Dear University Senate Executive Committee members,

We are writing out of concern and to bring to your attention the legal, financial, and ethical threats to our University posed by the existing language of the state’s health insurance plan. As written, the existing policy has numerous instances in which it explicitly denies health benefits to transgender-identified people.

The State Employee Health Plan benefit description within the Section 1 - Part 6: Exclusion Section currently excludes “Sex Transformation/Sexual Orientation Services.” The SEHP excludes coverage for all services related to gender dysphoria, denying all transgender-identified members enrolled under the State Employee Health Plan health care, counseling, hormone therapy or surgeries (related to sex transformation).

*Sex Transformation/Sexual Orientation Services*: Services and associated expenses for sex transformation operations regardless of any diagnosis of gender role disorientation or psychosexual orientation including any treatment or studies related to sex transformation. Also excluded is hormonal support for sex transformation services or supplies provided directly for or relative to sex changes, sexual dysfunctions or inadequacies. All related complications are also excluded. (See Basic Benefits for exception for penile prosthesis and other Covered Services required for physiological [not psychological] impotence.)

Even while denying coverage for these services for transgender-identified individuals, the same policy provides insurance coverage for the exact same health services for non-transgender-identified individuals. This discriminatory discrepancy in the insurance policy impacts the University both legally and financially.

Legally, the discrimination codified in the policy make the University vulnerable to lawsuits demanding equal coverage under Title IX and also under the Affordable Care Act. Federally, the Justice Department has made clear that it extends Title IX protections to transgender identified individuals and the Federal government has made many strides toward ensuring transgender people equal access to quality medical care. At the state level, our counterparts in Illinois are currently faced with just such a lawsuit that argues Title IX infringement through inequitable services and accommodations for transgender identified people. By participating in the state’s health insurance plan without either demanding the removal of the transgender exclusive language or providing alternative transgender -inclusive health insurance options, the University of Kansas puts itself in an equally vulnerable and legally precarious position.

Financially, the transgender-exclusive language of the existing health insurance plan poses a serious threat to student, faculty, and staff retention. Retention of KU community members has always been a goal, but in the current economic and political atmosphere around higher education generally and specifically here in Kansas, optimum retention becomes a financial necessity. With every student who un-enrolls we lose tuition; with every faculty member that moves on we lose expertise and incur the cost of either another search and loss of course offerings; with every staff member that leaves we lose institutional memory and efficiency as well as morale and money. As is, the State Employee Health Plan makes being a transgender identified University employee very costly, difficult, and unwelcoming.
Ethically, the state’s insurance plan is clearly discriminatory against transgender-identified individuals. As a University whose mission is to, "...foster a multicultural environment in which the dignity and rights of the individual are respected. Intellectual diversity, integrity, and disciplined inquiry in the search for knowledge are of paramount importance," it appears a conflict of our ethical interest as well as our legal and financial ones to accept this blatant discrimination. We seek the endorsement of the University of Kansas Senate Executive Committee as we rally support from all Kansas Board of Regents Universities to demand either changes in the State Employee Health Plan or provide an avenue by which transgender-identified people can opt into other health insurance plans at no additional cost.

Respectfully,
The Sexuality and Gender Consortium of the University of Kansas