

# DART board set to include gender identity in nondiscrimination policy

11:27 PM CDT on Monday, June 21, 2010

By MICHAEL A. LINDENBERGER / The Dallas Morning News  
[mlindenberg@dallasnews.com](mailto:mlindenberg@dallasnews.com)

[DART](#) board members appear likely today to change the wording of the agency's proposed nondiscrimination policy to explicitly prohibit employment decisions based on gender identity.

Also Online

[Link: Dallas Area Rapid Transit](#)

[Full coverage: DART](#)

[Blog: Transportation](#)

[More transportation news](#)

It takes two votes to change a board policy, and last week members voted 11-2 to adopt protections for transgender employees – but only after a last-minute wording change created a loophole that some say is large enough to gut the new protections altogether.

Key political figures, including Dallas [Mayor Tom Leppert](#), urged the board to remove any ambiguities about the new policy. And some board members said late last week they were prepared to amend the wording to make the protections clear.

And if they do, they will likely succeed without significant opposition. Board member Ray Noah of [Richardson](#), who changed the wording just before last week's vote, on Monday said he won't object to changing the wording back.

"I am not going to oppose the changing of the verbiage," Noah said.

He said he had supported expanding the policy but wanted to give DART maximum flexibility in the future, just in case – for legal or other reasons – it needed to discriminate against a worker based on his or her gender identity.

Today's vote will cap weeks of discussions about the wisdom of changing the policy in a way that will protect employees from a kind of bias not all members appeared able to easily comprehend. The policy was voted down 6-5 in May, though several members who voted no, including Noah, said they only did so to give the agency's lawyer more time to research the legal implications of the change.

"We asked our attorney to bring us a solid [legal] definition of transgender, and you know what, he told us [last week] he was unable to find one," Noah said.

Persons considered transgendered were born into a gender they do not feel fits them. Some such individuals embrace outward characteristics of the opposite sex – such as dress, hairstyles and makeup, for instance – and others, known as transsexuals, have surgeries to change their bodies to look like the other sex.

DART officials said to their knowledge there is just one transgender employee among its nearly 4,000 workers, a bus driver who underwent a series of operations to transition physically from male to female.

The agency has experienced a learning curve in responding to her changes, DART officials and leaders in the gay rights community said in interviews over the past week.

The bus driver declined to comment about her situation, saying she's been told not to speak to the media by DART officials. A close friend, put in touch with *The Dallas Morning News* by Resource Center Dallas, a gay rights group aimed at community education, said DART's attitude has changed significantly from the hostility the driver encountered several years ago, when she first began expressing herself as a female.

"They have come around a lot," said Pamela Curry, a transsexual who said she is a close friend of the driver. "The situation is vastly improved since the [gay rights] community got involved. I have been her friend and kind of helped her and advised her along the way."

Despite the bumpy path, workplace protections for transgendered employees are hardly new.

In North Texas, a Fort Worth ordinance prohibits such discrimination by employers within its limits, and similar policies protect workers at corporate giants such as [Texas Instruments](#) and [American Airlines](#).