



Submission
of the
**New Zealand Union of Students'
Associations**
on the
**Sex and Gender Identity Statistical
Standards Review**

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To	Statistics New Zealand
From	New Zealand Union of Students' Associations (NZUSA)
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1. Introduction

- 1.1. The New Zealand Union of Students' Associations ("NZUSA") would like to thank you for the opportunity to make a written submission on the Sex and Gender Identity Statistical Standards Review ("the Review"). NZUSA would also like the opportunity to make an oral submission before the review panel, if such an opportunity exists.
- 1.2. This submission was prepared by our Rainbow Students' Committee, which is made up of rainbow student representatives from university and ITP campuses across Aotearoa.
- 1.3. NZUSA consents to the privacy statement associated with the Review that is required to submit this submission.

2. Background

- 2.1. The New Zealand Union of Students' Associations (NZUSA) is the national voice of students in tertiary education. We are proudly owned by students' associations and councils from universities, institutes of technology and polytechnics around the country. We work alongside our partner organisation Te Mana Ākonga (National Māori Tertiary Students' Association) and Tauria Pasifika (National Pasifika Tertiary Students' Association) to fight for a barrier-free education for all.
- 2.2. NZUSA's members are:
 - Albany Students' Association (ASA)
 - Association of Students at Universal College of Learning (AS@U)
 - Auckland University Students' Association (AUSA)
 - Lincoln University Students' Association (LUSA)
 - Massey at Distance (M@D)
 - Massey Wellington Students' Association (MAWSA)
 - Massey University Students' Association (MUSA)
 - Otago University Students' Association (OUSA)
 - Students' Association at Wintec (SAWIT)
 - Student Connection at Weltec & Whitireia
 - Unitec Student Council (USC)
 - Victoria University of Wellington Students' Association (VUWSA)
 - Younited Students' Association at Eastern Institute of Technology

3. The Review

- 3.1. NZUSA supports the need for a review of how sex and gender data is collected in statistics, we and would like to thank Statistics New Zealand for undertaking this review.
- 3.2. There is a distinct lack of consistency in how sex and gender are defined in data collection, both by the collector and by participants, and a lack of clarity around what definition is being used in a particular scenario, which means that data in this area is often inaccurate, and cannot be effectively cross-referenced with other data sets on questions of sex and gender.
- 3.3. The ways in which sex and gender data are typically collected exclude trans, non-binary, and intersex people from being visible in our community. These are vulnerable groups of people, and by not recognising them in statistics, we lose the opportunity to assess their collective needs and record their collective experience in Aotearoa.

4. To what extent do you agree or disagree with the gender by default principle in the proposed standard?

- 4.1. NZUSA strongly agrees with the gender by default principle in the proposed standard.
- 4.2. In almost all circumstances, gender data provides a far more accurate and useful reflection of people's identity and how it impacts on their interactions with society than sex data does.
- 4.3. Sex data tends to collect a person's assigned sex at birth, which has a wide degree of ambiguity with respect to their body features and chromosomes, as reflected by a research into biological sex markers, and as such is not guaranteed to be an accurate representation of a person with respect to their identity or their body.
- 4.4. Gender data, on the other hand, reflects a person's social and personal identity, and informs and shapes their lived experience in all areas of society. It is more useful market research
- 4.5. There are a narrow band of areas in which sex data needs to be collected in addition to gender data, these being predominately in medical research. However, it should be noted that a binary sex question does not accurately represent the complex and diverse biological range of human bodies with respect to sex markers, and that collecting data on sex assignments at birth doesn't reflect the bodies of people who have undergone hormone treatments and/or sex reassignment surgery.
- 4.6. Therefore, if sex data is being collected, it requires a clear and consistent definition that lines up with its purpose, and the requirement for sex data rather than gender data must be clearly justified.
- 4.7. It is also important to note that for many minors that have their guardian fill out statistical forms on their behalf, particularly school enrolment forms, a gender collection question will be filled in inaccurately as the adult will default to

reporting an assigned sex that does not reflect the minor's gender. Thus, while a gender by default principle will rapidly improve accurate gender data collection, it should not be viewed as a perfect solution, and it needs to be recognised that trans, non-binary, and intersex children may still be rendered invisible moving forward.

5. To what extent do you agree or disagree with the proposed definition for gender?

- 5.1. NZUSA strongly agrees with the proposed definition for gender.
- 5.2. Statistics NZ needs to establish a clear, all-encompassing definition of gender for the purposes of data collection, that accurately reflects people's lived experiences and identities and sets a consistent standard.
- 5.3. Statistics Canada's 'Gender of a person' standard meets these requirements, and as such should be used as a reference point by Statistics NZ in developing a definition.
- 5.4. NZUSA is concerned with the first sentence of the proposed definition, which lists "non-binary" as an example of "another gender". While some non-binary people identify this as their gender, for many non-binary people, it is a category that identifies them as being outside the gender binary, but it is not their gender. While the sentence is accurate, it risks erasing other non-binary genders.
- 5.5. As such, NZUSA supports the first sentence of the proposed definition to read "Gender refers to a person's social and personal identity as male, female, or another gender such as a non-binary gender", which both uses the statistical language of "another gender" as proposed by the review, and includes non-binary people whether or not "non-binary" is their gender.
- 5.6. NZUSA supports the acknowledgement of people with no gender in the last sentence of this definition, and recommend that it is amended to read "Some people may not identify with any gender, and will often identify as agender" so that the identity of agender is clearly visible in the definition but not prescribed to people who are genderless.

6. To what extent do you agree or disagree with the use of 'another gender' in the standard?

- 6.1. NZUSA strongly agrees with the use of 'another gender' in the standard.
- 6.2. The previous third-option in statistical standards of 'gender diverse' is too ambiguous for the purposes of clear data collection on gender. 'Gender diverse' could be interpreted as a marker for transgender people rather than its purpose of representing gendered people who are not male or female.
- 6.3. Having 'another gender' as an option alongside 'male' and 'female' clearly allows it to unambiguously represent genders other than male and female, and NZUSA supports the feature of participants being able to write in their gender alongside this option where possible, as this supports self-determination and more detailed accuracy for gender data collection.

- 6.4. However, having 'another gender' alongside 'male' and 'female' is not sufficient; NZUSA believes that Statistics NZ needs to mandate an option for people with no gender as a fourth option. This option should ideally read 'no gender', as this is a clear definition, and 'agender' is not universally used by people with no gender.
- 6.5. The proposed format for options for gender questions does not indicate whether or not participants can select multiple options, something that should be mandated as a part of the standard, so that genderfluid people are visible and their gender is collected accurately. Genderfluid is not accurately captured simply by adding the 'another gender' option, as genderfluid people do not have a static gender, and often their genders include male and/or female.

7. To what extent do you agree or disagree with use of the two-step method in the standard?

- 7.1. NZUSA agrees with the use of the two-step method in the standard.
- 7.2. The two-step method is useful in that it provides necessary representation of and data about the transgender community at appropriate times, rather than rendering them invisible by only using a gender question.
- 7.3. It is important that the 'sex' question in the two-step method is defined as an 'assigned sex at birth' question rather than a 'biological sex', as the gender of many transgender people aligns with their biological sex, and 'assigned sex' is how transgender people can be represented. Questions about biological sex should be only asked where absolutely necessary, such as for medical purposes, as we have mentioned in 4.5.
- 7.4. An alternative to the two-step method is asking if respondents are cisgender or transgender, but many non-cisgender people do not identify as transgender, and many cisgender people do not know what the term means or do not like to use it to describe themselves.

8. To what extent do you agree or disagree with use of the sex at birth concept in the standard?

- 8.1. NZUSA agrees with the use of the sex at birth concept in the standard.
- 8.2. Asking respondents to disclose their assigned sex at birth is a clear unambiguous question that can be answered by referring to an original birth certificate.
- 8.3. However, use of questions that ask a respondent about their sex assignment at birth should be used cautiously and only where necessary, with the data collection respecting their privacy to the utmost extent. Asking about assigned sex can be a very traumatic or dysphoric process for transgender and non-binary people, and in many instances, it is unnecessary or harmful to ask.
- 8.4. Where a respondent is being asked about sex and gender for the purposes of building an individual profile, such as an administrative record at a university or a medical centre, no question about sex should be asked. A question about

gender will accurately collect the necessary information for that person's profile, as gender is how they identify and present to the world.

- 8.5. Statistics NZ must provide clear guidelines for gender and sex data collection that indicate when it is appropriate to ask about assigned sex at birth or biological sex and require justification for why it is being asked.

9. To what extent do you agree or disagree that the proposed approach to intersex data collection will meet information needs for the intersex population?

- 9.1. NZUSA strongly agrees with the proposed approach to intersex data collection.
- 9.2. Data on intersex people should be collected separately to data on sex and on gender. Intersex people still have an assigned sex at birth, and a gender identity, and need a separate question on intersex identity in order to be counted.
- 9.3. For the most part, data collection on the intersex population does not need to query the nature of intersex variation, and even when this is necessary, a general question asking about intersex identity is still important to represent the intersex population accurately.
- 9.4. We support the wording of "Were you born with a variation of sex characteristics (otherwise known as an intersex variation)?" as proposed by the review, provided that it is accompanied by a clear definition. The terminology used here is the most straightforward, but may require an explanation for some respondents, as intersex awareness and education are not strong in Aotearoa, and some respondents may be aware of an intersex variation that they have but not be aware that it is called this.

10. Conclusion

- 10.1. NZUSA once again thanks Statistics New Zealand for the opportunity to submit on this review.
- 10.2. We support the changes proposed by the review, and have some proposed changes outlined above that we feel will improve statistical standards further and provide more visibility for certain parts of the population.