

New York Civil Rights Law Section 79-Q Compliance Plan

Background

The University at Buffalo (University, UB) recognizes that the ability for everyone to accurately record their gender identity in UB systems and forms is essential to inclusion. The University formed the Transgender Inclusion Working Group in 2015 to improve our ability to reflect chosen names and correct gender markers to our processes and systems. While UB has made a considerable amount of progress, there are still barriers to overcome.

Section 79-Q Requirements

Under New York Civil Rights Law Section 79-Q, all New York State agencies, including State University of New York colleges and universities, must comply with the following:

1. By January 1, 2023, the University must make an option available to mark an individual's gender or sex as "x" whenever we are collecting data about sex or gender.
2. Where applicable federal law requires the University to collect sex or gender data as either "m" or "f", UB must create a separate field to allow individuals to have the option to mark their gender or sex as "x."
3. If UB cannot comply with the January 1, 2023 deadline, we must post publicly on our website a written progress report that describes with the steps we have taken to comply with the requirement, the impediments that prevented compliance, the efforts undertaken to come into compliance, and an estimated time frame for compliance. UB must post the progress report by November 2, 2022 and update it every six months from the date of the original posting.

Current Status

The University has been expanding the collection of gender identity beyond "male" and "female" binary categories. Because this is an area that is rapidly changing, there has not been a consistent approach as to how gender identity is queried and reflected. Examples include:

- In some systems, an "x" option exists for Legal Sex where an "m" or "f" binary is not required by law. In other areas, gender identity is asked in a question separate from Legal Sex.
- Some areas ask individuals to identify gender identity in a different manner than "m," "f," and "x." For example, instead of "x," individuals may be able to select "non-binary," "other," or self-select through an open text box.

UB will be examining our approach to collecting gender identity to promote consistency to the maximum extent permitted by federal and state reporting requirements.

The current status of UB systems is as follows:

Student Systems

Applicants for Admission

- The SUNY application is in compliance.
- The Common App is in compliance.
- The Slate application for graduate and professional schools is in compliance.
 - It should be noted that some professional schools use external application systems that are not under UB's control.
 - The external application systems for Law, Pharmacy, and Medicine allow for the collection of gender identity for individuals who identify other than male or female.

The HUB Student Record System

- The HUB student record system is in compliance.

Maxient System

- The Maxient system is in compliance.

Student Health System

- Student Health System records are in compliance.

Employee Systems

UB Jobs

- UB Jobs, the online application portal for positions at UB, is in compliance.

Employee Demographic Self-Identification Form

- UB invites employees to record their gender identity on the Employee Demographic Self-Identification Form. Categories are Female/Woman, Male/Man, and Non-Binary.

Compliance Impediments and Next Steps

While the above-listed processes and systems represent major data collection points, UB is complicated, large, and decentralized. There is no centralized inventory of which areas and departments collect this information. Individuals may be required to collect demographic information as part of research studies, surveys, or other reporting. In order to promote compliance, UB will take the following actions:

- On an ongoing basis, continue to identify areas where demographic data is collected and ensure that they are in compliance.
- By November 2, 2022, communicate the requirements of Section 79-Q on the Equity, Diversity and Inclusion website and link to a contact form in order to enable individuals to disclose demographic data collection that is not in compliance with Section 79-Q.
- By November 18, 2022, communicate the requirements of Section 79-Q to the appropriate UB offices by email.

Last Updated: October 28, 2022