

Supporting and Educating Colleagues on Gender Non-Binary Inclusion

By Doug Ebeling and Molly Stafford

“Part of supporting gender non-binary individuals is respecting their right to determine their own path.”

Supporting our gender non-binary students, associates, and colleagues is crucial on an individual level. However, we also must create a culture of support throughout our work environments. This can be more challenging, especially if part of that effort includes educating or correcting people who are higher in the office hierarchy. Gender-specific policies and practices — in combination with a lack of understanding regarding non-binary identity — are significant contributing factors to the challenging experiences faced by non-binary employees. This article lays out three concrete approaches to navigate office dynamics while you strive to create a welcoming and supportive environment for gender non-binary people.

Approach 1: Be A Role Model

The most powerful way that you can help your colleagues support gender non-binary colleagues, students, and associates is by role modeling ally behaviors. There are many ways that you can do this.

Add your pronoun preferences on your Zoom name, e.g., “Molly Stafford (she/her/hers).” However, don’t ask others to announce their own pronouns. The purpose of including pronouns in introductions is to create a space for individuals to voluntarily provide their pronouns if they feel comfortable doing so.

Practice using gender-neutral language. Greetings that include gender neutral language such as “friends, folks, y’all, you all, and everyone” ensure that you include everyone when saying hello or opening a meeting.

Substitute “his or her” with “their.” Incorporate diverse genders when creating written content. For example, a sample resume in a handout can include “They/Them/Theirs” under the name. It is important for students to see themselves reflected in your law school’s or law firm’s handouts and other training documents.

Share your inclusive materials with your colleagues and other departments. For example, your course syllabus or handout might include the following language: “Everyone has the right to be addressed and referred to in accordance with their personal identity. We will gladly honor your request to address you by an alternate/preferred name or gender pronoun. Please advise us of your preferences so that we may make appropriate changes to our records. If you would like additional assistance regarding communication about your preferred name or pronoun, please contact _____.” Sharing this language with your colleagues is a way to move beyond your individual behavior and help build awareness and support throughout your institution.

Approach 2: Help Your Team

In addition to being a role model for your colleagues, you can take steps to make sure your office is affirmatively supporting your gender non-binary colleagues and students. Start by offering to review and update — or create — a best practices document that includes equal employment and anti-harassment policies and training, as well as procedures for when an employee or student decides to transition. Many offices are also revising human resources and recruitment materials to include a gender non-binary designation (in addition to male and female choices). If you are not in a position to initiate these changes, you can be an ally by

inquiring and advocating for change. You can send an important message of inclusion merely by speaking up and asking questions.

One of the most significant factors in successfully creating an inclusive and welcoming environment is to educate your colleagues or the team you manage. Opening a discussion about the issues faced by people who are gender non-binary in an environment where questions are welcomed without judgment can be a good place to begin. In this way, you can gauge the relative familiarity and understanding of your group. By listening, you can determine what steps are needed to raise their awareness. This may involve some ongoing education and conversation.

You may find that some people are more conversant and comfortable with these concepts, and some may express strong views. It is worth reminding everyone that providing support to your law students or legal professionals is not up for debate. You may need to challenge inappropriate comments or behavior in order to send the message that it is unacceptable.

Many everyday things can be fraught for non-binary people. Questions regarding professional dress, restroom use, pronouns, and many others can be a daily struggle. It is important to equip yourself and others on the best ways to advise your students or attorneys on these questions. Ideas on handling these and other issues should be part of your ongoing rotation of training, education, and general discussion.

As always, privacy is paramount. Part of supporting gender non-binary individuals is respecting their right to determine their own path. Some prefer to speak up for themselves, and while you can be supportive, you should be careful not to step in front of their need to handle the issues themselves. Ensure that you are giving them their rights to agency and autonomy by consulting and checking in with them before taking any actions.

Approach 3: Handling Mistakes With Grace

Mistakes are bound to occur. Thinking ahead about how you and your team will handle the inevitable error is part of being prepared. The best thing that you can

do is acknowledge the mistake, apologize, and do everything you can to make sure it doesn't happen again. Try practicing the use of non-gendered language privately on your own or with a trusted friend.

Creating a scene or excessively apologizing can only compound an error. If you feel like it is warranted, you may want to follow up later with the person privately to ensure understanding. But make sure this is more about the person you may have offended rather than to assuage your own wounded sense of self.

You can help your colleagues by reacting calmly when a mistake comes to your attention. If it happens in a group setting, try not to create a situation where the person making the mistake is shamed or embarrassed. You should certainly speak up to recognize the error or correct it if that is appropriate in the moment — but again, moving on, or pulling the person aside later, may be the best way to avoid putting the focus on the error.

Going Further

Creating and contributing to an environment that is inclusive and friendly to gender non-binary people is an ongoing project where you can play an important role. Going further by advocating for policy or structural changes can be a more challenging step. Finding a group of like-minded colleagues and teaming up with them might help you with this effort. Your goodwill and openness can make a world of difference. Educating yourself and helping others build understanding is something we all can do.

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