

## **Best Practices for the Ethical Collection of Data about Sex and Gender**

It is a common practice for researchers engaging in the study of human subjects to collect data about sex and gender. Often, researchers structure this demographic question as a dichotomous variable, often in the checkbox format supplying “Male” and “Female” as the options. While it remains common, this practice has been subjected to multiple critiques, and should not be considered a best practice.

### **Problems with the Dichotomous Sex Variable Approach**

The main critiques of the “M/F” dichotomous checkbox approach to gathering demographic information about sex and gender are:

1. Physical sex is, empirically speaking, not binary, but manifests in a complex spectrum of physical traits. Today in the United States, approximately 1 in 150 infants is diagnosed at birth as being intersex, with one of a variety of “DSDs” (differences of sex development). This diagnosis is made based on genital intermediacy. Because other sex characteristics (gonads, chromosomes, and hormones) are not obvious at birth, many more Americans discover later in life that they are intersex. Unfortunately, in the latter half of the 20<sup>th</sup> century, it became a common medical practice to try to erase physical sex variance to avoid stigma. But in recent decades, intersex individuals have formed advocacy groups to protest surgical interventions performed without consent upon the genitalia of young children. Intersex people are now much more likely to be open about their intermediate sex status, and to demand that it not be erased by dichotomous sex variables in data collection. Consider that there are more intersex people in the U.S. today than there are American Muslims. In collecting demographic data about religion, it would be considered very poor practice not to include an option for subjects to identify their religion as Muslim. Similarly, it is not appropriate to deny intersex research subjects the right to identify their physical sex status at birth.
2. It is quite clear in the 21<sup>st</sup> century that physical sex characteristics do not determine gender identity. In other words, a significant number of people are transgender. Of those transgender individuals, a significant percentage have nonbinary gender identities, and identify as neither women nor men. The terms “male” and “female” describe sex characteristics; the terms “man,” “woman,” and “nonbinary” refer to gender categories. In order to treat transgender human subjects with respect, two things are necessary:
  - a. Gender identity must be respected. Unless physical sex characteristics are a topic of a research project, the appropriate language to be used in collecting demographic data is that of gender (man/woman/another gender identity) not sex (male/female/intersex).
  - b. People who are intersex or who have nonbinary gender identities must be respected. Thus, dichotomous identification options are not appropriate.

## Best Practices for Collecting Information about Gender

The preferred format for a generic demographic gender question is:

### **What is your gender?**

- **Man**
- **Woman**
- **Another gender identity not listed here (please specify \_\_\_\_\_)**

For purposes of many studies, there is no need for researchers to inquire into human subjects' physical sex characteristics. However, if your study is examining subjects' physical characteristics and you require information about their sex characteristics, you should use a 3-step process, in which you request information about the subjects' gender and sex characteristics separately:

### **1. What is your identified gender?**

- **Man**
- **Woman**
- **Another gender identity not listed here (please specify \_\_\_\_\_)**

### **2. When you were born, what sex was listed on your birth certificate?**

- **Male**
- **Female**

### **3. To the best of your knowledge, are you physically intersex? That is, do you have a difference of sex development ("DSD")?**

- **Yes**
- **No**

## Best Practices for Analyzing Information about Gender

When human subjects volunteer to take part in a study, they do so in substantial part out of a laudable desire to contribute to knowledge. It is therefore ethically problematic for researchers to systematically exclude data from specific subject populations in analyzing their data, as it disrespects the subjects' donation of their time and effort. This is a problem that extends beyond the arena of sex and gender, and applies in the case of all underrepresented and small subject populations who may be excluded from an analysis—for example, in the case where a researcher's analysis by race/ethnicity excludes Native American respondents due to their small N in the subject pool. In the case of sex/gender, this issue comes up when subjects who are intersex, transgender, and/or report any nonbinary gender identities that are excluded from the analysis.

If it is the expectation of researchers that subjects with certain demographic characteristics will not be included in the analysis, this should either be incorporated into exclusion criteria for study volunteers, or should be disclosed in the consent form.

### **Collecting Data about Sexuality or LGBTQIA+ Topics/People/Communities/Experiences**

In cases where the researcher intends to inquire into questions of sexuality and/or gender identity, the researcher should consult the separate UWM guidance “Best Practices for the ethical conduct of research involving Sex, Gender, and Sexual Orientation Minorities.”