

Proceedings

FROM

The Second International Conference on Transgender Law and Employment Policy

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**Phyllis Randolph Frye, Attorney
Executive Director, ICTLEP, Inc.
5707 Firenza Street
Houston, Texas, 77035-5515 USA
Answering machine: (713) 723-8368
FAX: (713) 723-1800
(all calls returned collect)**

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Note: The Third International Conference on Transgender Law and Employment Policy will be 17-21 August, 1994 in Houston, Texas USA

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ABOUT THE COPYRIGHT

(Opening remarks, Thursday Luncheon, 26 August, 1993)

By Phyllis Frye:

Before we begin with the speakers, I want to present some words "on the record" about copyright. The written, audio, and video proceedings from this and from the first conference are copyrighted.

Making copies of all or part of both of the written proceedings is a violation of law with the following exceptions made only to non-profit CD and TS organizations. Non-profit CD and TS organizations can use, from the written proceedings, a mealtime presentation or a law project report, either in part or in total, in any of their organizational monthly newsletters. I.F.G.E. "Tapestry" may do up to two per issue. These reprints are free. They can be used, but they must include information about ordering the written, audio and video proceedings from ICTLEP, Inc.

This copyright exception does not extend to the "Employer's Manual" that was in the first PROCEEDINGS nor does it extend to the "Co-worker's Manual" or to the "Gender Change Employability Issues" report that will be in the 2ND PROCEEDINGS.

There is absolutely no waiver of copyright for the audio or video formats.

Now, I need to state why we have this policy. Both the "Employer's Manual" in the first PROCEEDINGS and the "Co-worker's Manual" and the "Gender Change Employability Issues" report that will be in the upcoming proceedings, were loaned to us: they were given to us on a single copyright basis. So, we cannot extend to you what we do not possess.

As to the non-profit CD and TS organizations and I.F.G.E., we of the transgender law conference want to be your resource. So, please put our reports into your newsletters. Just give us credit and tell people how to order the full copies of either proceedings.

As to the ban on copies from the rest of the written and from the entire audio and video, it's purely economics. Therefore, I wish to plea to your sense of honor. ICTLEP is struggling to provide you, the transgender community, and you, the legal community, with the very best in the area of law and employment policy. It is an economic hardship on both myself and on my board of directors. We pay for much of this out of our own pockets and we still pay for our own traveling and lodging as we go about trying to put these functions together. The only sources of income for ICTLEP are three:

- 1) Occasionally, we get good-hearted donations and small grants. So, anyone who is reading or listening to these proceedings and you want to send us a five-hundred-dollar check, we would appreciate it.
- 2) We also sell registrations and meals for this conference. That's a source of income.
- 3) And we have the sale of our written, audio and video proceedings. Those are on sale now for those of you who did not do the full registration. We will take orders for the 2ND PROCEEDINGS, either audio, video or written, which should be out within the next six weeks. And we do have for sale the first PROCEEDINGS and we can order and we'll probably order more of those. Those can be ordered through registration.

But every time you who are listening to this over audio, watching this over video or reading this, if you make a bandit copy, you're robbing your community of income that it takes to make ICTLEP a vital source in freeing you through education and transgender law and employment issues.



Hilton Southwest marquee, Houston, Texas, U.S.A.
August 26 - 29, 1993

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MINIMUM CONTINUING LEGAL EDUCATION

STATE BAR OF TEXAS



Minimum Continuing Legal Education

P.O. BOX 13007 / CAPITOL STATION / AUSTIN, TEXAS 78711 / (512) 463-1382



4/13/93

ATTN: Phyllis Randolph Frye
International Conference on Transgender Law and Employment
5707 Firenza Street
Houston, TX 77035-5515

COURSE TITLE: International Conference on Transgender Law and Employment
Policy
COURSE DATE(S): 8/26/93 TO 8/29/93 COURSE LOCATION: Houston, TX
COURSE NO.: 297500001 SPONSOR NO.: 2975 EXP. ATTEND.:

NOTIFICATION OF ACCREDITATION OF CLE ACTIVITY

The above referenced CLE activity that your organization submitted for accreditation in Texas has been reviewed and ACCREDITED as follows:

	PARTICIPATORY HOURS	ETHICS HOURS
MCLE and State Bar College	12.00	1.00

The application shows Option B as the method for calculating the MCLE Accreditation fee. Under this option, the fee is calculated at the rate of \$5 per Texas attorney attending the course with a minimum, non-refundable fee of \$25.00. As of this date, our records show the following payment information toward this fee:

AMOUNT PAID	TOTAL FEE	BALANCE DUE
\$120.00	To Be Determined	To Be Determined

After the course is completed, calculate the remaining fee due (if any) by multiplying the actual number of Texas attorneys in attendance times \$5 and subtracting the amount already paid. If a balance is due, enclose a check for the remaining fee with the completed Course Attendance forms.

Enclosed are the Course Attendance forms that are to be distributed to each Texas attorney attending this course. The signed and completed forms should be returned to the MCLE Department of the State Bar immediately after the course is completed.



Phyllis Randolph Frye (above) holding official plaque - to hang on the lecturn - hand-crafted by Sydney Clark (right)



INTERNATIONAL CONFERENCE ON TRANSGENDER LAW AND EMPLOYMENT POLICY, INC.

5707 Firenza Street
Houston, Texas 77035-5515, USA
Area Code 713 / 723-8368
FAX 723-1800

Executive Director, Phyllis Randolph Frye, Atty
Employment Law Director, Laura Elizabeth Skaer, Atty
Health Law Director, Martine Aliana Rothblatt, Atty
International Bill of Gender Rights Project and
Military Law Director, Sharon Ann Stuart, Atty
Secretary Director, Jackie Thome, C.P.A.
Imprisonment Law Moderator, Raymond Wayne Hill, 107 S.Ct. 2502

I.C.T.L.E.P.

October 22, 1993

Policy for the Imprisoned, Transgendered

Adopted at the 2nd International Conference on Transgender Law and Employment Policy, 28 August, 1993.

NOTE: Although this is copyrighted, ICTLEP invites all empathetic persons to photocopy and broadly distribute, either in-person or anonymously, to jailers and sheriffs, and prison officials in every locale.

1. Segregation in the interest of an inmate's safety and dignity shall not deprive any inmate from the rights, privileges and facilities afforded to other general population inmates.
2. Access to counseling shall be afforded all transgendered inmates and shall include peer support group participation by those from inside the institution and those from the outside where possible. Counselling professionals should be qualified with respect to the current standard in gender science.
3. Transgendered inmates shall be allowed to initiate or to continue hormone therapy, electrolysis and other transgendered treatment modalities as prescribed by the involved professionals.
4. The transgendered inmate shall have access to clothing, personal items and cosmetics that are appropriate to the gender presentation of that inmate and appropriate within the institutional setting.
5. Special care shall be taken not to make a spectacle of transgendered inmates to the amusement of others, or to deny or to deprive transgendered inmates of their dignity.
6. A process shall be established to afford the hearing of grievances to the above policy items and appropriate resolution shall be made.

The 3rd International Conference on Transgender Law and Employment Policy is in Houston, Texas, 17-21 August, 1994. The entire Criminal Law Report and the entire Imprisonment Law Report are in Proceedings from the first and second conferences, respectively. Each copy of the written Proceedings is \$65, obtained from the letterhead address.

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I.C.T.L.E.P.

Health Law Standards of Care for Transsexualism

Health Law Standards of Care for Transsexualism First Adopted at the 2nd International Conference on Transgender Law and Employment Policy, August, 1993 in Houston, Texas, U.S.A. The International Conference on Transgender Law and Employment Policy Shall Use Its Best Efforts to Disseminate these Health Law Standards of Care to All Persons Involved in the Medical Treatment of Transsexualism. This Document, Though Copyrighted, May Be Reproduced and Freely Distributed By Anyone Supporting the Principles and Standards Contained Herein.

Principle 1. Transsexualism is an ancient and persistent part of human experience and is not in itself a medical illness or mental disorder. Transsexualism is a desire to change the expression of one's gender identity.

Principle 2. Persons have the right to express their gender identity through changes to their physical appearance, including the use of hormones and reconstructive surgery.

Principle 3. Persons denied the ability to exercise control over their own bodies in terms of gender expression, through informed access to medical services, may experience significant distress and suffer a diminished capacity to function socially, economically and sexually.

Principle 4. Providers of health care (including surgical) services to transsexuals have a right to charge reasonable fees for their services, to be paid in advance, and to require a waiver of all tort liability except negligence.

Principle 5. It is unethical to discriminate in the provision of sex reassignment services based on the sexual orientation, marital status, or physical appearance of a patient.

Standard 1. Physicians participating in transsexual health care shall provide hormonal sex reassignment therapy to patients requesting a change in their sexual appearance subject only to (1) the physician's reasonable belief that the therapy will not aggravate a patient's health conditions, (2) the patient's compliance with periodic blood chemistry checks to ensure a continued healthy condition, and (3) the patient's signature of an informed consent and waiver of liability form. If the patient is married, the physician may not require divorce but may also require the spouse to sign a waiver of liability form.

Standard 2. Physicians providing hormonal sex reassignment therapy shall collect and publish on an annual basis the number of hormone prescriptions they have issued and the number and general nature of any complications and complaints involved. The publication requirement of this Standard shall be satisfied by providing the collected statistics in writing, together with other current information on the potential risks and complications of sex hormone therapy, to all prospective patients inquiring into the physician's hormone therapy services.

Standard 3. Surgeons participating in transsexual health care shall provide sex reassignment surgery to patients requesting a change in their sexual appearance subject only to (1) the surgeon's reasonable belief that the surgery will not aggravate pre-existing health conditions, (2) the surgeon's reasonable determination that the patient has been under hormonal sex reassignment therapy for at least one year, and (3) the patient's signature of an informed consent and waiver of liability form. If the patient is married, the surgeon may not require divorce but may also require the spouse to sign a waiver of liability form.

Standard 4. Surgeons providing sex reassignment surgery shall collect and publish on an annual basis the number of sex reassignment surgeries they performed and the number and general nature of any complications and complaints involved. The publication requirement of this Standard shall be satisfied by providing the collected statistics in writing, together with other current information on the potential risks and complications of sex reassignment surgery, to all prospective patients inquiring into the surgeon's sex reassignment services.

Standard 5. Physicians and surgeons shall not divulge the nature or identity of any patient requesting or receiving sex reassignment services except as explicitly directed in a notarized written request by the patient.

These Standards of Care were developed and adopted by consensus over a two-year period by the Health Law Project of the International Conference on Transgender Law and Employment Policy, Inc., and will be revised, as necessary, at subsequent conferences. The Health Law Project's membership includes professionals in the fields of law, health care policy and gender science—most of whom are transgendered themselves. We suggest you distribute these freely and widely. The Health Law Standards of Care were developed in the wake of widespread dissatisfaction by many in the transgendered community with the Harry Benjamin Standards of Care. Also relevant is the pending de-listing of transsexualism per se as a mental disorder from the DSM-IV. Many, if not most, of the patients doctors see for gender medical services (hormones; surgery) do not require any psychological services.

FORM 1: Informed Consent and Waiver of Liability

I, _____, having been fully informed in writing of the potential risks and complications of hormonal or surgical sex reassignment, do hereby choose of my own free will and consent to undertake this treatment because I want to alter my physical appearance to more closely reflect my gender identity.

I hereby release Dr. _____ of any and all liability for my decision to undertake a change of my sexual appearance and, for long-term use of hormones or for sex reassignment surgery, to affect on a permanent, irreversible basis my current sexual functioning, I promise not to sue Dr. _____ for any of the consequences of my hormonal sex reassignment or surgical sex reassignment unless those consequences are the result of negligence in the conduct of my hormone therapy or in the carrying out of my surgery.

Dated at _____, this _____ day of _____, _____.

Patient signature: _____

Witness: _____

FORM 2: Spousal Informed Consent and Waiver of Liability

I, _____, am presently married to _____ (Patient). I understand that Patient wishes to alter his/her physical appearance to more clearly reflect his/her gender identity, and has been trying to do so for at least _____ year(s). I have been actively involved in and fully support Patient's sex change process.

I have been fully informed of the nature of transsexualism and sex reassignment surgery or hormonal therapy. I fully understand that the surgery or hormone therapy which Patient will undergo will transform Patient into the opposite sex. I fully understand that the surgery and effects of long-term use of hormones is not reversible, and that Patient will never be able to sire or bear children after the surgery or long-term hormonal therapy. I also understand that the sex reassignment process involves dangers and risks including, but not limited to, post-operative infection, depression, emotional changes and other physical and psychological changes. It is with my full knowledge and consent that my spouse, the Patient, undergo sex reassignment surgery or hormonal therapy to cause a change of his/her sex to occur.

I hereby release and hold harmless Dr. _____ from any and all claims arising out of performance of sex reassignment surgery or hormonal therapy, actual negligence excepted. I fully understand that I will not be able to seek monetary damages for any loss of sexual companionship between Patient and myself, the loss of Patient's ability to sire or bear children or any similar problems which may arise from the performance of the sex reassignment surgery or hormonal therapy.

Dated at _____, this _____ day of _____, _____.

Spouse signature: _____

Witness: _____

Notary: _____

PROPOSED LEGAL DEFINITIONS

Faced with the wide array of definitions of sex, gender and transsexualism, ICTLEP offer some standard definitions from the standpoint of utility under health law.

Sex: A person's *identity* along a continuum of role types with "male" and "female" at the polar extremes.

Role Type: A set of beliefs, behaviors and appearances.

Male: A role type which a particular culture associates with individuals anatomically structured for contributing reproductive cells to another person.

Female: A role type which a particular culture associates with individuals anatomically structured for receiving reproductive cells from another person.

Gender: The *characteristics* of a continuum of role types ranging from male to female, with such characteristics including behaviors and sexual anatomy, and being labelled a "masculine" and "feminine" at the polar extremes.

Transsexualism = Transgenderism: The condition of wanting to change one's gender to better match one's sex.

These revised legal definitions recognize the emerging scientific reality that sex is in the brain, and not the body. Transsexuals do not really change their sex- they are born with that. Instead, transsexuals aim to change the erroneous sexual labels that were assigned to them at birth. The only way to change those labels is to change the basis upon which those labels were applied, namely, the outward expressions of sex. This means that to change a sexual label, one must change their gender- from behavior to anatomy- since gender is the outward expression of one's sexual identity. Hence, transsexualism is really a misnomer and transgenderism is a more scientifically accurate term.

For more information or to provide comments on these Standards of Care, please write to:

Martine Aliana Rothblatt, Esq., Director Health Law Project, ICTLEP, Inc., 1718 Rhode Island Ave., NW #333, Washington, DC 20036 FAX: (301) 495-8987

For a full transcript of the 2nd International Conference on Transgender Law and Employment Policy which led to the adoption of the new Standards of Care, please send \$65.00 and specify whether you want text, audio, or (\$95.00) VHS video to the letterhead address. Please add \$10.00 for non-USA mailing. To participate in any iteration of the Standards you are invited to attend the 3rd International Conference on Transgender Law and Employment Policy, 17-21 August, 1994 at the Southwest Hilton Hotel in Houston, Texas. Registration materials for this Conference may also be obtained from the letterhead address.

INTERNATIONAL CONFERENCE ON
TRANSGENDER LAW AND EMPLOYMENT POLICY, INC.

THE INTERNATIONAL BILL OF GENDER RIGHTS

(As adopted by ICTLEP, August 28, 1993, Houston, Texas, U.S.A.)

This restatement of "The International Bill of Gender Rights" was drafted in committee and adopted by The International Conference on Transgender Law and Employment Policy, Inc. (ICTLEP) at that organization's second annual meeting, held in Houston, Texas, August 26-29, 1993.

Please note that this document is subject to review and revision at each annual meeting of ICTLEP. This document, though copyrighted, may be reproduced by any means and freely distributed by anyone supporting the principles and statements contained herein.

THE INDIVIDUAL'S RIGHT TO DEFINE GENDER IDENTITY:

All human beings carry within themselves an ever-unfolding idea of who they are and what they are capable of achieving. The individual's sense of self is not determined by chromosomal sex, genitalia, assigned birth sex or initial gender role. Thus, the individual's identity and capabilities cannot be circumscribed by what society deems to be masculine or feminine behavior. It is fundamental that individuals have the right to define, and to redefine as their lives unfold, their own gender identity, without regard to chromosomal sex, genitalia, assigned birth sex or initial gender role.

Therefore, each individual shall have the right to define their own gender identity, regardless of chromosomal sex, genitalia, assigned birth sex or initial gender role; and further, no individual shall be denied Human or Civil Rights on the basis that their self-defined gender identity is not in accord with chromosomal sex, genitalia, assigned birth sex or initial gender role.

THE RIGHT TO FREE EXPRESSION OF GENDER IDENTITY:

Given the right to define one's own gender identity, all human beings have the corresponding right to free expression of their self-defined gender identity.

Therefore, all human beings have the right to free expression of their self-defined gender identity; and further, no individual shall be denied Human or Civil Rights by virtue of the expression of a self-defined gender identity.

THE RIGHT TO CONTROL AND CHANGE ONE'S OWN BODY:

All human beings have the right to control their bodies, which includes the right to change their bodies cosmetically, chemically or surgically, so as to express a self-defined gender identity.

Therefore, individuals shall not be denied the right to change their body as a means of expressing a self-defined gender identity; and further, individuals shall not be denied Human or Civil Rights on the basis that they have changed their bodies cosmetically, chemically or surgically, or desire to do so as a means of expressing a self-defined gender identity.

THE RIGHT TO COMPETENT MEDICAL AND PROFESSIONAL CARE:

Given the individual's right to define their own gender identity, and the right to change one's own body as a means of expressing a self-defined gender identity, no individual should be denied access to competent medical or other professional care on the basis of the individual's chromosomal sex, genitalia, assigned birth sex or initial gender role.

Therefore, individuals shall not be denied the right to competent medical or other professional care, when changing their body cosmetically, chemically or surgically, on the basis of chromosomal sex, genitalia, assigned birth sex or initial gender role.

THE RIGHT TO FREEDOM FROM PSYCHIATRIC DIAGNOSIS OR TREATMENT:

Given the right to define one's own gender identity, individuals should not be subject to psychiatric diagnosis or treatment solely on the basis of their gender identity or role.

Therefore, individuals shall not be subject to psychiatric diagnosis or treatment as mentally disordered or diseased, solely on the basis of their expression of a self-defined gender identity.

THE RIGHT TO SEXUAL EXPRESSION:

Given the right to a self-defined gender identity, every consenting adult has a corresponding right to free sexual expression.

Therefore, no individual's Human or Civil Rights shall be denied on the basis of sexual orientation; and further, no individual shall be denied Human or Civil Rights for expression of a self-defined gender identity through sexual acts between consenting adults.

THE RIGHT TO FORM COMMITTED, LOVING RELATIONSHIPS AND ENTER INTO MARITAL CONTRACTS:

Given that all human beings have the right to free expression of a self-defined gender identity, and the right to sexual expression as a form of gender expression, all human beings have a corresponding right to form committed, loving relationships with one another, and to enter into marital contracts, regardless of their own or their partner's chromosomal sex, genitalia, assigned birth sex or initial gender role.

Therefore, individuals shall not be denied the right to form a committed, loving relationship with another, and to enter into marital contracts, regardless of their own or their partner's chromosomal sex, genitalia, assigned birth sex or initial gender role.

THE RIGHT TO CONCEIVE OR ADOPT CHILDREN; THE RIGHT TO NURTURE AND HAVE CUSTODY OF CHILDREN AND EXERCISE PARENTAL RIGHTS:

Given the right to form a committed, loving relationship with another, and to enter into marital contracts with another, together with the right to sexual expression of one's gender identity, individuals have a corresponding right to conceive or adopt children, to nurture children and have custody of children, and to exercise parental rights with respect to children, natural or adopted, without regard to chromosomal sex, genitalia, assigned birth sex or initial gender role.

Therefore, no individual shall be denied the right to conceive or adopt children, or to nurture and have custody of children, or to exercise parental rights with respect to natural or adopted children, on the basis of their own, their partner's or their children's chromosomal sex, genitalia, assigned birth sex or initial gender role.

NOTES:

The International Bill of Gender Rights is based on two similar documents drafted independently in 1991 by JoAnn Roberts and Sharon Ann Stuart. Copies of these documents can be obtained by request to the address below. Please enclose \$3.00 for copy cost and postage.

The International Bill of Gender Rights is distributed by The International Bill of Gender Rights Project, an activity of the International Conference on Transgender Law and Employment Policy, Inc. Individuals and organizations are invited to consider and adopt this statement as their own expression of principles and truths with respect to the gender rights of all human beings.

Comments and proposed revisions are invited and should be addressed to: International Bill of Gender Rights Project, P.O. Box 930, Cooperstown, NY 13326. Telephone: (607) 547-4118. Voice messages and telefacsimile transmissions can be accommodated by the same telephone number.

INTERNATIONAL CONFERENCE ON TRANSGENDER LAW AND EMPLOYMENT POLICY, INC.

5707 Firenza Street
Houston, Texas 77035-5515, USA
Area Code 713 / 723-8368
FAX 723-1800

Executive Director, Phyllis Randolph Frye, Atty
Employment Law Director, Laura Elizabeth Skaer, Atty
Health Law Director, Martine Aliana Rothblatt, Atty
International Bill of Gender Rights Project and
Military Law Director, Sharon Ann Stuart, Atty
Secretary Director, Jackie Thorne, C.P.A.
Imprisonment Law Moderator, Raymond Wayne Hill, 107 S.Ct. 2502

I.C.T.L.E.P.

October 1, 1993

TO: ALL TRANSGENDER SUPPORT ORGANIZATIONS, WORLDWIDE
FROM: PHYLLIS RANDOLPH FRYE, ATTORNEY, EXECUTIVE DIRECTOR
RE: YOUR GROUP'S OPTIMUM UTILIZATION OF ICTLEP PRODUCTS

Dearest Sisters and Brothers,

On behalf of the Board of ICTLEP, I thank you for all that you have done over the years to make life a little better and certainly a lot less lonely for those of us who live in your spot on the globe.

ICTLEP has been a concept for over two years and a corporation for less than one year. Even so, we already have many products that you can use to enlighten and educate those non-transgendered officials, policy makers, legislators, police, doctors, and educators where you are, yes, in your town, state or province. Enclosed are three items which you can photocopy and distribute to the non-transgendered in a manner that you deem best. They are:

- "International Bill of Gender Rights"
- "Health Law Standards of Care for Transsexualism", and
- "Policy for the Imprisoned, Transgendered".

I feel that your distribution of copies of these ICTLEP products in your own area will do nothing but make life better for you.

I ask, I implore, I plead. Please support ICTLEP with a donation of at least \$130.00 US. For this donation, your support group will receive both of the written, transcribed **PROCEEDINGS**, which are full texts of all speakers and reports from the first two ICTLEP transgender law conferences. In addition, your support group (note the copyright information) will discover that most of those speeches and reports can be placed in whole or in part into your monthly newsletters. This is empowerment for your readers.

Dedicated to your legal freedom,

Phyllis Randolph Frye, Attorney,
Executive Director, ICTLEP, Inc.