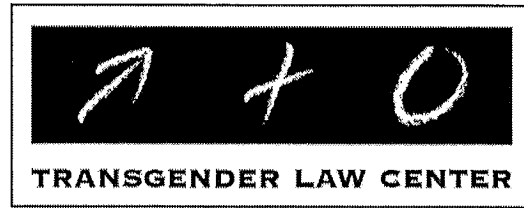


Equality California | eqca.org



FACT SHEET

Gender Nondiscrimination Act AB 887 (Atkins)

Questions: email@eqca.org

The Gender Nondiscrimination Act (AB 887) takes existing protections based on gender identity and expression and enumerates these protected categories in specified non-discrimination laws.

Author: Assemblymember Toni Atkins

Sponsor: Equality California, Transgender Law Center

EXISTING LAW

Current California laws protect people from discrimination based on gender identity and gender expression. California non-discrimination laws define "gender" to mean sex including a person's gender identity (how they see themselves) and gender expression (how other people see them) (Educational Code 66260.7 and Penal Code 422.56).

BACKGROUND

More than 100 cities across America and hundreds of employers provide clear non-discrimination protections based on gender identity and gender expression. Californians who experience discrimination based on gender identity and gender expression at work or elsewhere often times do not file complaints because they are unaware that they are protected. Existing non-discrimination laws are confusing and vague for employers, housing authorities and others who bear the responsibility of ensuring that the laws are enforced. Therefore the harms caused by discrimination can be reduced by simply using language that is direct and easily understood.

PURPOSE OF THE PROPOSED LAW

AB 887 will take existing protections based on gender identity and expression and enumerates these protected categories in specified non-discrimination laws. By making these protections explicit, people will more clearly understand California's nondiscrimination laws, which may increase the likelihood that employers, housing authorities, etc. would work to prevent discrimination and/or respond more effectively and expeditiously at the first indications of discrimination.

MORE INFORMATION

Mario Guerrero, Equality California – (916) 554-7681 or mario@eqca.org

Kristina Wertz, Transgender Law Center – (415) 865-0176 or

kristina@transgenderlawcenter.org

Cody Naylor, Office of Assemblymember Toni Atkins – (916) 319-2076 or

Cody.Naylor@asm.ca.gov

West's Annotated California Codes

Education Code (Refs & Annos)

Title 3. Postsecondary Education (Refs & Annos)

Division 5. General Provisions (Refs & Annos)

Part 40. Donahoe Higher Education Act (Refs & Annos)

Chapter 4.5. Equity in Higher Education Act (Refs & Annos)

Article 2. Definitions (Refs & Annos)

West's Ann.Cal.Educ.Code § 66260.7

§ 66260.7. Gender

Effective: January 1, 2012

Currentness

“Gender” means sex, and includes a person's gender identity and gender expression. “Gender expression” means a person's gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.

Credits

(Added by Stats.2007, c. 569 (S.B.777), § 37. Amended by Stats.2011, c. 637 (A.B.620), § 4.5; Stats.2011, c. 719 (A.B.887), § 10.)

Current with urgency legislation through Ch. 8 of 2012 Reg.Sess.

End of Document

© 2012 Thomson Reuters. No claim to original U.S. Government Works.

West's Annotated California Codes

Education Code (Refs & Annos)

Title 3. Postsecondary Education (Refs & Annos)

Division 5. General Provisions (Refs & Annos)

Part 40. Donahoe Higher Education Act (Refs & Annos)

Chapter 4.5. Equity in Higher Education Act (Refs & Annos)

Article 3. Prohibition of Discrimination (Refs & Annos)

West's Ann.Cal.Educ.Code § 66270

§ 66270. Prohibited discrimination

Effective: January 1, 2012

Currentness

No person shall be subjected to discrimination on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any characteristic listed or defined in Section 11135 of the Government Code or any other characteristic that is contained in the prohibition of hate crimes set forth in subdivision (a) of Section 422.6 of the Penal Code in any program or activity conducted by any postsecondary educational institution that receives, or benefits from, state financial assistance or enrolls students who receive state student financial aid.

Credits

(Added by Stats.1998, c. 914 (A.B.499), § 49. Amended by Stats.1999, c. 587 (A.B.537), § 8; Stats.2007, c. 568 (A.B.14), § 21; Stats.2007, c. 569 (S.B.777), § 44.5; Stats.2011, c. 719 (A.B.887), § 11.)

Current with urgency legislation through Ch. 8 of 2012 Reg.Sess.

End of Document

© 2012 Thomson Reuters. No claim to original U.S. Government Works.

West's Annotated California Codes

Education Code (Refs & Annos)

Title 3. Postsecondary Education (Refs & Annos)

Division 5. General Provisions (Refs & Annos)

Part 40. Donahoe Higher Education Act (Refs & Annos)

Chapter 4.5. Sex Equity in Education Act (Refs & Annos)

Article 3. Prohibition of Discrimination (Refs & Annos)

West's Ann.Cal.Educ.Code § 66271

§ 66271. Educational institutions controlled by religious organizations

Effective: January 1, 2008

Currentness

This chapter shall not apply to an educational institution that is controlled by a religious organization if the application would not be consistent with the religious tenets of that organization.

Credits

(Formerly § 66271, added by Stats.1998, c. 914 (A.B.499), § 49. Renumbered § 66270.5 and amended by Stats.1999, c. 587 (A.B.537), § 9, Renumbered § 66271 and amended by Stats.2007, c. 569 (S.B.777), § 45.)

Notes of Decisions (1)

Current with urgency legislation through Ch. 8 of 2012 Reg.Sess.

End of Document

© 2012 Thomson Reuters. No claim to original U.S. Government Works.