



EA R7: LGBTQ Inclusion in University Benefits

Abstract: This resolution requests information from the Division of Human Resources on gender-specific or gendered benefits in report form by March 1, 2017 in an effort to ensure same-gender couples are able to take full advantage of all offered benefits.

Sponsored by: Ulysses Smith, LGBTQ+ Representative, Chair, Employee Assembly

Reviewed by: Personnel Policy Committee, MM/DD/YYYY

Whereas, On July 26, 2013, the Supreme Court of the United States ruled that Section 3 of the Defense of Marriage Act (DOMA) was unconstitutional because it violated due process and equal protection principles; and

Whereas, The DOMA decision struck down the statute that defined “marriage” and “spouse” for purposes of Federal law to include only opposite-sex couples, thus extending most federal benefit programs, such as the Family and Medical Leave Act (FMLA) to any legally recognized marriage; and

Whereas, On July 1, 2014, President Obama signed Executive Order 13672, *On LGBT Workplace Discrimination*, prohibiting federal contractors and subcontractors from discriminating on the basis of sexual orientation or gender identity, effective April 8, 2015; and

Whereas, On June 26, 2015, the Supreme Court of the United States ruled that state bans on same-sex marriage violated the Equal Protection Clause of the Constitution; and

Whereas, The University’s Equal Education and Employment Statement declares that no person shall be discriminated against based on “sex, sexual orientation, gender identity or expression”; and

Whereas, Cornell University has long offered robust employer-sponsored benefits to employees and their spouses, including same-gender couples; and

Whereas, Some benefits, such as those that pertain to family planning, are conditioned on the legal sex of the employee’s spouse, thus leaving some same-gender couples unable to take part in certain benefits.

Be it therefore resolved, The Division of Human Resources and the Office of Benefit Services conduct a thorough assessment of all employer-sponsored benefits, both endowed and contract, and present the results of this assessment to the Employee Assembly by March 1, 2017.

Be it further resolved, The report should include a listing of benefits that are gender-specific or “gendered” in nature, including but not limited to fertility treatments and artificial insemination; benefits that are not available or pose significant obstacles to same-gender couples; explanations for why each of the highlighted benefits is applied in that particular manner; and an indication of whether the particular benefit can be modified to be inclusive of same-gender couples.



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43 **Be it finally resolved,** The University should make a good faith effort to correct any imbalance in
44 benefit offerings that are identified in collaboration with the LGBT Resource Center and the
45 Employee Assembly prior to the March 1, 2017 report deadline, and include any modifications in the
46 final report.

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49 **Adopted by Vote of the Assembly (_ - _), _____, 2016,**

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51 **Respectfully Submitted,**

52 Ulysses J. Smith, *LGBTQ+ Representative, Chair, Employee Assembly*

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