

April 23, 2025

GUIDANCE MEMORANDUM UPDATE

To: College Presidents and Deans

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

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

From time to time, the Office of the Senior Vice Chancellor for Legal Affairs and General Counsel 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 updates and supersedes this office's July 6, 2021, memorandum. The principal update here relates to The City University Of New York's (the "University" or "CUNY") policy regarding the types of records that may display a student's preferred name.

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 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 University 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. 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

The University'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 respective 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

In the State of 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 perpetrate 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 college 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.

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:

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.”

II. Student Preferred Names

The University recognizes the importance that a change of name might have for students during their time with the University. A preferred name is not a legal name but is generally used to address how others refer 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. If they use CUNYfirst self-service, they will need to follow up with their Colleges' Information Technology office to change their email addresses, and with their Colleges' Department of Public Safety to request a new College ID card. Colleges may not charge a fee to change a student's ID card to reflect that student's preferred name. If students instead submit the form to the Registrar, they may request that the Registrar initiate the process to make changes in their email addresses and ID cards. (See **Exhibit B**).

Colleges may use a preferred name on all documents and records other than official documents, such as 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 College.² Upon request by the student, Colleges must replace student identification cards to reflect a preferred name without cost to the student. Students may now request the use of a preferred name on diplomas. An option to designate a diploma name that differs from the legal name, with or without the selection of a preferred name, will be available beginning with the Fall 2025 semester through the CUNYfirst Student Center.³ If a student graduating in Spring 2025 would like to

² CUNY applications affected by a preferred name change can be found at: https://cunyithelp.cuny.edu/sp?id=kb_article_view&sysparm_article=KB0012094&sys_kb_id=a8b45b51472331d023609741516d438f.

³ It should be noted, however, that some professional licensing requirements may require the use of a legal name. For example, application and licensure and federal employment/guidelines require the use of the legal name. Therefore, not using a legal name on a diploma may result in rejection, delay, scrutiny, and/or requirements for additional proof of identification associated with any applications for employment, licensure, credentialing, visa applications, and/or other processes that require verification of identity. Similarly, although some colleges consider the diploma to be a ceremonial document, some countries may require a diploma, in conjunction with an official transcript, for various legal, immigration, and employment purposes. Choosing to print a preferred/chosen name on a diploma may result in unforeseen complications due to the discrepancy between the name listed on a diploma and other documents that contain a legal name (e.g., transcript, passport, birth

request a preferred name on their diploma, the student should contact their campus Registrar to determine what options are available.

As a further update, when a student submits a request for a preferred name, the preferred name will replace the legal name as part of the student's CUNY Login ID. Moreover, preferred name requests will replace the legal first name in the following CUNY portal systems: Akademos (Online Bookstore); ALMA (Library Systems); Blackboard; Brightspace; Degreeworks; Dropbox; EAB Navigate; FACTS; Microsoft 365 enterprise applications managed centrally such as SharePoint and Teams; Schedule Builder; and Zoom. Once a student submits a request for the use of a preferred name, these applications will be updated accordingly.

III. Student Requests for Gender Change

Students should be free to change their gender on all 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. Self-service for updating gender information is available in CUNYfirst, including male, female, transgender, gender nonconforming, and 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, University 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.⁴ While the University does not require documentation of gender identity, there may be documentation requirements at these agencies.

certificate, etc.). To avoid such complications, we recommend that students use legal names on their diploma if they plan to live, study, or work outside of the United States.

⁴ 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.

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)⁵ or to change their gender in CUNYfirst should contact their College's Department of Human Resources. Employees may request use of a preferred name in local College systems by contacting their local College IT departments and/or the College's Human Resources office. Employees may utilize the self-service option in CUNYfirst to select gender.⁶ 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 nonconforming, non-binary, a gender not listed, and not specified.

V. Preferred Pronouns

Students have the ability to select preferred pronouns through Self-Service and this information is stored in CUNYfirst. At present, this information does not populate other electronic systems. It is nonetheless important to note that individuals have a right to be addressed by the pronouns of their choice (e.g., he, him, his, she, her, hers, they, them, their), regardless of how their sex was assigned at birth.⁷ Additionally, individuals must also be addressed by the titles that conform to their gender identity (e.g., Ms., Mr., or Mx.). Unless federal, state, or local law requires otherwise (which it currently does not), an individual's use of a preferred pronoun will not require documentation or a court order. Under the law, good faith efforts to ascertain someone's preferred pronouns are permissible.

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

⁵ Legal name changes for employees are governed by the same rules as changes for students.

⁶ See <https://www.cuny.edu/wp-content/uploads/sites/4/media-assets/Self-ID-FAQ-Instructions-2023.pdf>.

⁷ Under the New York City Human Rights Law:

All people, including employees, tenants, customers, and participants in programs, have the right to use and have others use their name and pronouns regardless of whether they have identification in that name or have obtained a court-ordered name change, except in very limited circumstances where certain federal, state, or local laws require otherwise (e.g., for purposes of employment eligibility verification with the federal government). Asking someone in good-faith for their name and gender pronouns is not a violation of the NYCHRL.

NYC Commission on Human Rights Legal Enforcement Guidance on Discrimination on the Basis of Gender Identity or Expression: Local Law No. 3 (2002); N.Y.C. Admin. Code § 8-102(III)(1). Further, according to joint guidance issued on June 23, 2021, by the US Department of Justice Civil Rights Division and the US Department of Education Office of Civil Rights, which was apparently rescinded, the failure to address a student by their preferred pronouns can be investigated as an act of sex discrimination and sexual harassment. At the time of publication of this Memorandum, it is not clear whether this practice will someday be reinstated.

the topics discussed in this memorandum, please contact the Office of the General Counsel at ogc@cuny.edu.

c: Chancellor Matos Rodríguez
 Chancellery
 College Presidents and Deans
 Registrars
 College Computing & Information Services (CIS) Offices
 Human Resources Directors
 Admissions Directors
 Financial Aid Directors
 Chief Student Affairs Officers
 Public Safety Directors
 Campus Counsel
 Chief Diversity Officers
 Title IX Coordinators
 Women's Center Directors

Exhibit A

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:

- ☐ 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 No.

City

State

Zip

Country

*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: _____

Exhibit B



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 (visit <https://www.cuny.edu/preferredname> for a list of CUNY applications affected by a preferred name change). Any request to use a preferred name in an email address and/or student ID card should be checked below. This will inform the Registrar to submit that request(s) to the campus Help Desk. 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

Please check if you wish to use your preferred first and/or middle name in your:

☐

Student Email Address

☐

Student ID Card