



MEMORANDUM

TO: Members of the Student Assembly

FROM: Bryant E. Barksdale, Senior Director, Rules

AUTHOR: SUNY New Paltz Student Government Association

DATE: October 18, 2014

SUBJECT: Student ID's as Nonlegal Documents

I recommend that the Student Assembly of the State University of New York adopt the following resolution:

Whereas, student ID's, as they are distributed by the state institution are considered legal documents by the State University of New York (SUNY); and,

Whereas, SUNY receives federal funding to operate, the institution is therein bound to uphold federal law; and,

Whereas, said student ID's of SUNY do not meet the minimum Document Requirements¹ listed by the Federal REAL ID Act of 2005; and,

Whereas, many of the colleges in the SUNY-system include gender, religion, and ethnic background in their Non-Discrimination, Anti-Discrimination, or Equality Policies²; and,

Whereas, it is stated similarly University-wide that "[i]t is the responsibility of all members of the academic community to ensure through word and action that discrimination on the basis of race, religion, gender, ethnic background, sexual orientation, age or handicap is not present in college activities or in the college community;" and,

Whereas, the current enforcement of student ID's as legal documents discriminates students on the basis of gender, ethnic background, and religion³; and,

¹ "REAL ID Act of 2005, Section 202.b." Library of Congress. 43-44. Accessed October 9th, 2014. <http://www.gpo.gov/fdsys/pkg/BILLS-109hr418rfs/pdf/BILLS-109hr418rfs.pdf>

² "Section I.B.1.00 - Equality - Student Handbook." SUNY New Paltz. 3. Accessed October 9th, 2014. http://www.newpaltz.edu/studentaffairs/student_handbook_7_14.pdf

³ "SUNY! Your student ID policy is a Civil Rights violation!" Womb to World. Accessed October 9th, 2014. <http://briezymelodie.me/2014/09/03/cannot-self-identify/>

Whereas, the current enforcement of student ID's as legal documents restricts the ability of colleges to improve their "campus climate,"⁴ and forces them to discriminate on the basis of gender, religion, and ethnic background; and,

Whereas, the model policy described by the Gay, Lesbian & Straight Education Network (GLSEN) for inclusion and non-discrimination in schools states that school ID's "are not legal documents and should use the student's preferred name, and;"⁵

Whereas, Colleges such as SUNY New Paltz can institute "Preferred Name" options, but cannot amend any of the legal names therein;⁶ and,

Whereas, the Family Educational Rights and Privacy Act (FERPA) grants all students the right to request to amend their records;⁷ and,

Whereas, the Civil Rights Act under Title IX Education Amendments of 1972 grants all students equal opportunity of education and therein the services granted to all other students, including identification and protection from sexual violence⁸ and gender-based discrimination;⁹ and,

Whereas, the obligation of schools under Title IX to protect students, including those identifying with LGBTQA+, was expected to be clarified by the "Dear Colleague" letter;¹⁰ and,

Whereas, the Equal Access Act requires that all students are not discriminated against for any reason in regards to non-curricular, including institutional services;¹¹ and,

Whereas, the current policy restricts the university from meeting the day-to-day needs of transgender and gender nonconforming students;¹² and,

⁴In the case of SUNY New Paltz: Gender; Recommendations made in 2014 by the SUNY New Paltz LGBTQ Task Force to improve campus climate, using information gathered from a survey in 2012, actually discriminates and segregates on the basis of gender due to pre-existing policy conflicts. Accessed October 9th, 2014. <http://www.newpaltz.edu/lgbtq/>

⁵"Model District Policy on Transgender and Gender NonConforming Students: Model Language, Commentary, and Resource." GLSEN. 6. Accessed October 9th, 2014.

http://www.glsen.org/sites/default/files/Trans_ModelPolicy_2014.pdf

⁶"Preferred Name Request." SUNY New Paltz. Accessed October 9th, 2014.

http://www.newpaltz.edu/registrar/38-056_preferredname.pdf

⁷"A Transgender Advocate's Guide to Updating and Amending School Records." Lambda Legal. Accessed October 9th, 2014. <http://www.lambdalegal.org/know-your-rights/transgender/ferpa-faq>

⁸"Questions and Answers on Title IX and Sexual Violence." US Dept. of Education. 5. Accessed October 9th, 2014. <http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>

⁹"Gender-based Violence and Harassment: Your School, Your Rights." ACLU, Women's Rights Project. Accessed October 9th, 2014. https://www.aclu.org/files/assets/genderbasedviolence_factsheet_0.pdf

¹⁰"Dear Colleague." Russlyn Ali, Assistant Secretary for Civil Rights, US Dept. of Education. 8. Accessed October 9th, 2014. <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf>

¹¹"Key Policy Letters from the Education Secretary and Deputy Secretary." US Dept. of Education. Accessed October 9th, 2014. <http://www2.ed.gov/policy/elsec/guid/secletter/110607.html>

Whereas, the current policy discriminates greater than an estimated 23,000 students University-wide; and,

Whereas, budget allocations for services to curb discrimination such as staff and training, programs, safe spaces, religious spaces, counseling hours, and gender neutral housing and bathrooms¹³ has increased and is projected to increase nearly twice as much in the next fiscal year; and,

Whereas, this is a University-wide issue of ethics and not finances or budget; and,

Whereas, policy implementation will be a SUNY Board of Trustees decision; and,

Whereas, further implementation falls on the individual colleges; and,

Whereas, there is an expected increase in college revenue from the reissuance of student IDs in colleges that implement an ID "name change," "preferred name," or similar options; and,

Whereas, students prefer inclusive and safer educational facilities and require it for strengthened "Perspective-Taking" and refined learning strategies;¹⁴ and,

Whereas, there's a prospective increase in diverse demographics from this implementation in the subsequent years;¹⁵ and,

Whereas, an implementation of this policy will increase the amount of Undergraduate applications for admission into the SUNY-system;¹⁶ therefore, be it;

Resolved, that the Student Assembly of the State University of New York calls upon the SUNY Board of Trustees, Chancellor Nancy Zimpher, and any other administrators/officers to amend the aforementioned student ID policy so that they are no longer considered legal documents and as such allow for preferred name provisions, thus alleviating all grievances of gender, religion, ethnic background, and other discrimination and finally follow Federal, State, and College policies of Non-Discrimination, Anti-Discrimination, and Equality.

¹² "Ways that US Colleges and Universities Meet the Day-To-Day Needs of Transgender Students. - Records and Documents." Transgender Law & Policy Institute. Accessed October 9th, 2014. <http://www.transgenderlaw.org/college/guidelines.htm>

¹³ Although it is the belief of many activists that gender neutral housing and bathrooms are in fact discriminating in that they are segregatory.

¹⁴ "Engaging Diverse Viewpoints: What is the Campus Climate for Perspective-Taking?" Association of American Colleges and Universities. 17-21. Accessed October 9th, 2014. http://www.aacu.org/sites/default/files/files/core_commitments/engaging_diverse_viewpoints.pdf

¹⁵ "The American Freshman: Forty Year Trends (Manuscript)." Higher Education Research Institute, UCLA. 51 - 9. <http://heri.ucla.edu/PDFs/40TrendsManuscript.pdf>

¹⁶ Ibid. 52-53.