


MEMORANDUM

To: Campus Counsels

From: Derek Davis 
General Counsel and Senior Vice Chancellor for Legal Affairs

Date: September 15, 2022

Subject: Expansion of the New York State Gender Recognition Act

Beginning January 1, 2023, The City University of New York (“CUNY”) must provide an option for members of the public to mark “X” when identifying their gender during any interaction with CUNY. This is the result of a recent expansion of the New York State Gender Recognition Act (“GRA”), which was accomplished through Article VII legislation attached to the FY 2023 New York State Executive Budget. See FY 2023 New York State Executive Budget, Transportation, Economic Development and Environmental Conservation Article VII Legislation Summary, Part R, p. 79.¹

The original GRA² was enacted in June 2021 and among other mandates aimed at expanding protections for transgender and non-binary New Yorkers, required the Department of Motor Vehicles to offer New Yorkers the option of selecting an “X” gender marker on their state driver’s license.³ The 2022 legislation goes much further and amends the New York State Civil Rights Law by adding a new section, Section 79-q. The Civil Rights Law will now require “All New York state agencies that collect demographic information about a person’s gender or sex shall make available to the person at the point of data collection an option to mark their gender or sex as “x”. To accomplish this requirement, the law requires agencies to “update any applicable forms or data systems by January 1, 2023...”

¹ Available at <https://www.budget.ny.gov/pubs/archive/fy23/ex/artvii/ted-bill.pdf>.

² S.4402-B/A.5465-D. The bill text is available at <https://legislation.nysenate.gov/pdf/bills/2021/S4402B> and <https://legislation.nysenate.gov/pdf/bills/2021/A5465D>.

³ This provision of the GRA amended the Vehicle and Traffic Law Section 502(1).

The expanded scope of this GRA legislation requires CUNY to review and update public-facing forms and internal data systems as soon as possible. The legislation impacts CUNY's interactions with many constituencies, including our students, employees and the public at large. CUNY's Chief Operating Officer Hector Batista, has assembled a workgroup to coordinate CUNY's compliance with the new legislation at Central Office. The workgroup will also provide guidance to campuses to help guide their compliance by the January 1, 2023 deadline.

For additional information regarding the GRA and its implementation, please refer to the attached guidance document distributed by The Governor's Office pertaining to the implementation of the GRA expansion.

Encl.: Implementation of Gender Recognition Act Expansion