



Office of Information Technology Services

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Office of Information Technology Services Guideline	No: ITS-P24-005
ITS Policy: Use of Gender- Neutral Terminology	Issued: 08/05/2024
	Issued By: NYS Office of Information Technology Services Owner: Division of Legal Affairs

1.0 Purpose and Benefits

The purpose of this policy is to ensure that State agencies are properly using gender-neutral terminology on their websites and online forms.

2.0 Authority

Section 103(10) of the State Technology Law provides the Office of Information Technology Services (ITS) with the authority to establish statewide technology policies, including technology and security standards. *Section 2 of Executive Order No. 117¹*, issued January 2002, *provides* the State Chief Information Officer with the authority to oversee, direct and coordinate the establishment of information technology policies, protocols and standards for State government, including hardware, software, security and business re-engineering. Details regarding this authority can be found in NYS ITS Policy, [NYS-P08-002 Authority to Establish State Enterprise Information Technology \(IT\) Policy, Standards and Guidelines](#).

3.0 Scope

This policy applies to ITS, its employees and contractors, and ITS supported agencies ("Client Agency").

4.0 Information Statement

Section 103-B of the State Technology Law (“STL”) requires that State agencies use “...gender neutral terminology on their websites...” unless “...such language is in reference to a specific person, or a specific group of people...in accordance with the gender identity of such person or group of people.” Pursuant to Section 103(23) of the STL, ITS is required to issue guidance to State agencies for compliance with this law. In accordance with these requirements, ITS adopts the New York State Gender Inclusive Language Policy Guidance attached hereto as Appendix 1 as its guidance for the use of gender-neutral terminology on State agency websites and online forms.

5.0 Compliance

This policy shall take effect upon publication. Compliance is required with all enterprise policies and standards. ITS may amend its policies and standards at any time; compliance with amended policies and standards is required.

6.0 Definitions of Key Terms

Except for terms defined in this policy, all terms shall have the meanings found in <http://www.its.ny.gov/glossary>.

7.0 Contact Information

Submit all inquiries and requests for future enhancements to the policy owner at:

Division of Legal Affairs
Reference: ITS-P24-005
NYS Office of Information Technology Services
State Capitol, PO Box 2062
Albany, NY 12220-0062
Telephone: (518) 473-5115
Email: its.sm.dla@its.ny.gov

ITS policies, standards, and guidelines may be found on the Inside Edge at:
<https://nysemail.sharepoint.com/sites/myITS/InsideEdge/Pages/Policies.aspx>

8.0 Revision History

This policy document should be reviewed consistent with the requirements set forth in [NYS-P08-002 Authority to Establish State Enterprise Information Technology \(IT\) Policy, Standards and Guidelines](#).

Date	Description of Change	Reviewer
08/05/2024	policy	Division of Legal Affairs

9.0 Related Documents

Appendix 1

New York State **Gender Inclusive Language Policy Guidance**

A. Overview

This guidance is intended for State Entities as defined under Section B below. It provides instructions on how to draft formal documents without using unnecessary gender-specific language.

This guidance also provides specific instructions regarding State Entity implementation of A.1371-A/S.208-A of 2023, which requires agencies to use gender-neutral terminology on their websites.

B. Gender Inclusive Language Policy

Pursuant to A.1371-A/S.208-A of 2023, as amended by Chapter 21 of the Laws of New York of 2024, State Entities are required to avoid the use of gender-specific language – such as “he,” “she,” “his,” and “her” – on all website content created on or after July 24, 2024. This applies to all website content, including forms accessible through the website, that is created by or on behalf of an agency, or is within an agency’s control to modify. While this requirement applies only to website content create on or after July 24, 2024, agencies should also, wherever possible, make updates to older content as well.

In addition to website content, State Entities should also avoid the use of gender-specific language and should adhere to these guidelines when drafting laws, proposed legislation, rules, regulations, reports, policies, and other formal documents.

- a. When conducting reviews of and making amendments to existing laws, legislation, rules, regulations, reports, policies, and other formal documents, State Entities should also, where possible, make updates to remove and replace any gender-specific language from the provision(s) being amended.
- b. If amending portions of existing law with gender-neutral terminology, State Entities should also review the entire section of law to ensure that changes are not creating confusion or conflict with other language within the section and should make additional conforming amendments as needed.
- c. For purposes of this policy, “State Entities” shall mean (i) all agencies and departments over which the Governor has

executive authority and as defined in subdivision 3, section 2-a of the State Finance Law; and (ii) all public benefit corporations, public authorities, boards, and commissions for which the Governor appoints the Chair, the Chief Executive, or at least 50% of the entity's board members, commissioners or comparable officers.

C. Gender-Specific Nouns

- (i) State Entities **should** avoid using nouns that are gender-specific, and **should**, where possible, use substitutes of the same meaning. See Section F for exceptions.

- a. Gender-specific nouns and possible substitutes include but are not limited to:

<u>Gender-Specific Noun</u>	<u>Possible Substitute(s)</u>
Brother,	Siblin
Sister	g
Daughter,	Child
Son	Parent
Father,	Spouse,
Mother	Partner
Wife,	Firefighter
Husband	Police officer
Fireman	Foreperson, Supervisor, Business
Policeman	person
Foreman	Chair, Chairperson
Businessman	Spokesperson
Chairman, Chairwoman	People, Individuals, Employees
Spokesman	

- b. For example:

"For the purpose of this section, the term FIRE FIGHTER ~~fireman~~ shall mean a member of a fire department whose duties include fire service..."

- (ii) Qualifiers may be added to gender-neutral nouns where lack of distinction may otherwise change the intent of the language or not properly capture the intended context.

- a. For example:

"Proceedings to establish the paternity of a child may be instituted during the pregnancy of the ~~mother~~ GESTATIONAL PARENT or after the birth of the child... unless paternity has been acknowledged by the ~~father~~ NON-GESTATIONAL PARENT in writing or by furnishing support."

D. Gender-Specific Pronouns

- (i) State Entities **should avoid** using gender-specific pronouns wherever possible.
- (ii) Methodologies for drafting measures without the use of gender-specific pronouns include:
 - a. Repeat the subject of the sentence or substitute a noun for the pronoun.
 - i. **Examples of noun substitutes include** but are not limited to, the employee, the supervisor, the customer, the candidate, the interviewee, the commissioner, the officer, the member.
 - ii. For example:
 - 1. A person may be eligible for a waiver if ~~he~~ SUCH PERSON applies.
 - 2. Once ~~she~~ THE INDIVIDUAL submits an application, the agency has 30 days to respond.
 - 3. Once a judge reviews a case, ~~he~~ SUCH JUDGE will issue a decision.
 - b. Rewrite sentences to eliminate the pronoun or use an article such as "a," "an," "the," or "that" instead of the pronoun.
 - i. For example:
 - 1. The employee holds ~~his~~ A position until notice of ~~his~~ resignation.
 - 2. The individual must submit ~~his~~ THE application before 5pm on December 31.
 - 3. A person who CARRIES ~~has in his possession~~ a weapon will not be allowed in the building.
 - 4. An officer may issue a license after DETERMINING ~~he determines~~ that the application meets the requirements.
 - 5. The applicant must pay the fee ~~for him~~ for THAT APPLICANT to be considered.
- (iii) If State Entities make use of gender-neutral terminology such as gender-neutral pronouns "they/them/theirs," they **should** ensure that such terminology does not change the fundamental meaning or intent of the text. In cases where the use of "they/them/theirs" pronouns alters the meaning or intent of the text, Entities shall use the alternate

methodologies listed above instead.

- a. For example, in section 120.06 of the penal law:
 - i. “A person is guilty of gang assault in the second degree when, with intent to cause physical injury to another person and when aided by two or more other persons actually present, ~~he~~—THAT PERSON causes serious physical injury to such person or to a third person.”
 - ii. In the above example, replacing the term “he” with “they” would cause confusion for both which and how many actors are involved in the elements of the crime.

E. Language inclusive of transgender, gender nonconforming, and nonbinary (TGNCNB+) individuals

- (i) Language to refer to individuals of different genders continues to evolve. Currently, some terms include:
 - a. Transgender
 - b. Gender Expansive
 - c. Gender Diverse
 - d. Gender Nonconforming
 - e. Non-binary
 - f. Genderfluid
- (ii) If State Entities draft measures with specific reference to gender-related concerns, it should utilize language that is inclusive of people of all genders, where applicable.
 - a. For example:
 - i. A lactation room is available on the third floor for ~~women~~ PEOPLE who are breastfeeding OR CHESTFEEDING.
 - ii. A lactation room is available on the third floor for ~~women~~ PEOPLE WHO NEED IT.

F. Gender-specific language in reference to a specific person or specific group of people

- (i) State Entities **may** still use gender-specific language on website content or other relevant materials **only if** such language is in reference to a specific person or a specific group of people. In such circumstances, the gender-specific language used must be in accordance with the gender identity of the person or group of people being discussed.
- (ii) State Entities **may** still use gender-specific language when drafting

laws, proposed legislation, rules, regulations, reports, policies, and other formal documents if use of gender-neutral terminology would fundamentally alter the underlying policy or legislation.

a. For example:

- i. “Personal net worth includes the individual's share of assets held jointly with said individual's spouse and does not include the individual's ownership interest in the certified **minority and women-owned business enterprise** [NO CHANGE], the individual's equity in ~~his or her~~ THEIR primary residence, ownership...”
- ii. In the above example, references to gender specific language in “minority and women-owned business enterprises” would not be changed. However, the reference to “his or her” pronouns would be changed since it is limiting in scope.

The above guidelines do not represent an exhaustive list of the circumstances when using gender inclusive language may be appropriate. When utilizing any of the recommendations included in this document, please contact the document owner listed in Section 7.0.