i>Issues Identified in Reports</i>
2002	<p>“ ‘gender identity’ lacks a standard and accessible definition and is poorly understood in the University Community.” p. i</p> <p>“gender variant individuals should receive protection against discrimination and harassment” p. i</p> <p>“there is little hard data on such problems” p. 4</p> <p>“little or no track record involving student gender transitions or other gender identity issues” p. 5</p> <p>“ did not find such evidence” p. 5</p> <p>“little evidence of systematic harassment or discrimination” p. 6</p> <p>“shift in society’s general acceptance of people who are transgender” p. 5</p> <p>“standards of conduct” p. 8</p> <p>“time-consuming and difficult set of issues” p. 10</p> <p>“respond to and implement the changes...education and training on gender identity issues” p. 10</p> <p>“concerns the repeated addition of protected groups could grow unchecked” p. 13</p> <p>“screening process by which the addition of a new protected group would be evaluated” p. 13</p> <p>Coded words: complex issues, problems, appropriate, practical implications, no standard definition, not well-understood, not familiar, discrimination, protection, case-by-case, graffiti, gender identity problems, discrimination, harassment, inclusive environment, leader, individual merit, tolerance, low incidence, report, absence of protection, secretive, cautious, visibility, reassurance, issues, cost, disruption, complications, footnote, prohibition, perception, unnecessary disruption, excessive expense, complainant, accommodated, privacy, difficulties, ‘problem situation’, bona fide, ill understood, ill appreciated, sensitivity, educational program, dialogues (Michigan State University <i>Ad Hoc</i> Committee on Gender Identity, 2002).</p>
2007	<p>Initial concerns with adding GI&amp;E to non-discrimination clause – legal ramifications.</p> <p>“University’s policies and practices create difficulties for people who are transgender” p. 10</p> <p>“hurt the university as a whole” p. 10</p> <p>“people are unable to contribute fully to University life” p. 10</p> <p>“alleviate some of the difficulties transgender staff and students face while at the same time responding to the concerns of other members of the University community, with little disruption and at minimal cost” p. 11</p>

“this addition to the ADP would recognize their value and contribution to the University and its mission.” p. 11

“governed by current case law” p. 16

“policies regarding construction, modification and regulation of restrooms and locker rooms respond adequately to the needs of most of the University population, they respond less well to the needs of transgender faculty, staff, and students.” p. 20

“Because of social stigma, many transgender persons wish to keep their transgender status private.” p. 21

“allegations have been made that University faculty have indeed acted on biases regarding gender identity in grading students and in course practices.” p. 24

Coded words: incremental approach, accommodating, safety, privacy, accommodations, obligation, discrimination, “legitimate university purposes”, “appropriate limitations”, “measured approach”, reluctantly, unnecessary disruption, excessive expense, flexibility, few or no changes, serves the university’s interests, persons with disabilities, free expression, civil rights, gender segregation, serious dilemmas, impair, difficulties, uncertainty, concerns, compete, educated, meanings, implications, misalignments, normal, ambiguity, employment, access, participation, case-by-case, preferences, accommodations, disability related needs, special need, obligation, prerogative, biological gender, flexibility, reasonable, obligation, access, ordinance, ambiguous, segregated facilities, uncomfortable, disabled, accommodating, convenience, safety, privacy, harassment, assault, absence, anatomical differences, prostheses, needs, accommodated, transition, gender identity disorder, inappropriate limitation, disabled persons, special restroom needs, discomfort, “out”, revealed, protocol, protections, discrimination, protected category, compliance, problems, cultural events, behavior (Michigan State University Second *Ad Hoc* Gender Identity Committee - Report to the Academic Council, 2007).

### **University of Michigan: A Profile of LGB and T inclusion Efforts 1970-2010**

Table B.3 Timeline of University of Michigan LGB and T Inclusion Efforts

<i>Date</i>	<i>Event</i>
?	Queer Visibility Caucus
1970	U of M chapter of the Gay Liberation Front
1970	Radical Lesbians
1971	LGBT Resource Center

Has had several names: “Human Sexuality Office”; “Lesbian Gay Male Programs Office”; “Lesbian-Gay-Bisexual Programs Office”; “Office of Lesbian Gay Bisexual & Transgender Affairs”; “Spectrum Center”

- 1991 *From Invisibility to Inclusion: Opening the Doors for Lesbians and Gay Men at the University of Michigan* (“The Lavender Report”)
- 1993 Sexual Orientation added to non-discrimination policy
- 2002 Office of the Vice President for Student Affairs’ Gender Identity Working Group
- 2002 Task Force on the Campus Climate for Transgender, Bisexual, Lesbian, and Gay (TBLG) Faculty, Staff, and Students.
- 2003 Division of Student Affairs Final Report of the Gender Identity Working Group
- 2004 Report of the Task Force on the Campus Climate for Transgender, Bisexual, Lesbian, and Gay (TBLG) Faculty, Staff, and Students
- 2006 TBLG Task Force Report Follow-up

### **Charge of Task Force on the Campus Climate for TBLG Faculty, Staff and Students**

1. Examine the impact of the changes made since earlier reports and recommendations on the lives of transgender, bisexual, lesbian, and gay members of our community.
2. Revisit these recommendations and consider whether additional steps are needed.
3. Take advantage of existing data on the University climate for TBLG people and engage in or recommend additional data collection, within reason and as needed.
4. Gather information about relevant practices and policy at peer institutions and in the private sector to inform the Task Force’s development of recommendations for the University.
5. Review University policies and practices to ensure that all transgender, bisexual, lesbian, and gay members of the University community are supported and are protected from discrimination, harassment, and assault, and make recommendations accordingly.
6. Develop a set of prioritized recommendations to improve the climate for TBLG students, faculty, and staff at the University of Michigan.

7. Develop a set of principles to guide the University's interactions with organizations that for various reasons may not share its views on TBLG matters.
  8. Present findings and recommendations to the Provost and Executive Vice President for Academic Affairs, who will share this information in turn with the President, the other Vice Presidents, and other University leaders and who will then develop an action plan in conjunction with them.
  9. Consider and report on ways the members of the Task Force can serve as an on-going campus resource.
  10. Make recommendations to ensure continuing attention to University policies and practices with regard to its TBLG members beyond the work of the Task Force.
- Paul N. Courant, Provost and Executive Vice President for Academic Affairs University of Michigan, 2006)

Table B.4 Key Issues Identified in University of Michigan Reports

*Date Issues identified in reports*

2003 “Fear of outing is a major problem for many transgender students, and sometimes efforts to help them will only make them more fearful about being outed. On the other hand, for some transgender students, knowing that a friendly staff member is there to help them navigate difficulties could make a big difference and provide them with much needed peace of mind.” p. 7, 9

“We recommend that:

**2.1.** University Housing policy makers and staff of the Housing Information Office and Residence Education who interact regularly with students receive basic information regarding the issues and needs of transgender students. It is important that they be especially sensitive to the difficulties faced by students who because of their gender identity, gender expression or physical appearance may be subjected to harassment by other students.” p. 8

“In many cases, transgender students need some basic counseling to help with family and relationship problems, problems with handling depression, and problems in coping with ongoing harassment because of their appearance. Having access to a friendly counselor who is aware of the various needs of transgender students could be of great help to such students.” p. 10

“Historically and nationally, many incidents of harassment and assault on transgender people go unreported because transgender people often fear law enforcement officers even more than they fear their attackers, and also fear being outed if they report the assault. A substantial fraction of all assaults on transgender people in the U.S. come at the hands of law enforcement officers.

Many transgender people are verbally abused and publicly outed by law enforcement people when they seek police help as victims of assaults.” p. 11

“An example of an existing model is the one used to support students with disabilities – students who have a variety of specific, individual needs as do transgender students.” p. 15

Coded words:

Needs, issues, support, safety, inclusion, gaps, challenges, recommendations, costs, services, climate, resources, discrimination, harassment, procedures, awareness, sensitivity, roadblocks, dissatisfaction, negative, concerns, barriers, fear, comfortable, prejudice, frightening, shocked, angry, hostile, privacy, fearful, difficulties, outed, violence, stressful, problems (p. 10), struggling, vulnerable, assault, verbal abuse, victims, unprotected, risks, incident, special needs (p. 12), alerted, gossip, validity, morality, legality, ridicule, rejection, advocate, disabilities, accommodate, perception, shunned, threatened, vandalism, troubling (University of Michigan Gender Identity Working Group Report, 2003).

2004 “experience such profound discomfort with their birth sex that they may transition to the other sex by undergoing sex-reassignment surgery. By contrast, some less strongly affected...” p.4)

my pagination, not original

“The consequence for transgender individuals is a climate of shame and fearfulness that often results in repression or extreme attempts at concealment. This climate, in turn, has hampered the development of effective services to assist transgender people.” p. 5

NB These sentences imply that it is the fault of trans people that they don't have services.

“Transgender persons encounter severe difficulties in virtually every aspect of their lives, both internally in coping with their own feelings, and then socially in interacting with others...” p. 5

“One proposition underlying this report is that perceived lack of safety is generally correlated with lack of information; in other words, ignorance about people who are “different” (particularly from a culturally dominant group) breeds misunderstanding, misjudgment, and in some cases hatred and violence. We believe this to be true in general for TBLG persons, but particularly true for transgender persons.” p. 12

“The University already displays considerable flexibility in accommodating transgender persons, but it does so mainly in an *ad hoc* fashion that consumes both time and resources; for instance, a single recent case in Housing generated a



mountain of paperwork and eventually required the intervention of a high-level administrator.” p. 13

“The bottom line is that we are, by common consent and empirical evidence, not yet remotely successful in addressing the needs of transgender persons.” p. 14

“We also recommend that sufficient funds be allocated to ensure that key components of such educational efforts are available, including, for instance, a speaker’s bureau that includes students, faculty, and staff; relevant skits by the Center for Research on Learning and Teaching (CRLT) Players; and funds to create a videotape/documentary on sexual orientation and transgenderism similar to the videotapes on disabilities and depression.” p. 18

“One proposition underlying this report is that perceived lack of safety is generally correlated with lack of information; in other words, ignorance about people who are “different” (particularly from a culturally dominant group) breeds misunderstanding, misjudgment, and in some cases hatred and violence. We believe this to be true in general for TBLG persons, but particularly true for transgender persons.” (UM 2004 p. 12)

“the General Counsel’s office there reports that: “There have been very few issues, if any, in the student arena but there have been two complaints in the last 5 years from a transgendered employee concerning issues of the restrooms. . . . Although no issue had come up regarding student housing, it was decided that a transgendered individual would be provided with a private room with his/her own restroom or with a single-staff unisex bathroom.” p. 15 isolation

“These figures not only indicate a rather high level of every form of violence, but also suggest why a climate of fear surrounds transgender issues on this campus.

One transgender student reported on an incident as follows: “This was a number of years ago, but a group of my friends and I were physically assaulted after attending a dance in one of the residence halls. We were targeted because we appeared to be queer. I had a car window shattered in my face even though I had not said one word to the attacker (someone else in my party did). Later he confessed to have felt most threatened by ‘the one who looked like a man.’ ” p. 13

“One respondent wrote: “A [transgender] woman student I know got beat up a few years ago right out in the open near the diag, by a couple of male students who didn’t like her appearance and thought she shouldn’t be using the same women’s room as their girlfriends.” Such assaults, although perhaps less than common, certainly can serve to create an atmosphere of extreme caution if not of fear.” p. 13

“I definitely think that unisex bathrooms should be much more prevalent, perhaps having a ratio of unisex bathrooms to sexed bathrooms in every building, especially those with commonly used classrooms.”

This issue is important because, as one website respondent observes, “Dressing rooms and restrooms are the most risky public places for a [transgender or transsexual] person to be, and it is likely that at least some other students would be made uncomfortable right now by my choosing either ‘side’ of the locker rooms. I also know that in the recent past more than one other LGBT student has been physically assaulted by other students because they perceived them to be in the ‘wrong’ restroom and were upset by it.” p. 13

Coded words:

Rights, safety, support, distress, impairment, social stigma, verbal harassment, physical violence, hostile behavior, protection, refuge, chilly, uninformed, hostile, invisible, suspicion, façade, isolated, antagonism, silences, harassment, danger, perilous, risk, abuse, fear, anxiety, complaint, images, forced accommodation, ignorance, education, hatred, physical assault, accommodation, discrimination, privacy, risky public places, victims, concerns, hate incidents, special challenges, funds, support, advocacy, needs, issues, humiliation, frustration, difficult, hurtful

#### **From Inclusion to Acceptance TLBG Report 2004**

- 2004 Note the self-reflection in this report: “Too often, when assessing the needs of underserved and oppressed populations, reports focus only on the gaps and areas of improvement. As an advisory body, we thought it was also significant to gather a glimpse of current programs, individuals and services that positively influence the learning experience and livelihood of TBLG students, staff and faculty.” p. 15

Note the tone of conciliation: “Finally, people also remarked frequently on the existence of an accessible, family-friendly and gender inclusive restroom. While some respondents raised the need for additional restrooms similar to this one, it was often noted that the time and resources to complete such a task was commendable and appreciated.” p. 16

“ Increase accessibility and signage to the family-friendly and gender-inclusive restroom. We applaud the creation of the family-friendly and gender-inclusive restroom. We also recommend that additional restrooms, on the upper floors of the building, be considered in the future should resources be available.” p. 17

“Co-host a joint lunch with the Office of LGBT Affairs during a high-traffic time, such as Welcome Week, National Coming Out Week or Queer Visibility Week, to which the President, Dean, and Associate Deans should be invited and will hopefully attend.” p. 18

“Researchers such as Mackelprang, Ray, and Hernandez-Peck (1996) suggest that this occurs because the emphasis TBLG content is placed lower institutionally than other populations. They further suggest this is one way heterosexism permeates institutions and the social work profession.” p. 20

Coded words:

Affirmation, understanding, climate, oppression, privilege, welcoming, understanding, inclusion, advocates, allies, collusion, invisibility, silences, skepticism, hope, doubt, fear, power, anger, marginalization, violence, discrimination, harassment, tensions, visibility, support, safe, not alone, presence, accessible, attention, sensitivity, problems, inconsistent implementation, disconnected, lack, hostile, complex, difficult, dialogue, community, awareness, justice, diversity, conflict, actions, injustices, alliances, social justice, communication, reflection, deconflate, inclusive, positive, accurate, best practices, collaboration, intersections, normalization, organizing, integrate, scholarship, recruitment, retention, processes, identify, professional development, training, issues, populations, training, challenge, values, knowledge, presentations, education, resources, holdings, ally, sustainability, accountability, sustained change, ally visibility, actions, advocacy, accountability, attendance, come out as allies, anti-oppressive, policy, understanding, critical mass, identity, assess, confronts, biases, prejudices

### **At the Crossroads: Addressing the Needs of TBLG Students, staff and faculty at the U of M School of SLWK 2004**

### **University of Minnesota: A Profile of LGB and T inclusion Efforts 1992-2009**

Table B.5 Timeline of University of Minnesota LGB and T inclusion efforts

<b>Date</b>	<b>Event</b>
1992	<i>Breaking the Silence Report on Lesbian, Gay and Bisexual Concerns</i>
1993	GLBT Programs Office opens
1995	<i>Differently Gendered Lives</i> program featuring Leslie Feinberg
2006-2009	University of Minnesota Transgender Commission

### **Charges and Mission of LGB and T Committees at the University of Minnesota (As available)**

The commission exists to help move the University into alignment with its expressed diversity goals: specifically, 1) to value and celebrate gender diversity; 2) to create access to the entire University for people of all genders; and 3) to eliminate the discrimination faced by transgender and gender nonconforming

Table B.6 University of Minnesota: Key Issues Identified in University of Minnesota Reports

Date	Issues identified in reports
2006-2007	<p>“Transgender and gender non-conforming people at the University of Minnesota face daily discrimination and institutional barriers to access essential services such as restrooms, health care and housing—even the fundamental right to self-determine the expression of their own name and gender” p. 1</p> <p>“These trans health services are medically necessary; exclusion of this coverage is discriminatory and may literally mean the difference between life and death.” pp. 2-3</p> <p>“There is a critical and urgent need for safe and accessible gender-neutral restrooms at the University of Minnesota. For people whose gender expression differs from their perceived gender, or for people who are not always perceived as female or male, entering restrooms labeled Women or Men can result in discrimination, harassment, violence or arrest.” p. 3</p> <p>“Trans students regularly face humiliation and may be put at risk to violence and harassment when their preferred name is not used to identify them in the classroom.” p. 3</p> <p>“allies have begun to understand how systems of gender affect them, too. The power of sharing our gendered experiences helps create a stronger community from which we can change systems of oppression.” p. 4</p> <p>“expressed diversity goals: specifically, 1) to value and celebrate gender diversity; 2) to create access to the entire University for people of all genders; and 3) to eliminate the discrimination faced by transgender and gender nonconforming students, staff, faculty, alumni and community members.” pp. 5-6</p> <p>The Transgender Commission strives to honor and advocate for the experiences of trans members of the University community” p. 6</p> <p>“Everyday tasks and fundamental needs such as these, which gender-conforming people often take for granted and are rarely forced to critically consider, may result in institutional barriers, humiliation and even violence for members of trans communities.” p. 7</p> <p>“We must also remember to prioritize trans voices in an organization that has many allies” p. 16</p>

“When a trans student or employee at the University of Minnesota is unable to easily align their name and gender information in the PeopleSoft database system with their internal gender identity, the myriad results can be an everyday source of challenge and pain.” p. 23

“The expectations for these sessions are two-fold: 1) to provide an open space for trans and allied campus community members to begin to question and think critically about their gender identities, expressions and experiences; and 2) to informally assess what is happening on campus across trans and non-trans communities, in order to use that information to help shape and guide the longer-term gender dialogue circles and services provided to trans people.” p. 25

“Getting on the agenda and raising awareness of the need to provide equity and safety to trans people is critical so administrators can begin advocating for system change.” p. 28

Gender segregation (MSU, 2007) versus Gender friendly (U Minn 2006-2007, p. 7, 11, 12); gender values and policies (Minn, p. 8); “pain points” (P. 10) gender diversity (p. 25) = slightly different approaches, tones!

### **University of Minnesota Transgender Commission Report and Recommendations 2006-2007**

2007-2008      Tone of this report very different from others; radical BUT still opens with the victim discourse.

Coded words: discrimination, barriers, access, self-determine, oppression, interrupting, access, leaders, power, voices, accessible, discriminatory, safe, accessible, discrimination, harassment, violence, arrest, amend, lagged, recruitment, retention, policies, humiliation, training, dialogues, assessment, gender diversity, affect, allies, resources, inclusion, outreach, join, organize, climate, equity, value, celebrate, honor, advocate, visible, eliminate, learn, affirm, celebrate, validate, education, institutional change, targeted, silenced, challenges, barriers, resources, human rights, equality, gender friendly, affirming, accessible, equitable, powerful, painful, joyful, trans-inclusion, transitioning, trained, negative reaction, coalition, organize, change, essential, immediate, energy, infectious, enthusiastic, change, work, feelings, accessible, valued, assessment, inclusion, discussions, dialogue, training, outreach, communication, relationships, bias, misinformation, denied, rights, transition, recruitment, retention, absence, challenge, pain, outing, energy, burden, responsibility, intimidated, anxiety, sexist, homophobic, services, gender oppression, life-

saving, accessibility, resources, community-building, action, outreach, events, programming, ally, meetings, climate

“The University of Minnesota Transgender Commission works to create equity, access, and an inclusive environment for people of all genders through education, advocacy, and institutional change. The Commission strives to honor transgender people and celebrate gender diversity, make visible the systems of gender that profoundly affect all our lived experiences, and eliminate the discrimination faced by transgender and gender non-conforming students, staff, faculty, alumni, and community members” p. 2.

Positive discourse!

“We seek to create change (both short-term and concrete, and long-term and systemic) that improves the lives of transgender students, staff, faculty, and community, *and* has benefits for the entire University community and beyond” p. 3

“The Transgender Commission hosted a number of events aimed at building ownership of the work of the Commission within the University community.” p. 5

“Our second community building goal is to increase the breadth and depth of the Transgender Commission’s relationships with organizations within communities of color. We hope to achieve this by supporting the events and agendas of those organizations and by expanding the Commission’s own internal education and dialogue around the intersections of issues,” p. 8

Coded words: equity, access, inclusive, education, advocacy, change, honor, celebrate, visible, eliminate discrimination, promise, challenge, recruit, retain, commitment, diversity, inquiry, effectiveness, accomplish, goals, achieving, innovation, new, ideas, intersectionality, create, improves, outreach, resources, workgroups, need, focus, leadership, voices, decisions, ownership, discussion, talk, performances, explore, express, safe, affirming, accessible, trainings, climate, education, build, successes, gaps, diverse, strength, active, relationships, shared, strong, participation, affected communities, disability services, stakeholders, self-determine, organizing, education, passion, commitment, excitement, vital, contributing

Proactive language coalition building

## **University of Minnesota Transgender Commission Report and Recommendations 2007-2008**

2008-2009 “There was a time when we received the message that movement on this front was politically dangerous and unlikely. This achievement is the

culmination of years of work on the part of trans people and allies, inside and outside of the Commission and the Office for Equity and Diversity.”

p. 6

Coded words: equity, access, inclusive, education, advocacy, honor, celebrate, eliminate, discrimination, community, ownership, vision, social justice, intersections, achieved, goal, needs, change, dangerous, culmination, inclusion, vital, achieving, celebrating, promise, identify, assessment, educational, inclusion, trainings, dialogue, programming, advocacy, discriminatory, support, referrals, resources, safer, affirming, crisis, privacy, confidentiality, discrimination, transphobia, de-escalate, empower, resolve, tense, painful, consultation, discussions, integrate, experiences, power, expand, re-conceptualize, actions, tactics, mobilize, accountability, measures

### **University of Minnesota Transgender Commission Annual Report 2008-2009**

### **University of Wisconsin: A Profile of LGB and T inclusion Efforts 1989-2010**

Table B. 7 Timeline of University of Wisconsin LGB and T inclusion efforts

<i>Date</i>	<i>Event</i>
1989	Gay and Lesbian Issues Committee (GLIC)
1992	Issues of Concern to Gay, Lesbian and Bisexual Students on Our Campus (GLIC)
1994	UW-Madison Gay, Lesbian and Bisexual Issues Committee (standing faculty committee)
1997	Committee on Gay, Lesbian, and Bisexual Issues
2002	University Committee on Lesbian, Gay, Bisexual, and Transgender Issues
2004	Committee on Gay, Lesbian, Bisexual, and Transgender Issues University of Wisconsin – Madison Report to the Faculty Senate
2008	Report of the Committee on Gay, Lesbian, Bisexual and Transgender Issues
2010	Report of the Committee on Gay, Lesbian, Bisexual and Transgender Issues

### Climate Assessment ongoing by Rankin & Associates

The UW-Madison Campus Committee on Gay, Lesbian, Bisexual and Transgender Issues was created in 1994 by the University Faculty Senate as the Committee on Gay, Lesbian, and Bisexual Issues and charged with reporting to the senate on the state of the curriculum and campus climate for LGB students, faculty, and staff. Although in subsequent years the committee was reorganized as a joint-governance committee and renamed to include explicitly transgender concerns in order to strengthen its reach and representation, its mission remains the same. By recommendation of a previous assessment, the committee offers a formal report at least every three years.

### **Charges and Missions of the University of Wisconsin LGB and T Committees (As available)**

The Gay and Lesbian Issues Committee (GLIC) Report, was submitted to the Dean of Students, Mary K. Rouse. The GLIC was comprised of administrators, faculty, staff, students, and community representatives. The charge of the committee was to “examine those aspects of the UW-Madison academic and social life which contribute positively to the experience of gay and lesbian students as well as the problems which negatively affect the recruitment and retention of gay and lesbian students” (University of Wisconsin, 1992, p. ii).

In May of 1994, the Faculty Senate at the UW-Madison established the Committee on Gay, Lesbian, and Bisexual Issues for the purpose of “fostering lesbian, gay, and bisexual scholarship and considering the concerns about services for and equity toward LGB students, faculty, and staff” (Report to the Faculty Senate, 1997, p. 3).

Comprised of students, faculty and staff, the "GLBT Issues Committee" is the University's shared governance committee charged with fostering lesbian, gay, and bisexual (LGB) scholarship and considering concerns about services for and equity toward LGBT students, faculty and staff. In accordance with shared governance processes, committee members are appointed by their respective governance groups - the Faculty Senate, the Academic Staff Executive Committee and the Associated Students of Madison.

From University of Wisconsin Faculty Document 2056  
Madison 5 May 2008  
REPORT OF THE COMMITTEE ON  
GAY, LESBIAN, BISEXUAL AND TRANSGENDER ISSUES  
P. 1

### Table B.8 Key Issues Identified in the University of Wisconsin Reports

*Date Issues identified in reports*



- 2004 “University Housing has a standing committee assessing (i) how residence life can improve its outreach to the transgender student community before they decide where to live and (ii) what University Housing needs to improve once transgender students choose to live in university housing” p. 2

“We commend University Housing for the significant efforts it has made to improve the climate in Housing for LGBT students and staff and recommend a continuation of these efforts.” p. 2

Coded words: harassment, safe, inclusive, assess, train, needs, affirming, resources, support, discomfort, woefully negligent, failed, discrimination, inequities, access, awareness, orientation, training, concerns, perspectives, climate, institutionalized, issues, resources, services, concerns, equitable, processes, leadership, inclusivity, demean, equality, respect

#### **COMMITTEE ON GAY, LESBIAN, BISEXUAL, AND TRANSGENDER ISSUES UNIVERSITY OF WISCONSIN-MADISON 2004**

- 2008 “Obviously, we applaud this work. But in the absence of campus-wide coordination many important LGBT concerns (some of which have appeared perennially in this committee’s reports, some of which have arisen since the 2004 report) remain entirely unaddressed or only partially addressed” p. 3

“We see this lack of campus-wide accountability as a serious obstacle to further progress and as an indication that the campus has not yet integrated LGBT issues into the university’s structural understanding of its responsibilities for a diverse and inclusive climate” p. 3

Coded words: progress, recommendations, initiatives, results, communication, visibility, recruitment, retention, mentoring, progress, initiative, commitment, address, training, climate, needs, welcoming, inclusive community, privacy, problem, accessibility, outreach, concerns, assertive, inclusion, justice, morale, REPORT OF THE COMMITTEE ON GAY, LESBIAN, BISEXUAL AND TRANSGENDER ISSUES 2008 – Tone: faculty can be more confrontational than student affairs

- 2010 “We recommend that the administration consider and monitor the place of LGBT issues in the Inclusive Excellence Plan that is currently being enacted on campus. To date, it seems that LGBT issues have not been addressed as consistently or as vigorously as other issues of diversity.” p. 3

Coded words: support, communication, continuity, follow through, issues, resolve, concerns, networking, forums, recommend, dealing, themes, stabilize, mentorship, accessibility, recruitment, committed, addressed, improved

#### **REPORT OF THE COMMITTEE ON GAY, LESBIAN, BISEXUAL AND TRANSGENDER ISSUES 2010**

## Appendix C

Summary of Codes and Subcodes of Policy Discourse Analysis  
Study of University LGBT Reports

*Phase 1*

<i>Problems</i>	<i>Solutions</i>	<i>Images (of transgender people)</i>
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*Phase 2 – Codes\**

<i>Problems</i>	<i>Solutions</i>	<i>Images (of transgender people)</i>
Safety	Safe Spaces	victims
Climate		
Rights	Non-discrimination policy	students (UG)
Awareness, Education	Student Affairs	students (G)
Services and Support	Curb discrimination	faculty
(Emotional, Social, Spiritual)	More representation of LGBT people	staff
Facilities	Policy review	
Health Care	Oversight committee	disabled
Curricular and Scholarly Issues	Campus Police	alumni
Athletics		community members
(Policy/Procedure)		

*Phase 3 – Subcodes\*\**

<i>Problems</i>	<i>Solutions</i>	<i>Images (of transgender people)</i>
Safety	Safe Spaces	Victims
Physical violence	Support	Discomfort
Verbal harassment	Education	Fearful
Hostile behavior	Visibility	Isolated



**Facilities**

Restrooms

Housing

Privacy concerns

Appendix D

HSIRB Approval Not Needed Letter

## WESTERN MICHIGAN UNIVERSITY

Human Subjects Institutional Review Board



Date: December 13, 2010

To: Andrea Beach, Principal Investigator  
Doris Dirks, Student Investigator for Dissertation

From: Amy Naugle, Ph.D., Chair *Amy Naugle*

Re: Approval not needed

This letter will serve as confirmation that your project "A Policy Discourse Analysis of Reports Considering the Addition of Gender Identity and Expression to Non-Discrimination Statements at Four Big Ten Universities" has been reviewed by the Human Subjects Institutional Review Board (HSIRB). Based on that review, the HSIRB has determined that approval is not required for you to conduct this project because you are analyzing publicly available information. Thank you for your concerns about protecting the rights and welfare of human subjects.

A copy of your protocol and a copy of this letter will be maintained in the HSIRB files.