The City University of New York

Office of the General Counsel & Vice Chancellor for Legal Affairs

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June 19, 2018

MEMORANDUM

To: College Presidents

From: Loretta P. Martinez
General Counsel and Vice Chancellor for Legal Affairs

Re: Student and Employee Requests for Name and/or Gender Changes

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From time to time, this office receives inquiries from campuses to respond to requests to change a student's name on official college records such as the student's transcript and diploma, as well as on non-official records such as the student's identification card, email address, and course rosters. This memorandum provides guidance on both legal and preferred name changes and supersedes this office's July 31, 2014 memo (attached).

With respect to students' names on official records, the law continues to require use of students' legal names. Official records include academic records such as diplomas and transcripts. For non-official records, however, students must be permitted to select a preferred first and middle name. This policy is required by laws protecting against gender identity discrimination, including the New York City Human Rights Law. The New York City Commission on Human Rights has issued detailed guidance that implements this local law confirming that the protection against discrimination on the basis of gender identity includes the right to use a preferred name on all records, except in very limited circumstances where legal name may be legally required on official records. Please see Exhibit A for a sample legal name change request form, which is required for name changes on official college records, and Exhibit B for a sample preferred name request form, which may be used for first and middle name changes on non-official records. No documentation is required to select a preferred name.

In addition, the law requires that students should be able to change their gender in CUNY records. There have been requests from students to change their gender in CUNYfirst, often when their gender identity does not match the gender information that they provided on their admissions application, which populates the gender field in CUNYfirst. This memorandum also provides guidance on this topic, and Exhibit C is a sample gender request form consistent with this guidance. As with preferred name, no documentation is required to change gender.

This memorandum also addresses employee requests for use of a preferred name and gender changes. As with students, the law affords employees the right to use a preferred name and gender on all records, regardless of the individual's legal name or sex assigned at birth, except in circumstances where legal name may be required on official records by law (such as payroll records or for purposes of employment eligibility verification with the federal government).

I. Student Legal Name Changes

A. Court-ordered legal name changes

CUNY's existing policy with respect to student legal name changes provides:

> RESOLVED, that where names have been changed by court order, all transcripts of records and official statements by the colleges with respect to students or graduates of the schools shall incorporate only the official name as changed by said court order, unless otherwise specifically requested in writing. (CUNY BOT Feb. 6, 1940 (cal #6)).

Such a court order may arise in a number of different contexts, including a name change proceeding, an adoption proceeding, a divorce decree, gender change, or a witness protection program. For this purpose, a marriage certificate should also be treated like a court order.

In all such cases, a student is entitled to change the student's records to reflect the new or resumed name in accordance with the court order. To obtain the change, a student must show an original or certified copy of the order. Thereafter, only the student's new name should be reflected on all transcripts, diplomas, and other records issued by the college unless the student requests in writing that the student's transcript and/or diploma include a reference to a former name (e.g., John Doe, formerly known as John Roe).

For record keeping purposes, the student's name change request and court order should be kept in the student's file, along with the date of the name change and the student's former name. The college must strictly comply with the terms of the court order. For example, a court-ordered name change made as a result of an adoption proceeding, gender reassignment, or as part of a witness protection program may require that the previous name be sealed from the public. If there is any question about the validity or scope of a court order, please contact this office.

When a student has changed a legal name in this manner and requests a new diploma reflecting the new name, the college should issue a new diploma upon surrender of the old diploma. In the event that a diploma has been lost or destroyed, a new diploma identified as a "duplicate diploma" may be issued to the student without evidence of such loss or destruction.[1]

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[1] A Board policy on the issuance of duplicate diplomas adopted on October 23, 1929 (Minutes, p. 384) is limited to lost or destroyed diplomas. It provides:

In New York, every person has the right to adopt by usage or habit any name by which the person wishes to be known so long as such name change does not perpetuate a fraud, misrepresent, or interfere with the rights of others. The College should recognize such a common-law name change on all of a student's official records upon presentation of at least one document bearing the new name. For example, John Doe may have used his first initial, J., instead of his full name, as a matter of usage or habit. If John Doe has proof of such usage on documents, which identify him as J. Doe, the College should make a legal name change. Such documents must be issued by at least one of the following entities: federal, state or tribal government, insurance company, bank, credit card company, union, employer, landlord, educational institution, or utility company. Examples of acceptable documents for a common-law name change include, among other things, a voter registration card, professional license, school identification card, school diploma, employer or union identification card, paycheck, tax form, insurance card or policy, credit card or utility bill, or bank statement or check.

B. Name changes due to typographical errors

When a student requests a name change due to a typographical or other error in University records, the student's request should be granted after verification that the name change is due to such error. Documents that may assist a college in making this determination include, for example, birth certificates, passports, social security cards, driver's licenses, or other documents issued by federal, state or local government agencies.

II. Student Preferred Names

CUNY recognizes the importance that a change of name might have to students during their time with the University. A preferred name is not a legal name, but is generally used to address how others refers to the student in accordance with the student's wishes. For example, student Jonathan Doe may prefer the name John or student Mary Jane Doe may want to be referred to as Mary Jane or Jane, rather than Mary. Note that preferred names are not limited to variations of a student's legal name; for example, student Jennifer may request the preferred name David to be consistent with the student's gender identity if Jennifer has not obtained a court-ordered legal name change. Preferred names under this policy are limited to first and middle names; students may not select a preferred last name. In other words, a student's preferred name will reflect the same last name as the student's legal name.

Currently, students are able to use CUNYfirst self-service to select a preferred first and middle name. Alternatively, they may submit a form to their college's Registrar's office.

That in cases where diplomas are lost or destroyed the deans of the several faculties having pedagogical supervision over the courses leading to such diplomas shall be empowered to conduct inquiries and take testimony; and, upon reaching the conclusion that such diplomas were unavoidably lost or destroyed and that applications for duplicates are made in good faith, may in their discretion, subject to the approval of the Board, have prepared, signed and issued such duplicate diplomas which shall be clearly marked "duplicate."

Colleges may use a preferred name on all documents and records other than official documents, such as diplomas and transcripts. Documents and records that may display a preferred name include, among other things, course rosters, student identification cards, student email addresses, and honors, awards, and prizes issued by the University. Upon request by the student, colleges must replace student identification cards to reflect a preferred name without cost to the student.

III. Student Requests for Gender Change

Students should be free to change their gender on all prior, present, and future college records at their discretion. In general, a student's gender is collected for statistical purposes. No documentation is required to change gender in the CUNYfirst system. Students should complete the form attached to this memo and submit it to their college Registrar's office; self-service for updating gender information is not available in CUNYfirst. Due to a recent update in CUNYfirst, there are new gender options available. The updated gender options in CUNYfirst are male, female, transgender, gender nonconforming, non-binary, a gender not listed, and not specified. Students may select the "a gender not listed" category when they believe that their gender identity is not one of the choices listed; they may select "not specified" should be used when they wish to remove the gender notation altogether.

As a cautionary note, however, gender changes may create data mismatches if students have applied for federal financial aid using a different gender. Therefore, CUNY students who change their gender in CUNYfirst should be advised to contact their college's financial aid office to inform them of the change. Further, students requesting a gender change may wish to contact the Social Security Administration to prevent any problems with data mismatches between that agency's records and the information on file with the United States Department of Education ("DOE"), which administers federal financial aid programs. https://faq.ssa.gov/link/portal/34011/34019/Article/2856/How-do-I-change-my-gender-on-Social-Security-s-records.[2] While CUNY does not require documentation of gender identity, there may be documentation requirements at these agencies.

IV. Employee Requests for Preferred Name or Gender Change

Employees who wish to select a preferred name for internal CUNY purposes (in situations in which their legal name is not required)[3] or to change their gender in CUNYfirst should contact their college's Department of Human Resources. Self-service to make these changes is not currently available in CUNYfirst. Computer updates have not yet been made to allow the importing of preferred name in CUNYfirst to flow to unofficial documents. However,

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[2] The DOE also compares data with the Selective Service Administration ("SSA"); if a student's sex assigned at birth was male, the student is required to register with the SSA in order to apply for federal financial aid. http://www.finaid.org/students/selectiveservice.phtml. A student assigned male at birth is required to register with SSA if her gender identity is female; conversely, a student assigned female at birth with a male gender identity is not required to register with SSA.

[3] Legal name changes for employees are governed by the same rules as changes for students.

employees may request use of a preferred name in college directories, course catalogues, and other internal documents.

In addition, because gender is a shared field for students and employees in CUNYfirst, a change in gender for students who are also employees will automatically change their gender in their employee record. As with students, the options for employee gender include male, female, transgender, gender noncomforming, non-binary, a gender not listed, and not specified.

Please ensure that this policy, including the new guidelines on preferred names and gender changes, is implemented at your campus. If you have any questions about the topics discussed in this memorandum, please contact Hilary Klein in the Office of General Counsel at Hilary.Klein@cuny.edu or 646-664-9216.

c: Interim Chancellor Rabinowitz
Chancellery
Registrars
Human Resources Directors
Admissions Directors
Financial Aid Directors
Chief Academic Officers
Chief Student Affairs Officers
Public Safety Directors
Legal Affairs Designees
Chief Diversity Officers
Title IX Coordinators
Women's Center Directors

COLLEGE NAME
City University of New York

Phone:
Fax:

PERSONAL DATA CHANGE REQUEST FORM

(Address, Telephone No., Name, Social Security No. Changes)

Please check all that apply:
I am a ☐ Current Student ☐ Prior Student ☐ Alumni ☐ Employee

IMPORTANT: Please print clearly. For Address Changes, Name Change and/or Social Security Number changes, you must complete all information requested. Submit this form along with supporting documentation to the address above.

REQUIRED INFORMATION: *All information must be noted as it appears on the records of the College.*

Today's Date: ____/____/____

CUNYfirst ID Number: _____ or Social Security Number: _____-_____-_____

Last Name: _____ First Name: _____ Middle Initial: ___

Signature: _____

ADDRESS AND/OR TELEPHONE NO. CHANGE

Please Circle all that Apply*: Home / Mailing / Billing / Permanent

_____ House Number/Street

(_____) _____ Area Code Telephone Number

_____ City _____ State _____ Zip Code _____ County

*** Further instructions**
If this change of address is from another state to New York State a student must submit official proof of their change of residence. To qualify for in-state tuition a student must also submit a completed residency request form with the appropriate documentation. If this change of address is from NY State to another state your tuition charges will be updated to reflect your out-of-state status. If you are a foreign student, on a visa, your permanent residence must remain your home country. The student must also notify the College International Student Coordinator located on campus concerning any changes.

NAME CHANGE/ CORRECTION

CUNY requires LEGAL documentation for any change in name.

Please attach two (2) types of appropriate documentation; <u>one</u> type of documentation must be either a marriage certificate, passport, birth certificate, social security card, divorce decree or a court order, the <u>second</u> must be a Photo ID. Employees must notify Social Security of any legal name change.

_____ Complete **<u>New</u>** Name: (Last) _____ (First) _____ (Middle Initial)

_____ Complete **<u>Former</u>** Name: (Last) _____ (First) _____ (Middle Initial)

SOCIAL SECURITY NUMBER CHANGE

Please attach a copy of your Social Security card and a Photo I.D.

Enter new Social Security Number: _____-_____-_____

CUNY THE GREATEST URBAN UNIVERSITY IN THE WORLD

Preferred Name Request Form

Current Legal Name
(Please Print): _____

Graduation Year (Expected): _____

CUNYfirst ID: _____

I request that the following name be recorded as my Preferred Name in the Student System:
PreferredName*:

_____
First Middle

***Please note that only first and/or middle names may be requested. Please select names that you would be comfortable using in the classroom and other CUNY settings.**

While CUNY recognizes the importance that a change of name might have to students during their time with the University, a preferred name is not a legal name, but is generally used to change how others refer to you. For this purpose, students may identify a preferred name to be recorded in the student system. No documentation is required to have a preferred name recorded. Documents and records that may display a preferred name include, among other things, course rosters, student identification cards, student email addresses, and other documents issued by the University. A preferred name will not be reflected on, among other things, a student's official academic record, diploma, or transcript. To change the name that is displayed/reflected on official academic record, diploma, or transcript students must follow the instructions on the Personal Data Change Request Form available in the Registrar's Office. Official and legal name changes require specific documentation outlined on that form.

Please initial here _____to indicate you have read and understand the paragraph above.

_____
Signature *Date*

The City University of New York

Gender Change Request Form

Current Legal Name: _____

Last First Middle

Preferred Name (If applicable) (Please submit the preferred name request form or use self-service to reflect a preferred name in CUNYfirst. The preferred name is for internal CUNY purposes only, and may only reflect a change in first and/or middle name) (Please print)

_____

First Middle

Graduation Year (Expected): _____

CUNYfirst ID: _____

No documentation is required to change your gender in CUNYfirst.
Please be aware, however, that changing your gender in CUNYfirst may cause a mismatch if you are a recipient of federal financial aid. You are advised to contact your college's financial aid office to alert the office of the gender change. In addition, you are advised to contact the Social Security Administration, to prevent any problems with data mismatches between that agency's records and the information on file with the federal Department of Education, which administers federal student aid programs.

- ☐ Male
- ☐ Female
- ☐ Transgender
- ☐ Gender Nonconforming
- ☐ Non-Binary
- ☐ A gender not listed
- ☐ Not specified (removing gender information)

I understand that this gender change is for internal CUNY purposes, and that CUNY is not responsible for notifying any other agencies of this change. I further understand that any inconsistencies between CUNY's record of my gender and the databases kept by other agencies may result in difficulties related to the processing and receipt of benefits caused by data mismatches. Finally, I understand that those agencies may require documentation to change gender in their records.

_____

Signature Date

The City University of New York

General Counsel & Senior Vice Chancellor for Legal Affairs

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New York, NY 10017
General Tel: 646-664-9200
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Fax: 646-664-2964
frederick.schaffer@cuny.edu

July 31, 2014

MEMORANDUM

To: College Presidents

From: Frederick P. Schaffer
General Counsel & Senior Vice Chancellor for Legal Affairs

Re: Name Changes

From time to time, this office receives inquiries from campuses to respond to requests to change a student's name on official college records such as the student's transcript and diploma, as well as on non-official records such as the student's identification card, email address, and course rosters. This memorandum provides guidance on this topic and supersedes this office's May 19, 2004 memo. Please see Exhibit A and B for sample name change request forms based on this guidance.

Court-ordered name changes

The existing policy with respect to student name changes provides:

> RESOLVED, that where names have been changed by court order, all transcripts of records and official statements by the colleges with respect to students or graduates of the schools shall incorporate only the official name as changed by said court order, unless otherwise specifically requested in writing. (CUNY BOT Feb 6, 1940 (cal #6)).

Such a court order may arise in a number of different contexts, including a name change proceeding, an adoption proceeding, a divorce decree, gender reassignment,[1] or a witness protection program. For this purpose, a marriage certificate should also be treated like a court order.

In all such cases, a student is entitled to change his or her records to reflect the new or resumed name in accordance with the court order. To obtain the change, a student must show an original or certified copy of the order. Thereafter, only his or her new name should be reflected on all transcripts, diplomas, and other records issued by the college unless the student requests in writing that his or her transcript and/or diploma include a reference to his or her former name (e.g., John Doe, formerly known as John Roe).

For record keeping purposes, the student's name change request and court order should be kept in the student's file, along with the date of the name change and the student's former name. The college must strictly comply with the terms of the court order. For example, a court-ordered name change made as a result of an adoption proceeding, gender reassignment, or as part of a witness protection program may require that the previous name be sealed from the public. If there is any question about the validity or scope of a court order, please contact this office.

When a student has changed his or her name in this manner and requests a new diploma reflecting the new name, the college should issue a new diploma upon surrender of the old diploma. In the event that a diploma has been lost or destroyed, a new diploma identified as a "duplicate diploma" may be issued to the student without evidence of such loss or destruction.[ii]

A sample legal name request form is annexed to this memorandum.

Preferred name

CUNY recognizes the importance that a change of name might have to students during their time with the University. A preferred name is not a legal name, but is generally used to change how others refer to the student. For example, student Jonathan Doe may prefer the name John or student Mary Jane Doe may want to be referred to as Mary Jane or Jane, rather than Mary. Note that preferred names are not limited to variations of a student's legal name; for example, student Jennifer may request the preferred name David due to a change in gender identity and be unable to present the documents necessary to secure a court-ordered name change.

Colleges may use a preferred name on all documents and records other than official documents, such as diplomas and transcripts. Documents and records that may display a preferred name include, among other things, course rosters, student identification cards, student email addresses, and honors, awards, and prizes issued by the University.

A sample preferred name request form is annexed to this memorandum.

Changes due to typographical errors

When a student requests a name change due to a typographical or other error in University records, the student's request should be granted after verification that the name change is due to such error. Documents that may assist a college in making this determination include, for example, birth certificates, passports, social security cards, driver's licenses, or other documents issued by federal, state or local government agencies.

Please ensure that this policy, including the new guidelines on preferred names, is implemented at your campus. If you have any questions about the topics discussed in this memorandum, please contact Hilary Klein in the Office of General Counsel at Hilary.Klein@cuny.edu or 646-664-9216.

c: Registrars
Chief Student Affairs Officers
Chief Academic Officers
Chief Diversity Officers
Legal Affairs Designees

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[i] Students should be free to change their gender on all prior, present, and future college records at their discretion. A student's gender is not included on any official documents and is generally collected for statistical purposes only.

[ii] A Board policy on the issuance of duplicate diplomas adopted on October 23, 1929 (Minutes, p. 384) is limited to lost or destroyed diplomas. It provides:

> That in cases where diplomas are lost or destroyed the deans of the several faculties having pedagogical supervision over the courses leading to such diplomas shall be empowered to conduct inquiries and take testimony; and, upon reaching the conclusion that such diplomas were unavoidably lost or destroyed and that applications for duplicates are made in good faith, may in their discretion, subject to the approval of the Board, have prepared, signed and issued such duplicate diplomas which shall be clearly marked "duplicate."

COLLEGE NAME
City University of New York

Phone:
Fax:

PERSONAL DATA CHANGE REQUEST FORM

(Address, Telephone No., Name, Social Security No. Changes)

Please check all that apply:
I am a ☐ Current Student ☐ Prior Student ☐ Alumni ☐ Employee

IMPORTANT: Please print clearly. For Address Changes, Name Change and/or Social Security Number changes, you must complete all information requested. Submit this form along with supporting documentation to the address above.

REQUIRED INFORMATION: *All information must be noted as it appears on the records of the College.*

Today's Date: ____/____/____

CUNYfirst ID Number: _____ or Social Security Number: _____-_____-_____

Last Name:_____ First Name: _____ Middle Initial:___

Signature: _____

ADDRESS AND/OR TELEPHONE NO. CHANGE

Please Circle all that Apply*: Home / Mailing / Billing / Permanent

_____ House Number/Street

(_____) _____ Area Code Telephone Number

_____ City _____ State _____ Zip Code _____ County

*** Further instructions**

If this change of address is from another state to New York State a student must submit official proof of their change of residence. To qualify for in-state tuition a student must also submit a completed residency request form with the appropriate documentation. If this change of address is from NY State to another state your tuition charges will be updated to reflect your out-of-state status. If you are a foreign student, on a visa, your permanent residence must remain your home country. The student must also notify the College International Student Coordinator located on campus concerning any changes.

NAME CHANGE/ CORRECTION

CUNY requires LEGAL documentation for any change in name.

Please attach two (2) types of appropriate documentation; one type of documentation must be either a marriage certificate, passport, birth certificate, social security card, divorce decree or a court order, the second must be a Photo ID. Employees must notify Social Security of any legal name change.

_____ Complete **New** Name: (Last) _____ (First) _____ (Middle Initial)

_____ Complete **Former** Name: (Last) _____ (First) _____ (Middle Initial)

SOCIAL SECURITY NUMBER CHANGE

Please attach a copy of your Social Security card and a Photo I.D.

Enter new Social Security Number: _____-_____-_____

Preferred NAME REQUEST FORM

CURRENT LEGAL NAME (Please Print):

_____ _____ ____
Last **First** **M.I.**

GRADUATION YEAR (Expected): _____

CUNY*first* ID: __ __ __ __ __ __ __ __

I request that the following name be recorded as my Preferred Name in the Student System:

PreferredName*:

_____ _____ ____
Last **First** **M.I.**

*Please initial here _____ to indicate you have read and understand the following:

While CUNY recognizes the importance that a change of name might have to students during their time with the University a preferred name is not a legal name, but is generally used to change how others refer to you. For this purpose, students may identify a preferred name to be recorded in the student system. Documents and records that may display a preferred name include, among other things, course rosters, student identification cards, student email addresses, and other documents issued by the University. A preferred name will not be reflected on, among other things, a student's official academic record, diploma, or transcript. To change the name that is displayed/reflected on official academic record, diploma, or transcript students must follow the instructions on the Name Change Request form available in the Registrar's Office. Official and legal name changes require specific documentation outlined on that form.

DATE: _____/_____/_____ **SIGNATURE:** _____
Mo. Day Year