

Gender Identity and Inclusivity in the Intelligence Community

A. AUTHORITY: The National Security Act of 1947, as amended; Executive Order 12333, as amended; and other applicable provisions of law.

B. PURPOSE: This Intelligence Community Directive (ICD) establishes policy to promote a diverse, equitable, and inclusive workplace, irrespective of gender identity, transgender status, gender expression, and perceived gender.

C. APPLICABILITY

1. This ICD applies to the Intelligence Community (IC), as defined by the National Security Act of 1947, as amended, and to such other elements of any department or agency as may be designated by the President, or designated jointly by the Director of National Intelligence (DNI) and the head of the department or agency concerned, as an element of the IC.

2. Recognizing that IC elements within departments are subject to departmental policy and military personnel are subject to policy requirements of the Department of Defense and their respective Service, such departmental and Service policies relating to gender identity and inclusivity shall have primacy if there are perceived inconsistencies with this ICD.

3. For the purpose of this policy, the terms used herein are defined in the Appendix.

D. POLICY

1. The IC shall be a model employer that thrives on a workplace culture of inclusivity, equity, and civility for all IC personnel. IC elements must demonstrate their commitment to an inclusive workplace for all IC personnel, irrespective of gender identity, transgender status, gender expression, and perceived gender.

2. IC elements shall maintain a work environment free from discrimination and harassment based on sex, including gender identity, transgender status, gender expression, and perceived gender, in accordance with applicable law, executive orders, and ICD 110, *Intelligence Community Equal Employment Opportunity and Diversity*.

3. IC elements shall ensure that all IC personnel have the option to disclose or not to disclose their chosen name, pronoun, honorific, gender identity, transgender status, and gender expression, unless required by law or to ensure compliance with personnel vetting requirements. IC elements



shall ensure that the chosen name, pronoun, honorific, and gender-related language for all IC personnel are respected. This obligation also extends, to the maximum extent practicable, to interactions with employees and applicants during recruitment, interview, and selection actions, as well as personnel vetting and onboarding actions. Intentional and repeated misgendering, including use of the incorrect name, pronoun, honorific, and gender-related language of an individual, could contribute to an unlawful hostile work environment or discrimination claims, and may result in disciplinary action.

4. To the maximum extent practicable, IC elements shall incorporate gender-inclusive language in official communications throughout their organization, including, but not limited to, personnel information, facilities signage, policies, procedures, and other documentation.

5. IC elements shall protect personally identifiable information, including gender identity, transgender status, and related medical information, with sensitivity and confidentiality, and in accordance with applicable law and established privacy procedures.

6. IC elements shall not require IC personnel to change their organization or position at any time based on their gender identity, transgender status, gender expression, perceived gender, or gender affirmation process.

7. IC elements shall not use gender identity, transgender status, gender expression, perceived gender, or gender affirmation process as a basis for denying access to IC information or facilities.

8. To promote an inclusive work environment, IC elements shall provide transgender and gender identity awareness training to their workforce on an annual basis. In addition, IC Human Capital (IC HC), in coordination with IC Diversity, Equity, Inclusion, and Accessibility (IC DEIA), shall develop training for the IC in support of, for example, recruitment, hiring, and retention.

9. IC elements shall, to the maximum extent practicable, ensure IC Information Environment (IE) systems, including personnel and security systems, and related processes are gender inclusive, which would allow IC personnel, for example, to change display names, honorifics, gender markers, including through the use of "X" gender marker, and pronouns without being required to present legal identification documents, unless required by law, regulation, Office of Personnel Management policy, or to ensure compliance with personnel vetting requirements established by the DNI, including when acting as the designated Security Executive Agent.

10. IC elements shall not approve or deny benefits based on gender identity or transgender status. This includes ensuring leave and benefits guidance is inclusive of gender-affirming care, consistent with applicable laws and policies.

11. IC elements shall ensure that decisions related to foreign travel assignments are not based on an individual's gender identity or transgender status. Decisions related to foreign travel assignments shall be consistent with established standards applicable to all personnel. IC elements shall ensure that official foreign travel guidance includes all known risks and relevant information concerning gender identity, such as the destination country's laws and customs, and is provided to IC personnel in advance of official foreign travel.

12. The Chief of IC DEIA is the Accountable Official for the implementation of this ICD.

13. The IC DEIA shall provide resources, guidance, and support to IC elements with respect to best practices to promote the inclusion of gender expansive, gender nonconforming, nonbinary, and transgender personnel. In order to inform such guidance, IC elements shall, as requested, provide to the IC DEIA information about the status of, progress on, and barriers to inclusion of gender expansive, gender nonconforming, nonbinary, and transgender personnel.

14. IC elements shall collect, analyze, and, as requested, submit to the IC DEIA voluntary self-reported gender identity-related demographic data on their workforce, including metrics related to hiring, promotion, and retention.

15. IC elements shall establish internal policies to implement this ICD within one year after signature of this ICD.

E. ROLES AND RESPONSIBILITIES

1. The Chief, IC DEIA shall:

- a. Serve as the Accountable Official for the implementation of this ICD;
- b. Develop and promulgate IC Standards in accordance with IC Policy Guidance 101.2, *Intelligence Community Standards*, and other guidance as necessary to implement this Directive; and
- c. Establish and regularly provide best practices and resources to further promote the inclusion of gender expansive, gender nonconforming, nonbinary, and transgender personnel throughout the IC.

2. The IC Chief Information Officer (CIO), in coordination with IC DEIA, shall establish common IT standards with respect to gender identity and transgender status, including display names, pronouns, honorifics, and gender markers, for IC IE systems.

3. The Director of the National Counterintelligence and Security Center, in coordination with IC DEIA, shall establish best practices and guidance concerning gender identity and transgender status in the conduct of background and security investigations.

4. The Assistant Director for IC HC, in coordination with IC DEIA, shall:

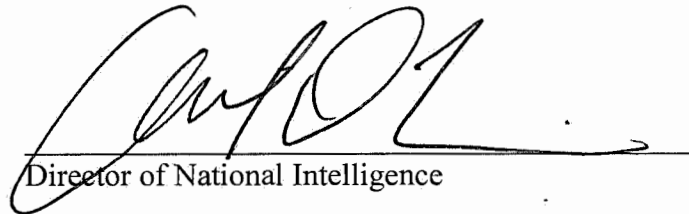
- a. Establish inclusive best practices for recruitment, hiring, and retention of gender expansive, gender nonconforming, nonbinary, and transgender personnel in the IC; and
- b. Develop training for the IC in support of, for example, recruitment, hiring, and retention.

5. IC element heads shall:

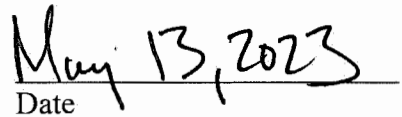
- a. Maintain a work environment free from discrimination and harassment;
- b. Ensure that the chosen names, pronouns, honorifics, and gender-related language of their workforce are respected;
- c. Incorporate gender-inclusive language throughout their organization to the maximum extent practicable;

- d. Ensure that IC personnel are not required to change their organization or position based on their gender identity, transgender status, gender expression, or gender affirmation process;
- e. Ensure that official foreign travel guidance regarding gender identity is provided to IC personnel;
- f. Provide workplace inclusion training consistent with this ICD;
- g. Update IC IE systems to be gender inclusive to the maximum extent practicable, consistent with IC CIO Information Technology standards;
- h. Submit information about inclusion of gender expansive, gender nonconforming, nonbinary, and transgender and voluntary gender-related demographic data to the IC DEIA, as requested; and
- i. Issue or, as necessary, revise internal policies to align and comply with this ICD.

F. EFFECTIVE DATE: This Directive becomes effective on the date of signature.



Director of National Intelligence



Date

Appendix - Definitions

Chosen name: The name that an individual uses day-to-day, which may or may not be the same as the individual's legal name.

Gender affirmation: The process by which an individual more closely aligns their internal knowledge of their gender with their appearance.

Gender affirmation-process plan: An optional plan that contains documented steps for an individual's gender-affirmation process that may contain such steps as identifying a date of social transition, organizational training, and changing pronouns, honorific, and name.

Gender expansive: Describes an individual who does not conform to gender stereotypes and who challenges cultural expectations regarding gender roles, expressions, identities, or norms.

Gender expression: The way in which an individual outwardly presents their gender, which may or may not conform to social norms associated with a particular gender.

Gender identity: The individual's internal sense of being man or woman or an identity other than the traditional definitions of man or woman.

Gender-inclusive language: Speaking and writing in a way that does not discriminate against a particular sex, social gender, or gender identity and that does not perpetuate gender stereotypes.

Gender nonconforming: Describes an individual who does not conform to societal expectations of gender expression associated with a particular gender. Not all gender nonconforming individuals are transgender, and not all transgender individuals are gender nonconforming.

Gender stereotyping: An overgeneralization of characteristics, differences, or attributes of a certain group based on their gender.

LGBTQIA+: An acronym referring to the lesbian, gay, bisexual, transgender, queer, questioning, intersex, asexual, aromantic, agender, plus community.

Misgender: Identifying the gender of a person incorrectly (as by using an incorrect label or pronoun).

Nonbinary: A person whose gender identity is outside of the traditional concept of man or woman. Some nonbinary people identify as transgender, while others do not.

Perceived gender: The gender that people ascribe to an individual, based on name, interests, clothing, and other external characteristics, frequently determining how an individual is treated, based on gender norms and stereotypes.

Transgender: Describes an individual whose gender identity does not align with the sex assigned to them at birth.