



New York City Police Academy Training Memo

#14-18

June 2018

Gender Identity and Expression In Our Department And The City We Serve

The Department has made changes to several Patrol Guide procedures which directly affect members of the lesbian, gay, bisexual, and transgender ("LGBT") community. To ensure the fair and equitable treatment of all persons, members of the service are reminded that they must treat all individuals in accordance with their preferred gender identity. This includes pronouns, titles of respect, and preferred names appropriate to gender identity, as well as the searching and lodging of prisoners. Members are further reminded that all official documents, such as Complaint Reports and Online Booking System Arrest Worksheets, must contain the individual's legal name and gender, as well as the individual's preferred name. The Department has also implemented policies which reflect and comply with the New York City Human Rights Law and Mayoral Executive Order #16 of 2016. Finally, the Department has also implemented procedures for members of the service who wish to notify the Department of their transgender or gender non-conforming transition or status.

The following are Patrol Guide procedures regarding gender identity and gender expression:

Patrol Guide section 203-10, "Public Contact – Prohibited Conduct"

- Using discourteous or disrespectful remarks regarding another person's ethnicity, race, religion, gender, gender identity/expression, sexual orientation, or disability.
- Members shall address the public using pronouns, titles of respect, and preferred name appropriate to the individual's gender identity/expression as expressed by the individual. The term "gender" shall include actual or perceived sex and shall also include a person's gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the legal sex assigned to that person at birth.

Patrol Guide section 208-03, "Arrests- General Processing"

- Preferred name is defined as the name an arrestee prefers to be called based on their gender identity. This name may be different than the name on identification documents in the arrestee's possession.
- For booking purposes, a member of the service shall write an arrestee's name and gender as it appears on a driver's license, permit, or non-driver photo identification. If the arrestee uses a Preferred Name, that name shall be listed in the "Preferred Name" section of the PRISONER PEDIGREE CARD (PD244-092); next to the defendant's name on the Prisoner Movement Slip, prefaced by the notation "Preferred Name"; and in the "Nickname/Alias/Maiden Name" section of the ON-LINE BOOKING SYSTEM ARREST WORKSHEET, prefaced by the notation "P-".

Patrol Guide section 208-05, "Arrests – General Search Guidelines"

- In situations where an arrestee's gender is not immediately apparent or an arrestee objects to the gender of the member assigned to perform the search, the desk officer or supervisor supervising the search will assign a uniformed member of the gender requested by the arrestee, consistent with officer safety and resource availability. Consistent with the privacy concerns of the arrestee, only those members reasonably necessary to conduct the search should be present for the search.
- Under no circumstances shall members of the service conduct searches for the purpose of determining gender. Additionally, members shall not ask questions about an arrestee's anatomy without a reasonable basis for doing so. Refer to Patrol Guide section 203-10, "Public Contact – Prohibited Conduct."
- In the event the gender of the member assigned to conduct the search differs from the gender requested by the arrestee, the desk officer or supervisor supervising the search shall make a detailed entry in the Command Log regarding the factors considered in assigning member(s) to conduct the search and identities of the uniformed member(s) who actually conducts the search.
- In the event the gender of the officer assigned to conduct the search differs from the gender requested by the arrestee, the desk officer or supervisor supervising the search shall make a detailed entry in the Command Log regarding the factors considered in assigning member(s) to conduct the search and identities of the uniformed member(s) who actually conducts the search.

Patrol Guide section 210-08, "Prisoner Holding Cells"

- At no time detain male and female prisoners in the same holding pen. Refer to Patrol Guide section 210-17, "Arrest Processing of Pre-Arrestionment Prisoners Designated as 'Special Category'" and/or Patrol Guide section 203-10, "Public Contact – Prohibited Conduct," subdivision "a" following step "I", regarding gender, as necessary.

Patrol Guide section 210-17, "Arrest processing of Pre-Arrestionment Prisoners Designated "Special Category"

- A "Special Category Prisoner" is a prisoner who should be removed from the general population for any of the following reasons: because of a medical condition or physical disability, for any reason that would lead one to believe that placing that prisoner in a general population of prisoners may pose a safety risk to that prisoner or other prisoners, or for any reason that would lead one to believe that placing that prisoner in a general

population of prisoners may pose a health risk to that prisoner or other prisoners.

Mayoral Executive Order #16 of 2016 mandates that all City employees and members of the public be allowed to use the single-sex facilities that most closely align with their gender identity or expression in all properties owned and operated by the City of New York. No one will be required to show identification, medical documentation, or any other form of proof or verification of gender. In New York City, that's the law.

Patrol Guide section 205-68, "Member Of The Service Seeking To Notify The Department Of Transgender Or Gender Non-Conforming Transition, Or Status" provides guidance to members of the service who choose to notify the Department of their transgender or gender non-conforming transition or status. Members will receive the full support of the Department and its personnel.

For additional information, see the Department publication entitled "Gender Identify and Expression In Our Department and the City We Serve," which can be found on the Department Intranet under Bureaus > DC of Equity and Inclusion > Announcements or by searching any of the terms related to this topic.

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GENDER IDENTITY • EXPRESSION

On March 7, 2016, Mayor de Blasio issued Executive Order 16 mandating that all employees of City Agencies and all members of the public using City services must be allowed to use the single-sex facility within facilities owned and operated by the City that most closely aligns with their gender identity or expression without being required to show identification, medical documentation, or any other form of proof or verification of gender.

NYPD
New York City Police Department

Definitions

Gender: includes an individual's actual or perceived: sex, gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned at birth.

Gender expression: the representation of gender expressed through, for example, one's name, choice of pronoun, clothing, haircut, behavior, voice, or body characteristics. Gender expressions may not be distinctly male or female and may not conform to gender based stereotypes society assigns to specific gender identities.

Gender identity: is one's internal deeply-held sense of one's gender, which may be the same or different from one's sex assigned at birth.

Gender non-conforming: is an adjective used to describe someone whose gender expression differs from conventional expectations.

Single-sex facility: is any facility which has separate designated spaces on the basis of sex or gender, which includes, but is not limited to: bathrooms, locker rooms, waiting areas, pools, saunas, lounges, or living spaces.

Transgender: is an adjective used to describe an individual whose gender identity or expression is not typically associated with the sex assigned at birth.

Executive Order on Single-Sex Facilities in City Government Buildings and Areas

- **What:** Executive Order 16 of 2016 requires all City agencies to ensure that City employees and members of the public have access to single-sex facilities such as bathrooms and locker rooms in City buildings and areas consistent with their gender identity or expression without being required to show identification, medical documentation, or any other form of proof or verification of gender. The Executive Order requires City agencies to post the new single-sex facility policy in conspicuous locations for employees and members of the public to see.
- **Who:** The Executive Order applies to anyone who uses buildings or areas owned or operated by the City of New York, including city employees and members of the public.
- **Where:** All facilities owned or operated by the City, including City agency offices, public parks, pools, playgrounds, certain cultural institutions, and recreation centers. It does not require City agencies to build or construct new single-stall bathroom or locker room facilities or to create new signage in existing bathroom or locker room facilities.
- **Why:** The Executive Order ensures safe access to single-sex facilities in buildings or spaces owned or operated by the City of New York for transgender and gender non-conforming individuals.

FAQs about NYC Executive Order 16 of 2016

Does Executive Order 16 of 2016 allow men to enter a women's single-sex facility and vice versa?

The law allows individuals to use the single-sex facility that is consistent with their gender identity or expression. For example, a transgender woman is a person who identifies as a woman today, but was thought to be a male when she was born. Since she identifies as a woman, she is permitted to use any women's single-sex facility, such as a women's bathroom.

Does this mean there is no legal recourse if a man pretends to be a woman so he can use the women's bathroom (or vice versa) in order to "peep" and/or harass members of the opposite sex including children?

No, if someone of any gender commits a crime in a single-sex facility, they are subject to arrest and prosecution. Behaviors such as "peeping," harassment, stalking and other types of criminal activity are illegal. Permitting individuals to use the bathroom consistent with their gender identity or expression does not change that. It is important to understand that if someone (any gender identity, i.e. male or female) enters a bathroom (any bathroom, i.e. male or female), they cannot be arrested simply for being present. If someone enters and commits a crime then they may be arrested, however just walking into the bathroom is not a crime.

How can I address concerns raised by employees based on their religious beliefs regarding the use of a single sex facility by a transgender person? For example, what can I do if an employee's religious beliefs preclude him from changing in front of the opposite sex and his fundamental belief is that a transgender man is still a woman?

Sincerely held religious beliefs are a basis for requesting a workplace accommodation, religion cannot be used as a basis to discriminate against others in the workplace. Adjustments such as the use privacy screens/curtains can be considered for the religious employee, in the event that a transgender man begins to use the men's locker room, but the transgender employee cannot be singled out. For instance, the transgender employee could not be asked to use the locker room only at a certain time. Privacy screens/curtains can be placed in the locker room available to all, as there are many reasons why people may want additional privacy protections in either locker room. Wherever feasible, agencies should consider creating a single user space, either within the locker room or separate from a locker room, for any individuals with privacy or modesty concerns. It is important to note that an agency cannot engage in discriminatory practices under any circumstances. In addition to religion, discomfort and/or employee preference are never a basis or justification for discrimination.

Courtesy 101:

- Don't make assumptions about a transgender person's sexual orientation.
- Respect the terminology a transgender person uses to describe their identity.
- If you don't know what pronouns to use (e.g., he, she), ask politely and respectfully. If you use the wrong pronoun, apologize and move on.

If you believe you have been discriminated against or would like more information about your rights and responsibilities under the law, please contact the Office of the Deputy Commissioner Equal Employment Opportunity at [REDACTED] or the NYC Commission on Human Rights.



Equal Employment Opportunity Training
Transgender Diversity and Inclusion: Executive Order 16
Lesson Plan



Equal Employment Opportunity Training Transgender Diversity and Inclusion: Executive Order 16



Lesson Plan SYNOPSIS

Date Prepared: 11/02/16

Date Reviewed / Revised: 11/02/16

Prepared By: Lt. Natalie Bishop

Reviewed/Approved By: Deputy Commissioner Neldra M. Zeigler

This module will provide supervisors and managers with an explanation of their rights and responsibilities regarding Executive Order 16 of 2016.

Method of Instruction: NYPDU Course

Time Allocated: 15 minutes

Training Need: Supervisors and managers

Terminal Learning Objective: At the completion of this lesson, participants will understand Executive Order 16 of 2016 in order to ensure compliance within the Department.

Learning Outcomes:

1. Define terminology associated with Executive Order 16 of 2016
2. Explain Executive Order 16 of 2016
3. Discuss ways in which Executive Order 16 of 2016 applies to the Department

Required Reading: N/A

Instructional Resources Required:

- Department Computer with access to NYPD Portal or Department smartphone with access to NYPD Portal

Evaluation Strategies:

- Monitor participation and completion of the course
- Evaluation of learning outcomes as applied to five question multiple choice post-test

References: Mayor's Executive Order 16, dated March 7, 2016

Gender Identity/Gender Expression Myths vs. Facts, NYC Commission on Human Rights, 2016

Frequently Asked Questions from Agencies on Executive Order 16, DCAS, 2016

Fact Sheet, Executive Order on Single-Sex Facilities in City Government Buildings and Areas, NYC Commission on Human Right, 2016

NYC Commission on Human Rights, Legal Enforcement Guidance on Discrimination on the Basis of Gender Identity or Expression: Local Law No. 3 (2002); NYC Administrative Code 8-102(23)



Equal Employment Opportunity Training Transgender Diversity and Inclusion: Executive Order 16



Deputy Commissioner Equal Employment Opportunity
Transgender Diversity and Inclusion: Executive Order 16

Introduction

On March 7, 2016, Mayor de Blasio issued Executive Order 16, mandating that all employees of City Agencies and all members of the public using City services must be allowed to use single-sex facilities within buildings or spaces owned and operated by the City, that most closely aligns with their gender identity or gender expression without being required to show identification, medical documentation, or any other form of proof or verification of gender.

The New York City Police Department is a city agency and as such must comply with this order because it is the law. However, more importantly, this order ensures that transgender and gender non-conforming people of the City are able to live with dignity, safely use single-sex facilities and be free from discrimination by being treated with equity. The goal of this lesson is to ensure that employees recognize their rights and responsibilities regarding Executive Order 16 of 2016. As stated in the Department's Equal Employment Policy, discrimination will not be tolerated and the Department is committed to encouraging a work environment that accepts and appreciates differences among both uniform and civilian members of the service.

Instructor Notes:

Introduce self prior to above introduction of topic if lesson is taught in a classroom setting.



Equal Employment Opportunity Training Transgender Diversity and Inclusion: Executive Order 16



Learning Outcomes

1. Define terminology associated with Executive Order 16 of 2016.
2. Explain Executive Order 16 of 2016.
3. Discuss ways in which Executive Order 16 of 2016 applies to the Department.



Learning Outcomes

Upon completion of this lesson, participants are expected to achieve the following learning outcomes:

1. Define terminology associated with Executive Order 16 of 2016.
2. Explain Executive Order 16 of 2016.
3. Discuss ways in which Executive Order 16 of 2016 applies to the Department.

Instructor Notes:



Equal Employment Opportunity Training Transgender Diversity and Inclusion: Executive Order 16



Terminology

Gender: an individual's actual or perceived: sex, gender identity, self-image, appearance, behavior, or expression, whether or not it is different from that traditionally associated with the sex assigned at birth.

Gender expression: representation of gender expressed through, for example, one's name, choice of pronoun, clothing, haircut, behavior, voice, or body characteristics. May not be distinctly male or female and may not conform to gender based stereotypes society assigns to specific gender identities.

Gender identity: one's internal deeply-held sense of one's gender, which may be the same or different from one's sex assigned at birth.



Terminology

Gender non-conforming: an adjective used to describe someone whose gender expression differs from conventional expectations.

Single-sex facility: any facility which has separate designated spaces on the basis of sex or gender, which includes, but is not limited to: bathrooms, locker rooms, waiting areas, pools, saunas, lounges, or living spaces.

Transgender: an adjective used to describe an individual whose gender identity or expression is not typically associated with the sex assigned at birth.



Learning Outcome #1
Define terminology associated with Executive Order 16

Terminology associated with Executive Order 16 of 2016

In order to understand and apply the mandates outlined in Executive Order 16 of 2016, it is necessary to define terminology contained within the order.

Gender: includes an individual's actual or perceived: sex, gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned at birth.

Gender expression: the representation of gender expressed through, for example, one's name, choice of pronoun, clothing, haircut, behavior, voice, or body characteristics. Gender expressions may not be distinctly male or female and may not conform to gender based stereotypes society assigns to specific gender identities.

Gender identity: is one's internal deeply-held sense of one's gender, which may be the same or different from one's sex assigned at birth.

Instructor Notes:

Explain that the above list is not all of the terms that an individual may encounter when discussing LGBTQ issues, but rather terms specifically associated with Executive Order 16 of 2016.

Important to note that we all have a gender identity, but most people do not think about it because their gender identity matches their sex (gender) assigned at birth.



Equal Employment Opportunity Training

Transgender Diversity and Inclusion: Executive Order 16



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Single-sex facility: is any facility which has separate designated spaces on the basis of sex or gender, which includes, but is not limited to: bathrooms, locker rooms, waiting areas, pools, saunas, lounges, or living spaces.

Transgender: is an adjective used to describe an individual whose gender identity or expression is not typically associated with the sex assigned at birth.

Instructor Notes:

When defining single-sex facilities, explain that this defines much more than just bathrooms and the Department will mostly encounter questions regarding bathrooms, locker rooms and lounges because most Department facilities have these types of single-sex facilities for employees.



Equal Employment Opportunity Training Transgender Diversity and Inclusion: Executive Order 16



Explanation of Executive Order 16 of 2016 The What, Who, Where and Why

What: Requires all City Agencies to ensure that City employees and members of the public have access to single-sex facilities such as bathrooms and locker rooms in City buildings and areas consistent with their gender identity or expression without being required to show identification, medical documentation, or any other form of proof or verification of gender.

Who: Applies to anyone who uses buildings or areas owned and operated by the City of New York, including city employees or members of the public.

Where: Facilities owned and operated by the City of New York, including City agency offices, public parks, pools, playgrounds, certain cultural institutions, and recreational centers.



Explanation of Executive Order 16 of 2016 The What, Who, Where and Why

Why: Ensures safe access to single-sex facilities in buildings or spaces owned and operated by the City of New York for transgender and gender non-conforming individuals. It prevents gender-based discrimination which is prohibited by Federal, state and local laws as well as Department policy.

The Executive Order and the directives within the order are mandated by law. Such directives include posting the single-sex facility policy in conspicuous locations for employees and members of the public to see and to train all employees on this policy.



**Learning
Outcome #2**
*Explain
Executive
Order 16 of
2016*

Explanation of Executive Order 16 of 2016

In order to understand Executive Order 16 of 2016, it is helpful to know the reason for the order. The Executive Order provides guidance and legal enforcement for the New York City Human Rights Law of 2002, Local Law No. 3. Local Law No. 3 expanded the scope of gender-based protections to include transgender individuals. The Executive Order recognized that the transgender community was still encountering discrimination in regard to utilizing single-sex facilities even though Local Law No. 3 addressed this specific issue by stating that individuals be permitted to use single-sex facilities that are consistent with their gender, regardless of their sex assigned at birth, anatomy, medical history, appearance, or sex indicated on their identification.

This background of the origins of Executive Order 16 of 2016 will assist in understanding the what, who, where and why of the order.

What: Executive Order 16 of 2016 expanded on New York City Human Rights Law, Local Law No. 3, by requiring all City Agencies to ensure that City

Instructor Notes:



Equal Employment Opportunity Training Transgender Diversity and Inclusion: Executive Order 16



employees and members of the public have access to single-sex facilities such as bathrooms and locker rooms in City buildings and areas consistent with their gender identity or expression without being required to show identification, medical documentation, or any other form of proof or verification of gender.

Who: The Executive Order applies to anyone who uses buildings or areas owned and operated by the City of New York, including city employees and members of the public.

Where: All facilities owned and operated by the City of New York, including City agency offices, public parks, pools, playgrounds, certain cultural institutions, and recreation centers. It does **not** require City agencies to build or construct new single-stall bathroom or locker room facilities or to create new signage in existing bathroom or locker room facilities.

Why: The Executive Order ensures safe access to single-sex facilities in buildings or spaces owned and operated by the City of New York for transgender and gender non-conforming individuals. It also prevents gender-based discrimination which is prohibited by Federal, state and local laws as well as Department Policy.

An overview of Executive Order 16 of 2016, would not be complete without acknowledging that guidelines contained within the order are **mandated by law**. The Executive Order has directives which must be complied with in a timely fashion. Such directives include, but are not limited to posting the new single-sex facility policy in conspicuous locations for employees and members of the public to see and to train all employees on this new policy.

The Department is not exempt from these directives and all steps taken to achieve compliance must be reported to the Department of Citywide Administrative Services (DCAS) and failure to comply and/or denying access to bathrooms or other single-sex facilities based on gender identity or expression is a violation of the New York City Human Rights Law, Local Law No. 3.

Instructor Notes:

The requirement to post the policy is accomplished by displaying posters near locker rooms and bathrooms (display not limited to these locations) in Department facilities. Additional posters can be obtained from the office of the DCEEO and are also available on the DCEEO website.

(Provide participants with an image of the poster on a slide or a physical poster displayed on board/DocCam so that participants are familiar with it and recognize it as a resource/training tool).



Equal Employment Opportunity Training Transgender Diversity and Inclusion: Executive Order 16



Executive Order 16 and the Department

The Executive Order allows individuals to use single-sex facilities that are consistent with their gender identity or expression. Transgender women and transgender men are permitted to enter the bathroom/locker room/lounge of the gender they identify with.

The Executive Order does not take away the ability to take legal recourse, such as arresting and/or convicting someone of any gender who commits a crime in a single-sex facility such as a bathroom. However, if someone (any gender identity) enters a bathroom (any bathroom) they cannot be arrested simply for being present and/or walking into the bathroom.



Executive Order 16 and the Department

Employees may raise concerns about compliance based on their religious beliefs. For example, an employee's religious beliefs may preclude him from changing in front of a member of the opposite sex and his fundamental belief is that a transgender man is still a woman. Sincerely held religious beliefs are a basis for requesting a workplace accommodation, but religion, discomfort and/or employee preference are never a basis or justification for discrimination.

- What Can You Do: Privacy screens/curtains could be considered for religious employee or these can be placed in the locker room and be available to all employees.
- What NOT to Do: Do not single out the transgender employee, such as requesting that they only use the locker room at certain times.



Learning Outcome #3
Discuss ways Executive Order 16 of 2016 applies to the Department

How Does Executive Order 16 of 2016 apply to the Department

The Department is a city agency and compliance with this order impacts how we treat members of the public as well as our employees. As a supervisor, you may be required to answer questions about the Executive Order as well as correct misunderstandings and/or misinformation employees may have about it. Factual information and a clear understanding of the Executive Order are vital to ensuring that discrimination does not occur either intentionally or unintentionally. Remember ignorance of a law is never an excuse for discriminatory behavior.

The Executive Order allows individuals to use single-sex facilities that are consistent with their gender identity or expression. Transgender women and transgender men are permitted to enter the bathroom/locker room/lounge of the gender that they identify with.

Misinformation and misunderstanding of the Executive Order often lead individuals to believe that this law allows a man to pretend to be a woman so that he can use the women's bathroom (or vice versa) in order to "peep" and/or

Instructor Notes:

Emphasize the importance of supervisors/managers educating their employees on Executive Order 16 of 2016, by providing factual information or clarification of any misunderstandings.



Equal Employment Opportunity Training Transgender Diversity and Inclusion: Executive Order 16



harass members of the opposite sex, including children. This is incorrect because this law does not take away the ability to take legal recourse, such as arresting and/or convicting someone of any gender who commits a crime in a single-sex facility such as a bathroom. Behaviors such as “peeping,” harassment and other types of criminal activity are illegal. Permitting individuals to use the bathroom consistent with their gender identity or expression does not change this fact.

It is also important to understand that if someone (any gender identity, i.e. male or female) enters a bathroom (any bathroom, i.e. male or female) they cannot be arrested simply for being present. If someone enters and commits a crime then they may be arrested, however just walking into a bathroom is not a crime.

Employees may also raise concerns about compliance with the Executive Order based on their religious beliefs. For example, an employee's religious beliefs may preclude him from changing in front of a member of the opposite sex and his fundamental belief is that a transgender man is still a woman. Sincerely held religious beliefs are a basis for requesting a workplace accommodation, but religion cannot be used as a basis to discriminate against others in the workplace. Accommodations such as the use of privacy screens/curtains could be considered for the religious employee, in the event that a transgender man begins to use the men's locker room. However, the transgender employee cannot be singled out by requests such as asking them to only use the locker room at certain times. Privacy screens/curtains can be placed in the locker room available to all, as there are many reasons why people may want additional privacy protections in either locker room.

It is important to note, that an agency cannot engage in discriminatory practices under any circumstances. In addition to religion, discomfort and/or employee preference are never a basis or justification for discrimination.

Instructor Notes:

If taught in a classroom setting, encourage participants to discuss ways in which they would handle above situations/questions and/or questions encountered at their workplace.



Equal Employment Opportunity Training Transgender Diversity and Inclusion: Executive Order 16



Summary

1. What are some terms associated with Executive Order 16 of 2016? What are the definitions of these terms?
2. What is Executive Order 16 of 2016?
3. What are some ways in which Executive Order 16 of 2016 applies to the Department?



Summary

1. What are some terms associated with Executive Order 16 of 2016? What is the definition of these terms?
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Instructor Notes:

If the lesson is conducted in classroom setting, ask participants these questions in order to summarize lesson and evaluate comprehension of material.



Equal Employment Opportunity Training Transgender Diversity and Inclusion: Executive Order 16



Conclusion

The objective of Executive Order 16 of 2016, is not to challenge and/or change an individual's personal beliefs, but rather to eliminate discriminatory behaviors and support equality among all people.

Courtesies such as not making assumptions about a transgender person's sexual orientation and respecting the terminology a transgender person uses to describe their identity are ways to maintain equality and respect in the workplace. If you don't know what pronouns to use (e.g. he, she), ask politely and respectfully. If you use the wrong pronoun, apologize and move on.

If you believe that you have been discriminated against or would like more information about your rights and responsibilities under the law, please contact the Office of the Deputy Commissioner of Equal Employment Opportunity at [REDACTED]



Conclusion

The objective of Executive Order 16 of 2016, is not to challenge and/or change an individual's personal beliefs, but rather to eliminate discriminatory behaviors and support equality among all people. In addition, courtesies such as not making assumptions about a transgender person's sexual orientation and respecting the terminology a transgender person uses to describe their identity are ways to maintain equality and respect in the workplace. If you don't know what pronouns to use (e.g. he, she), ask politely and respectfully. If you use the wrong pronoun, apologize and move on. If you believe you have been discriminated against or would like more information about your rights and responsibilities under the law, please contact the Office of the Deputy Commissioner of Equal Employment Opportunity at [REDACTED]

Instructor Notes:

If lesson is done utilizing NYPDU, the summary questions and evaluation of comprehension of material will be measured by a 5 question multiple choice quiz.



Deputy Commissioner Equal Employment Opportunity
Transgender Diversity and Inclusion: Executive Order 16

Terminology

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Learning Outcomes

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2. Explain Executive Order 16 of 2016.
3. Discuss ways in which Executive Order 16 of 2016 applies to the Department.



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Explanation of Executive Order 16 of 2016 The What, Who, Where and Why

Why: Ensures safe access to single-sex facilities in buildings or spaces owned and operated by the City of New York for transgender and gender non-conforming individuals. It prevents gender-based discrimination which is prohibited by Federal, state and local laws as well as Department policy.

The Executive Order and the directives within the order are mandated by law. Such directives include posting the single-sex facility policy in conspicuous locations for employees and members of the public to see and to train all employees on this policy.



Mandatory Posters



Additional posters can be obtained from the Office of the Deputy Commissioner Equal Employment Opportunity



Summary

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2. What is Executive Order 16 of 2016?
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Executive Order 16 and the Department

The Executive Order allows individuals to use single-sex facilities that are consistent with their gender identity or expression. Transgender women and transgender men are permitted to enter the bathroom/locker room/lounge of the gender they identify with.

The Executive Order does not take away the ability to take legal recourse, such as arresting and/or convicting someone of any gender who commits a crime in a single-sex facility such as a bathroom. However, if someone (any gender identity) enters a bathroom (any bathroom) they cannot be arrested simply for being present and/or walking into the bathroom.



Conclusion

The objective of Executive Order 16 of 2016, is not to challenge or change an individual's personal beliefs, but rather to eliminate discriminatory behaviors and support equality among all people.

Courtesies such as not making assumptions about a transgender person's sexual orientation and respecting the terminology a transgender person uses to describe their identity are ways to maintain equality and respect in the workplace. If you don't know what pronouns to use (e.g. he, she), ask politely and respectfully. If you use the wrong pronoun, apologize and move on.

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Executive Order 16 and the Department

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- **What Can You Do:** Privacy screens/curtains could be considered for religious employee. These can be placed in the locker room and be available to all employees.
- **What NOT to Do:** Do not single out the transgender employee, such as requesting that they only use the locker room at certain times.

