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 	CHILD AND FAMILY SERVICES AGENCY Approved by: _____ Agency Director Date: May 26, 2017	REVISION HISTORY:
LATEST REVISION:	EFFECTIVE DATE: May 24, 2017	

I. AUTHORITY	The Director of the Child and Family Services Agency (CFSA or Agency) adopts this policy to be consistent with the Agency’s mission and applicable federal and District of Columbia laws and regulations, including D.C. Official Code § 2-1400 <i>et al</i> , “Human Rights”, and implementing regulations found in D.C. Municipal Regulation (DCMR) 4-800 “Compliance Rules and Regulations Regarding Gender Identity or Expression”; as well as relevant provisions of Title 4 and Title 7 of the DC Code.
II. APPLICABILITY	This policy applies to all Child and Family Services (CFSA) appointees, employees, interns, volunteers, contractors, subcontractors, providers, vendors, and consultants, that provide services and supports to CFSA clients.
III. RATIONALE	According to the District of Columbia Human Rights Act (Act), it is unlawful for any person or entity to discriminate against a person in employment, housing, public accommodations, or educational institutions on the basis of that person's actual or perceived gender identity and/or expression. This policy reinforces the Act and explicitly mandates the District of Columbia (District) Child and Family Services Agency (CFSA) staff and contractors’ compliance with its requirements.
IV. POLICY	The Director of CFSA adopts this policy in alignment with the Agency’s mission, federal and District of Columbia laws and regulations, including the Comprehensive Merit Personnel Act, and relative instructions and guidance present within the District’s Personnel Manual (DPM). It is the policy of CFSA to prohibit discrimination against any individual based on gender identity or expression.
V. SECTIONS	A. General Prohibitions of Gender Identity or Expression B. Access to Facilities Consistent with Gender Identity or Expression C. Accommodations for Health Care needs D. Implementation of Gender-neutral Dress Codes E. Gender-specific Facilities where Nudity in the Presence of Others is Customary F. Recording of Gender and Name G. Background Checks and Confidentiality H. Use of Proper Names and Pronouns I. Prohibition on Harassment and Hostile Environment
VI. ATTACHMENTS	A. Definitions

<p>VII. SECTIONS</p>	<p>Section A: General Prohibitions of Gender Identity or Expression</p> <p>It is unlawful for any person or entity to discriminate against an individual in employment, housing, public accommodations, or educational institutions on the basis of that individual's actual or perceived gender identity or expression. For example, it is unlawful for CFSA or its entities to:</p> <ol style="list-style-type: none"> 1. Refuse to provide any service, program, or benefit, or access to any facility, of the District of Columbia government based on an individual's gender identity or expression. 2. Engage in verbal or physical harassment based on an individual's gender identity or expression. 3. Create a hostile environment based on an individual's gender identity or expression. 4. Deny access to restroom facilities and other gender specific facilities that are consistent with an individual's gender identity or expression.
	<p>Section B: Access to Facilities Consistent with Gender Identity or Expression</p> <ol style="list-style-type: none"> 1. CFSA shall ensure that individuals are allowed the right to use gender-specific restrooms, dressing rooms and other gender-specific facilities that are consistent with their gender identity or expression. 2. All single occupancy restrooms must be gender-neutral and use gender-neutral signage. It is important to note that even if a gender-neutral restroom is available, individuals shall be able to use the restroom and other gender-segregated facilities (such as locker rooms) that they request to use at all times. 3. Refusing to allow individuals to use the bathroom that is congruent with their gender identity or expression is a form of discrimination under the District of Columbia Human Rights Act.
	<p>Section C: Accommodations for Health Care Needs</p> <p>When requested, CFSA shall make reasonable accommodations (including medical leave) for transgender-related health care needs, including (but not limited to): medical or counseling appointments, surgery, recovery from surgery, and any other related procedures. This process should be consistent with accommodations that are provided for other medical needs.</p>
	<p>Section D: Implementation of Gender-Neutral Dress Codes</p> <ol style="list-style-type: none"> 1. Individuals shall be able to dress and groom themselves according to their gender identity or expression. It is unlawful to require individuals to dress or groom themselves in a manner inconsistent with their gender identity or expression. 2. CFSA shall ensure that dress codes or uniforms do not specifically impose disparate rules based on gender identity or expression. For example, a dress code that requires "dress pants and dress shirts," is preferable to one that requires "slacks for men, and dresses and skirts for women." However, CFSA may prescribe standards of dress that serve a reasonable business purpose, as long as such standards do not discriminate or have a discriminatory impact on the basis of an

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	individual's gender identity or expression.
	<p>Section E: Gender Specific Facilities where Nudity in the Presence of Others is Customary</p> <ol style="list-style-type: none"> 1. CFSA shall provide individuals with access to, and the safe use of, its facilities that are segregated by gender. 2. In gender-specific facilities where nudity in the presence of others is customary, CFSA shall make reasonable accommodations to allow an individual access to, and the use of, the facility that is consistent with that individual's gender identity or expression, regardless of whether the individual has provided identification or other documentation of their gender identity or expression. 3. CFSA shall make efforts to provide private spaces, through the use of curtains or partitions, for individuals who do not want to be fully nude in such open environments. 4. CFSA shall NOT require documentation or other proof of an individual's gender, except in situations where all persons are asked to provide documentation, or other proof of their gender, for a reasonable business or medical purpose.
	<p>Section F: Recording of Gender and Name</p> <ol style="list-style-type: none"> 1. It is unlawful for CFSA or its entities to require an applicant to state whether the individual is transgender. 2. If an application form asks for the applicant to identify as male or female, then an applicant may choose the sex with which they identify, rather than the applicant's assigned or presumed gender. Additionally, an applicant may choose to identify as neither male nor female. Such designations shall not be considered, without more, to be fraudulent or misrepresentative for the purpose of adverse action on the application. 3. An applicant's giving of a name publicly and consistently used by the applicant, even when the name given is not the applicant's legal name, shall not be grounds for adverse action, if the name given is consistent with the applicant's gender identity or expression. 4. Where use of an individual's legal name is required by law or for a reasonable business purpose, such as verification of education or employment history, the applicant may be required to disclose it. However, an applicant's failure to disclose a change of gender or name (unless specifically required as part of an application process for a reasonable business purpose) shall not be considered grounds for an adverse action.
	<p>Section G: Background Checks and Confidentiality</p> <ol style="list-style-type: none"> 1. Information regarding an individual's gender transition or modification is confidential. Thus, if CFSA or an entity working within and/or on behalf of CFSA learns through a background check or other means that a person is transgender, then the entity shall take reasonable measures to preserve the confidentiality of that information and shall NOT, take an adverse action against the individual on the basis of the learned information. Regardless of how an agency learns of an individual's gender identity or expression, or transition to a new gender, it must

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	<p>preserve the confidentiality of this sensitive information.</p> <ol style="list-style-type: none"> 2. Disclosure, if it must occur, should be limited and only if it is necessary for a legitimate business reason, or the individual has given permission. 3. Any information shared in a public setting, such as announcing the individual's name in a waiting room or referring to an individual among other employees, shall reflect the preferred name and pronouns of the individual. 4. No individual within CFSA or an entity working on behalf of CFSA may "out" an individual against their will, or without obtaining their consent. In protecting an individual's confidentiality, CFSA shall avoid asking objectively irrelevant questions about their gender identity or expression.
	<p>Section H: Use of Proper Names and Pronouns</p> <ol style="list-style-type: none"> 1. Regardless of the legal name and gender of an individual, CFSA and any entities doing business with and/or on behalf of CFSA shall use the individual's desired name and pronouns when communicating with them, and when talking about them to third parties. 2. If a CFSA staff member or other entity is unclear about which pronoun to use, then they should ask the individual what they prefer, (e.g. him/her, she/he or they). 3. CFSA shall ensure its employees and others who work or provide service on behalf of the agency, respect and use the preferred names and pronouns of an individual who identifies as transgender or non-binary, as repeated failure to do so can be considered harassment under the District of Columbia Human Rights Act. 4. If CFSA or an entity must know an individual's legal name for legal necessities pertaining to human resources related matters, then the information should be maintained as a confidential part of the employee's file.
	<p>Section I: Prohibition on Harassment and Hostile Environment</p> <ol style="list-style-type: none"> 1. CFSA, and entities working on behalf of CFSA, shall ensure that all harassment or actions that create a hostile environment based on gender identity or expression are strictly prohibited. 2. The following behaviors by supervisors, co-workers or any individual working or providing a service on behalf of CFSA, shall constitute unlawful harassment, or a hostile environment, based upon an individuals' gender identity or expression: <ol style="list-style-type: none"> a. Deliberately misusing an individual's preferred name or gender-related pronoun b. Asking personal questions about an individual's body, gender identity or expression, or gender transition c. Causing distress to an individual by disclosing to others that the individual is transgender d. Posting offensive pictures, or sending offensive electronic or other communications

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Child and Family Services Agency



DEFINITIONS

Contractor: a person that enters into a contract with the District.

Employee: an individual who performs a function for the District government and who receives compensation for the performance of such service.

Gender identity or expression: a gender-related identity, appearance, expression, or behavior of an individual, regardless of the individual's assigned sex at birth.

Non-binary: an adjective that describes any gender identity which does not fit the male and female binary. For example, those with non-binary genders can feel that they have an androgynous (both masculine and feminine), transgender, neutral or fluid gender identity. People who identify as non-binary can have any sexual orientation.

Transgender: an adjective that refers to any individual whose identity or behavior differs from stereotypical or traditional gender expectations, including transsexual individuals, cross-dressers, androgynous individuals, and others whose appearance or characteristic are perceived to be gender-atypical.

Volunteer: a person who donates his or her services to a specific program or department of the District Government, by his or her free choice and without payment for the services rendered, except that reimbursement for actual expenditures by a volunteer on behalf of the District Government shall not make that person an employee.

NOTE: Transgender is correctly used as an adjective; hence the phrase "person who identifies as transgender" can be used but "transgenders" or "transgendered" is often viewed as disrespectful.

