

A dark, textured chalkboard background. In the center, there are three hand-drawn gender symbols. The leftmost symbol is a pink female symbol (a circle with a vertical line and two diagonal lines). The middle symbol is a teal male symbol (a circle with a vertical line and two diagonal lines). The rightmost symbol is a teal transgender symbol (a circle with a vertical line, a horizontal line, and two diagonal lines). In the bottom right corner, there are two pieces of chalk: a pink one and a teal one.

Transgender Guidelines: Gender Transition, Identity and Expression

Employee and Manager Handbook

The Office of Global Diversity, Equity and Inclusion



BNY MELLON

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The enclosed overview, guidelines and resources are intended to provide information about Lesbian, Gay, Bisexual, Transgender and other sexual orientations and gender identities (LGBT+), to support transgender or transsexual employees, and to assist managers who have team members who are undergoing or planning gender transition.

BNY Mellon’s Code of Conduct and HR policies prohibit any form of discrimination or harassment on the basis of a person’s sexual orientation or gender identity.

Our Commitment to Diversity, Equity and Inclusion

At BNY Mellon, our journey goes beyond leadership. We’ve set our sights on being the best and it’s our differences—our unique perspectives, experiences and backgrounds—that will get us there.

BNY Mellon’s approach to diversity, equity and inclusion (“DEI”) demonstrates a commitment to living our values consistently, pushing ourselves to do better and holding each other accountable—each day, in every interaction and everywhere we operate. In our client-focused trust-based business, DEI is more than non-negotiable ideals; they are central to enhancing engagement, performance and growth. We do our best work and achieve our full potential when we work alongside people who can look at issues from different angles and in an environment where our voices are heard, the playing field is level, and we are treated with dignity and respect.

Overview

Transgender people are experiencing increasing visibility with heightened attention in the media, evolving public opinion and improving awareness in the workplace. More and more companies are advocating enhanced legal protections for their transgender employees and the broader LGBT+ community. However, many transgender people, particularly transgender women and ethnically/racially diverse transgender people still face significant barriers across the dimensions of wellbeing—emotional, physical, social and financial.

Transitioning is a very personal decision and journey. Not all individuals who identify as transgender move forward to fully transition to a new gender. For some transgender people, gender expression through dress and appearance is enough; others feel the need to undergo gender reassignment surgery.

Key Facts

An estimated 1.4 million people—around 0.6 percent of U.S. adults—identify as transgender.¹

Ninety percent of transgender people report experiencing harassment, mistreatment or discrimination on the job.²

According to the Transgender Law Center, the Human Rights Campaign and the Civil Liberties Union, there is no statistical evidence of harassment or inappropriate behavior committed by transgender people in restrooms, nor any evidence of people “pretending” to be transgender to gain access to a restroom. In comparison, 70 percent of transgender people have reported being denied entrance to their bathroom of choice, assaulted or harassed while trying to use the restroom aligned with their gender identity.

The vast majority—78 percent - of those who transitioned from one gender to the other reported they felt more comfortable at work and their job performance improved.³

The following laws and policies offer protection for transgender people in employment:⁴

- Title VII of the Civil Rights Act of 1964—U.S. Equal Employment Opportunity Commission (EEOC), which enforces this law, has concluded that discrimination because an employee or job applicant is transgender or gender nonconforming constitutes sex discrimination.
- Several state and local laws explicitly prohibit discrimination based on gender identity or expression.
- U.S. Executive Orders extend existing federal nondiscrimination protections to LGBT+ people, prohibiting anti-LGBT discrimination by federal government contractors and subcontractors, and restore transgender people’s right to serve in the U.S. military. A presidential memorandum directs U.S. executive departments and agencies engaged abroad to ensure U.S. diplomacy and foreign assistance promote and protect the human rights of LGBT+ people around the world.

¹ Flores, Andrew R., Herman, Jody L., Gates, Gary J., and Brown, Taylor N.T. (June 2016) How Many Adults Identify as Transgender in the United States. The Williams Institute, University of California Los Angeles School of Law: <http://williamsinstitute.law.ucla.edu/wp-content/uploads/How-Many-Adults-Identify-as-Transgender-in-the-United-States.pdf> (Accessed August 2018)

² Understanding issues facing transgender Americans: <http://www.glaad.org/sites/default/files/understanding-issues-facing-transgender-americans.pdf>

³ Grant, J.M., Mottet, L.A., and Tanis, J. (2011) Injustice at Every Turn: A report of the National Transgender Discrimination Society. The National Gay and Lesbian Task Force and the National Center for Transgender Equality: http://www.thetaskforce.org/static_html/downloads/reports/reports/ntds_full.pdf

⁴ National Center for Transgender Equality: Health Care Rights and Transgender People: www.transequality.org/know-your-rights/employment-general (Accessed July 2015, updated March 2014)

Definition of Terms

One of the acknowledged challenges of addressing the issue of gender identity in the workplace is the absence of a glossary of terms familiar to most employers. Employers may be more reluctant to grapple with gender identity issues in their workplace when they lack a vocabulary to reference employees whose appearance or deportment may diverge from broadly-used stereotypes.

Making the effort to learn and use the proper and preferred terms signals a willingness to approach these issues with openness and respect for transgender co-workers. Since there is less fear of things that we can name, knowing the proper terms—and what they mean—normalizes the subject matter, reduces the inadvertent use of improper or hurtful terms, and helps to remove some of the stigma facing transitioning persons. Therefore, a necessary and useful starting point is to define terms that typically arise when discussing gender identity issues in the workplace. The following definitions are extracted from the [Human Rights Campaign's glossary of terms](#).

Ally | A term used to describe someone who is actively supportive of LGBTQ people. It encompasses straight and cisgender allies, as well as those within the LGBTQ community who support each other (e.g., a lesbian who is an ally to the bisexual community).

Asexual | The lack of a sexual attraction or desire for other people.

Biological Sex | The classification of people as male or female. At birth, infants are assigned a sex based on a combination of biological characteristics including reproductive organs, hormones and chromosomes.

Biphobia | The fear and hatred of, or discomfort with, people who love and are sexually attracted to more than one gender.

Bisexual | A person emotionally, romantically or sexually attracted to more than one sex, gender or gender identity though not necessarily simultaneously, in the same way or to the same degree. Sometimes used interchangeably with pansexual.

Cisgender | A term used to describe a person whose gender identity aligns with those typically associated with the sex assigned to them at birth.

Coming Out | The process in which a person first acknowledges, accepts and appreciates their sexual orientation or gender identity and begins to share that with others.

Cross-Dressing | A form of gender expression. It is not necessarily tied to erotic activity and is not indicative of sexual orientation. Unlike transsexuals, cross-dressers typically do not seek to change their physical characteristics and/or manner of expression permanently or desire to live full-time as a gender different from their biological sex.

Gay | A person who is emotionally, romantically or sexually attracted to members of the same gender. Men, women and non-binary people may use this term to describe themselves.

Gender dysphoria | Clinically significant distress caused when a person's assigned birth gender is not the same as the one with which they identify.

Gender-expansive | A person with a wider, more flexible range of gender identity and/or expression than typically associated with the binary gender system. Often used as an umbrella term when referring to young people still exploring the possibilities of their gender expression and/or gender identity.

Gender expression | External appearance of one's gender identity, usually expressed through behavior, clothing, body characteristics or voice, and which may or may not conform to socially defined behaviors and characteristics typically associated with being either masculine or feminine.

Gender-fluid | A person who does not identify with a single fixed gender or has a fluid or unfixed gender identity.

Gender identity | One's innermost concept of self as male, female, a blend of both or neither – how individuals perceive themselves and what they call themselves. One's gender identity can be the same or different from their biological sex or sex assigned at birth.

Gender non-conforming | A broad term referring to people who do not behave in a way that conforms to the traditional expectations of their gender, or whose gender expression does not fit neatly into a category. While many also identify as transgender, not all gender non-conforming people do.

Genderqueer | Genderqueer people typically reject notions of static categories of gender and embrace a fluidity of gender identity and often, though not always, sexual orientation. People who identify as "genderqueer" may see themselves as being both male and female, neither male nor female or as falling completely outside these categories.

Gender transition | A process some transgender people undergo to match their gender identity more closely with their outward appearance. This can include changing clothes, names or pronouns to fit their gender identity. It may also include healthcare needs such as hormones or surgeries.

Homophobia | The fear and hatred of or discomfort with people who are attracted to members of the same sex.

Intersex | Intersex people are born with a variety of differences in their sex traits and reproductive anatomy. There is a wide variety of difference among intersex variations, including differences in genitalia, chromosomes, gonads, internal sex organs, hormone production, hormone response, and/or secondary sex traits.

Lesbian | A woman who is emotionally, romantically or sexually attracted to other women. Women and non-binary people may use this term to describe themselves.

LGBTQ | An acronym for "lesbian, gay, bisexual, transgender and queer." An umbrella term that is inclusive of other sexual orientations and gender identities.

Non-binary | An adjective describing a person who does not identify exclusively as a man or a woman. Non-binary people may identify as being both a man and a woman, somewhere in between, or as falling completely outside these categories. While many also identify as transgender, not all non-binary people do. Non-binary can also be used as an umbrella term encompassing identities such as agender, bigender, genderqueer or gender-fluid.

Outing | Exposing someone's lesbian, gay, bisexual transgender or gender non-binary identity to others without their permission. Outing someone can have serious repercussions on employment, economic stability, personal safety or religious or family situations.

Pansexual | Describes someone who has the potential for emotional, romantic or sexual attraction to people of any gender though not necessarily simultaneously, in the same way or to the same degree. Sometimes used interchangeably with bisexual.

Queer | A term people often use to express a spectrum of identities and orientations that are counter to the mainstream. Queer is often used as a catch-all to include many people, including those who do not identify as exclusively straight and/or folks who have non-binary or genderexpansive identities. This term was previously used as a slur, but has been reclaimed by many parts of the LGBTQ movement.

Questioning | A term used to describe people who are in the process of exploring their sexual orientation or gender identity.

Same-gender loving | A term some prefer to use instead of lesbian, gay or bisexual to express attraction to and love of people of the same gender.

Sex assigned at birth | The sex (male or female) given to a child at birth, most often based on the child's external anatomy.

Sexual orientation | An inherent or immutable enduring emotional, romantic or sexual attraction to other people. Note: an individual's sexual orientation is independent of their gender identity.

Transgender | An umbrella term for people whose gender identity and/or expression is different from cultural expectations based on the sex they were assigned at birth. Being transgender does not imply any specific sexual orientation. Therefore, transgender people may identify as straight, gay, lesbian, bisexual, etc.

Trans Man / Female-to-Male (FTM) describes the trajectory of a person who is changing or has changed their biological sex from female to male.

Trans Woman / Male-to-Female (MTF) describes the trajectory of a person who is changing or has changed their biological sex from male to female.

Transitioning refers to the process through which a person modifies his or her physical characteristics and/or manner of gender expression to be consistent with his or her gender identity. This transition may include social and legal transition (change of name, pronoun, or gender marker on identification profiles or modifications to gender expression) and/or medical transition (some form of treatment such as counseling, hormone therapy or sex-reassignment surgery), and/or other components including "real-life experience" in which the individual lives and expresses consistent with their gender identity under medical supervision. A transgender/transsexual employee may begin to express their newly adopted gender at work on a full-time basis. Some employees may not pursue any form of medical treatment. Although transgender/transsexual employees may not follow the same pattern of transitioning, all employees will be provided with the same consideration as they undertake the transition steps deemed appropriate for them and will be treated with dignity and respect.

Transsexual refers to a person who has changed, or is in the process of changing, their biological and/or legal sex to conform to their internal sense of gender identity. The term can also be used to describe people who, without undergoing medical treatment, identify and live their lives full-time as a member of the gender opposite their biological sex.

Best Practices in a Transgender-Inclusive Workplace

Transitioning is a complex and lengthy process that poses unique challenges for the transitioning employee and genuine concerns for managers and colleagues. A supportive and respectful work environment is important for all employees, but is essential for transitioning employees. Proactively addressing any issues will minimize work interruption, sustain work quality, and buoy a positive workplace experience for all. There are many ways to make the workplace more inclusive of transgender colleagues. Here are some recommended actions and behaviors for [all Employees](#), [Employees Transitioning or Planning to Transition](#) and [Managers of Employees Transitioning or Planning to Transition](#).

Guidance for all Employees

Don't make assumptions—Appearance or behavior does not always conform to stereotypes and may not be accurate indicators of a person's gender identity.

Learn the language—There are [terms](#) new to many of us that we need to understand in order to be the best team members and colleagues. In addition, the transition process includes using a different set of pronouns that align with gender identity or are gender-neutral. Ask transitioning colleagues their pronouns and practice using them. Correct yourself when you forget or make mistakes. Help others learn new terms and use correct pronouns.

Communicate openly and honestly—If in doubt, ask your transitioning colleague. Be understanding if they choose to refer you to Human Resources (HR) or other colleagues and allies if they are uncomfortable. Mistakes will be inevitable as we learn; more important than trying to be error-free in our speech is fostering open conversation that will lead to greater awareness, understanding and inclusion.

Be open to feedback—Ask your transitioning colleague to let you know if you say or do something that makes them feel uncomfortable. Awkwardness is normal and will fade as awareness and trust builds through conversation and interaction.

Be self-aware—Our individual attitudes and possible unconscious biases can affect how we perceive and treat people with gender non-conforming appearances and behaviors.

Be respectful and patient—The transition process is complicated and lengthy. Your transitioning colleague may experience discomfort in opening up to you and others about their transition. In addition, they may find themselves needing to update their transitional status multiple times during the transition process. Your understanding and support are vital to a transitioning colleague's sense of belonging on the team, feeling they can be authentic in the workplace and being productive.

Be accountable—Speak up if you observe any form of discrimination or harassment in the workplace. For example, disregard for or continuous use of the wrong pronouns or disrespectful comments about appearance, dress or restroom use can constitute discrimination and a violation of company policy.

Make use of available resources—Lean on HR, Employee Relations, our LGBTQ+ employee resource group—PRISM—and other allies in your network if you have questions or need help processing the information.

Guidance for Employees Transitioning or Planning to Transition

The following steps may form part of a customized transition plan to fit your particular situation and needs.

Engage HR—You are encouraged to share your intent to transition with Human Resources (HR). They are a first line resource and can be a great ally throughout your transition. This can be a phone conversation or a face-to-face meeting. If you need additional help processing your concerns about your transition on-the-job, Employee Relations and Employee Benefits may also be a resource.

Invite your managers into your transition plans—Let your managers know early in your planning process. They will play a vital role in a successful workplace transition. Meet face-to-face, if possible. You may find it helpful to include an HR representative in the meeting.

Expect confidentiality—Respecting your privacy is of paramount importance. You and your manager should discuss confidentiality and create a timeline identifying who should be notified and at what stage in the planning and transition process.

Plan communications—Work with your manager and HR to develop a thoughtful transition communications plan. The plan should consider who needs to know, when they need to know, and the amount of information to be shared. This will help build allies and an inclusive, supportive environment.

- Members of your immediate team and those with whom you work most often should be informed of your plan to transition as early as you feel comfortable doing so.
- The transition communication plan should also include your extended network, clients and others with whom you work and interact
- For external-facing employees, the plan may require obtaining advice and assistance from Corporate Communications or Client Relations.
- The plan should specify who will deliver the information, how and when and the specific content of these messages.

Checklist items—Develop a solution for day-to-day issues and necessities, such as:

- Obtaining a new I.D. badge
- Name change on corporate systems, e.g., system identifiers, email address, personnel profile
- Restroom use
- Dress code
- Business cards

Enlist allies—BNY Mellon's LGBT+ employee resource group—PRISM—helps promote an open and supportive environment for all LGBT+ employees. They may be able to introduce you to transgender or transsexual colleagues who are out, offer additional guidance and serve as an expanded support network.

Support learning—The transition process poses different challenges for the people you work with, including learning new terms, ways to communicate, and how to be supportive colleagues and allies. Without negative intent, your colleagues may have questions you are not comfortable or prepared to answer, or they may not know or use the right terms and pronouns. Mistakes will be inevitable as we learn; more important than trying to be error-free in our speech is fostering open conversation that will lead to greater awareness, understanding and inclusion. Lean on HR, Employee Relations, PRISM and other allies in your network to support these conversations.

Guidance for Managers of Employees Transitioning or Planning to Transition

A transition plan is highly individualized to support a smooth transition process for transitioning employee and colleagues. It typically begins with the transitioning employee building a support team, whose members may change over time and work together to develop an appropriate transition plan. Managers should turn first to Human Resources (HR) to lead the engagement process. Under HR's guidance, the support group can take such steps as:

- Develop a stakeholders list that identifies, for example: (i) all persons who may have to become engaged at some point in the transition process, (ii) when each stakeholder needs to be engaged, and (iii) specific issues that should be addressed sooner rather than later.
- Create a timeline that identifies and documents, for example: (i) the transition milestones, (ii) dates for significant transition events, (iii) any agreements on appearance and use of gender-specific facilities; (iv) pronoun usage and name change, and (v) the program for education and engagement of stakeholders, which may require assistance from external resources such as LGBT+ professional trainers, mediators, etc. As a practical matter, it is important to be realistic about how long it will take Human Resources, Information Technology, Operations, Security, etc. to complete certain functions (e.g., make name change in HR system and company directory, install privacy screens, issue new I.D. badge, change benefits documentation, etc.). The same is true of external agencies that may be involved in re-issuing professional licenses, a driver's license, court admissions, etc.
- Brainstorm potential roadblocks and adjust the plan accordingly.
- Dress code guidelines should be modified to be gender-neutral and avoid gender stereotypes, and they should be applied consistently to all employees.
- Restroom and locker room access issues need to be handled with sensitivity to not only address the employer's obligation to provide transgender employees with the same level of restroom and locker room access available to non-transgender employees, but also to the emotional responses and privacy concerns of colleagues who will be sharing these facilities with a transgender colleague. Transgender employees should not be required to use the restroom or locker room that conforms with their biological sex. Instead, they are permitted to choose the most suitable facility; specifically, transitioning employees can use the restroom and locker room that correspond to their gender identity/expression. Under these best practices, transgender employees should not be asked to provide any medical or legal documentation of their gender identity in order to have access to gender-designated facilities. In addition, no employee should be required to use a segregated facility apart from other employees because of their gender identity/expression or transgender status. Employees generally may not be limited to using facilities that are an unreasonable distance or travel time from the employee's worksite. This is consistent with the best practice guidance issued by the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA).

In addition to overseeing the administrative practicalities of the transition plan, the manager should also model the sensitivity expected of colleagues. The decision to transition or undergo sex reassignment surgery is deeply personal. It can be anticipated that colleagues may be unsettled by the transition process and their own gender assumptions. Even employees who are whole-heartedly supportive of a colleague's decision to transition may find themselves uncomfortable as the gap widens between their own gender expectations and their colleague's changing appearance and expressions. The transitioning employee and colleagues will look to the manager to set the tone. Therefore, managers of a transgender employee should:



Learn the language—There are terms new to many of us that we need to understand in order to be the best managers, team members and colleagues we can. In addition, the transition process may require using a different set of pronouns that align with the preferred gender identity or are gender-neutral. Role model the use of pronouns with your entire team and function; correct yourself and help others use correct pronouns.

Gain perspective—Be sensitive to the challenges this process poses for your team and, in particular, your transitioning team member.

Understand the process—The gender transition process takes time. Your transitioning team member may begin living and coming to work expressing their gender identity before they undergo gender reassignment surgery. Some transgender individuals will express their gender identities and change their names without ever undergoing surgical changes. Transgender individuals have the right to express themselves as the gender with which they identify.

Maintain confidentiality—Privacy and respectful disclosure are of paramount importance in transition planning and throughout the transition process. Be sure to involve your transitioning team member in discussions and decisions about disclosures.

Enlist allies—BNY Mellon has an LGBT+ employee resource group—PRISM—that can be a valuable ally to you and your team during the transition process.

Support learning—Mistakes will be inevitable as we learn; more important than trying to be error-free in our speech is fostering open conversation that will lead to greater awareness, understanding and inclusion. Lean on HR, Employee Relations, PRISM and other allies in your network to support these conversations.

Pronouns

A “pronoun” is consciously chosen by a person to use about themselves in alignment with the person’s gender identity and/or gender expression. Pronouns allow a person to represent themselves in a way that is authentic, safe and comfortable for him/her/they, and lets others know which pronouns to use when talking about or to that person.

Using Pronouns

Know Your Own Pronoun. How do you identify yourself? Introduce yourself with your own pronouns: “Hi, my name is Marie and my pronouns are XX.”

Ask for Pronouns. When you meet someone new, don’t assume gender identity or pronouns. Try asking: “What are your pronouns?” “What pronouns do you like to hear?”

Respect Pronouns. Consistently use the pronouns someone has shared with you. Listen carefully to their preferences. Don’t assume a person’s pronoun(s) based on their appearance or your perception of them.

The most common pronouns are:

- **He/Him/His**—“That’s *his* desk. *He* co-led the client project with *him*.”
- **She/Her/Hers**—“*She* is ready to lead *her* team meeting. That briefcase is *hers*.”
- **They/Them/Their**—“*They* will be meeting the client today. The award was given to *them* in recognition of extraordinary performance. That is *their* work product.”

They/Them/Their, while used as a plural pronoun, can also be a singular pronoun as shown above. It is also considered a “gender neutral” pronoun. It is becoming good practice, and increasingly more common, to ask people their pronouns, to use gender neutral pronouns when in doubt and to advise your pronouns when introducing yourself.

Ideas. Consider adding your pronouns to your email signature and your LinkedIn profile. The HR Department may be able to help you add your pronouns to your employee profile on your company directory or internal portal.

Importance of Using Pronouns

Gender is core to one’s sense of self. To incorrectly gender a person can cause them to feel disrespected, alienated or dysphoric (or a combination of the three). Intentional and continuous disregard for a person’s pronouns or use of the wrong pronouns can constitute harassment of a transitioning colleague and make for a stressful workplace and work experience for all.

To have an inclusive and compassionate workplace, we need to respect others in all aspects of their gender identity, including use of the right pronouns. Using pronouns is a small language shift that has a huge impact—it opens up the conversation for those who may be too nervous to say their pronouns or come out about their transition, and it can help start conversations with those who don’t know or understand the significance of pronouns.

It is very important to know that visual cues—what you see on the surface—are not necessarily accurate indicators of a person’s gender or gender identity. This means visual observation will not always enable you to tell if a person is transgender, genderqueer, gender nonconforming or other.



Including your own pronouns is important, too. By intentionally introducing your own pronouns, even when most people can assume your pronouns correctly, you are being an ally to transitioning colleagues and the LGBT+ community, and helping BNY Mellon become a more inclusive workplace.

What Happens if I Make a Mistake?

Respecting and using pronouns is the responsibility of each of us. But, mistakes happen. Understanding gender, sexuality and identity is a learning process for everyone. The key to successful learning is practice.

If you forget someone's pronoun. Respectfully ask for their pronouns, "Can you remind me of your pronouns?" Asking is always better than assuming or guessing.

If you use the incorrect pronoun. Even inadvertent use of incorrect pronouns can result in a person feeling disrespected, invalidated, dismissed, alienated or dysphoric. Apologize and correct yourself right away: "I'm sorry, I meant to say X." If you do not realize your mistake immediately, apologize in private as soon as possible.

If you are corrected after using the incorrect pronoun. If you use a pronoun incorrectly and are corrected by the person whose pronoun you misused, apologize immediately. If you are corrected by someone who is familiar with the person whose pronoun you misused, apologize and, if necessary, check in privately with the person whose pronoun you misused: "I believe I misused your pronoun earlier. Can you remind me of your pronouns?"

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