

Frequently Asked Questions about the New Federal Regulation on Sexual Orientation and Gender Identity

What is the significance of the new federal regulation for sexual orientation/gender identity for Cornell?

The new federal regulation is the first federal action prohibiting discrimination on sexual orientation and gender identity. The regulation requires Cornell to take affirmative action to prevent discrimination on the basis of sexual orientation and gender identity. Cornell already includes these areas in its Equal Employment and Education Opportunity policy.

What does "sexual orientation" mean?

"Sexual orientation" refers to an individual's physical, romantic, and/or emotional attraction to people of the same and/or opposite gender. Examples of sexual orientations include straight (or heterosexual), lesbian, gay, and bisexual.

What does "gender identity" mean?

The term "gender identity" refers to one's internal sense of one's own gender. It may or may not correspond to the sex assigned to a person at birth, and may or may not be made visible to others.

What changes to job solicitations and advertisements are required as a result of the new sexual orientation/gender identity regulations?

Federal regulations require that employers must either state that they do not discriminate on any of the protected bases under Executive Order 11246, and list them all, including sexual orientation and gender identity, or use approved language covering all protected classes. Cornell's policy is as follows: As a result of current regulations and Executive Order 11246, which ensures that Cornell does not discriminate on any of the protected classes; all print and electronic job ads and postings must include the following university approved language:

"Diversity and Inclusion are a part of Cornell University's heritage. We are a recognized employer and educator valuing AA/EEO, Protected Veterans and Individuals with Disabilities."

Does the Sexual Orientation/Gender Identity regulation require recruitment/outreach activities?

No. The regulation does not require Cornell to engage in outreach activities. However, colleges and units are encouraged to engage in such activities to attract a diverse spectrum of qualified candidates.

May a supervisor or manager ask a transgender applicant or employee for documentation to prove his or her gender identity?

No. Supervisors/managers may not ask transgender applicants or employees to prove their gender identity.

What kinds of documents may a supervisor or manager require a transitioning applicant or employee to provide about the employee's transition?

Managers and supervisors may not ask transgender applicants or employees for any documentation they do not request from other employees under similar circumstances. For example, if a transgender employee is requesting to make a name change on his/her Cornell records, the supervisor or manager can request the same documentation he/she would request from other employees requesting a name change. If a transgender employee is requesting medical leave in connection with his or her transition, the manager or supervisor may request the same documentation required from other employees seeking medical leave.

How do I handle the usage of restroom facilities for a transgender employee?

Cornell must allow employees and applicants to use restrooms consistent with their gender identity. Cornell does have the option of gender neutral restroom facilities throughout the campus, but transgender employees cannot be forced to use these facilities. For a thorough discussion of restroom access rights and options for

transgender employees, please see the Human Rights Campaign's web resource page, <http://www.hrc.org/resources/entry/restroom-access-for-transgender-employees>.

Can an employee refuse to work with or provide services to LGBT individuals due to religious beliefs?

No. Although we respect our employees' religious beliefs, we cannot allow that to drive what happens in the workplace: employees cannot refuse to work with someone because of their sexual orientation, gender identity, or any other basis/identity protected under law.

Do I have any reporting obligations if a Cornell employee or prospective employee informs me they have been denied a Visa due to sexual orientation or gender identity?

Yes. If an employee or prospective employee is denied a Visa and it is believed that the refusal is due to sexual orientation or gender identity, we are required to report this to the Department of State and OFCCP. If you are made aware of an employee or prospective employee who was denied a Visa because of sexual orientation or gender identity, please contact Ruth Katz at 607 255 3976 who will coordinate the communication with these agencies.