



Nonbinary Gender Marker: Frequently Asked Questions

Recent changes in the RMV's records system will allow any individual in Massachusetts to use one of three gender markers: female (F), male (M), or nonbinary, which will be designated using the internationally-recognized marker of "X."

Why might someone want to use a nonbinary gender marker?

First, an increasing number of people are rejecting the labels of "male" and "female" and instead identify in some other way, such as genderqueer, gender fluid, or gender nonbinary. Many of these individuals may prefer to have a nonbinary marker that better matches their identity. Second, some people who are intersex were born with sex characteristics (including things like hormones and genetic qualities) that are usually associated with both men and women, and thus may prefer to use a nonbinary ID. Finally, other people may identify as male or female in their day-to-day lives, but prefer a nonbinary marker for some other reason, including for privacy. Therefore, there is no one right answer for why a person might want a nonbinary marker, and assumptions about people's motivations and identities should be avoided.

Is special documentation needed to get a nonbinary gender marker?

No. Someone getting an ID for the first time with the state can select this as their option, just as they can select male or female. Someone who is seeking to change their gender marker from male or female to nonbinary only needs to complete a signed affidavit to show that there is no fraudulent intent. No medical documentation or anything else is needed.

Should transgender people use the nonbinary gender marker?

Many transgender people will *not* want a nonbinary marker. For example, a person who was identified as male at birth but who identifies as female now may (and will most likely) want a female gender marker, since that matches her gender identity. It is important to remember that transgender people have the right to select the gender marker that is consistent with their identity. Transgender people are never required to use a nonbinary marker if, for example, their gender marker is not the same on all of their identification documents. However, some transgender people may – for whatever reason – choose to use a nonbinary marker, and they are also free to make this choice.

How should I interact with people who use a nonbinary gender marker?

Because people might want a nonbinary gender marker for all different reasons, it is impossible to make assumptions about their identity just because they are seeking this marker. For example, someone may want a nonbinary gender marker, but might still identify in their day-to-day life as a woman, and want to be referred to as "Ms. Smith" or "she." Still, many people who we expect to seek a nonbinary marker actually identify as gender nonbinary, and may not use masculine (he/him/his) or feminine (she/her/hers) gender

pronouns. They may instead use nonbinary pronouns like “they / them / theirs” or “ze / hir / hirs.” If you are not sure how a person wants to be referred try avoiding using gender-specific with respect to that client. For example, if you need to ask a coworker to help this client, you could say, “The client needs a form,” or “This individual needs help,” instead of saying “he” or “she.” If you make a mistake in using a pronoun with a client, simply apologize and correct yourself next time.

Is any state other than Massachusetts doing this?

Yes, several states and cities offer nonbinary gender markers, as do some countries on national identification documents. The United Nations has issued international guidance to help have more consistency around the world, and Massachusetts is following that guidance. US States include: Arkansas, California, Colorado, Washington D.C., Maine, Minnesota, New Hampshire, New Jersey, New York, Oregon, Utah, Vermont, Washington.

What if coworkers or clients are upset about this change?

If questions or conversations about the new nonbinary gender marker get heated, try to deescalate the situation. People have different opinions on the topic of gender, but this change is really just about accepting people’s right to privacy and self-identification. Employees of the Commonwealth have a responsibility to professionally offer their services to all who are entitled to them, even if they do not agree with every law and policy in the Commonwealth. And clients who do not like the idea of a nonbinary gender marker simply do not need to request such a marker themselves.

What should I do if I see a client being treated poorly?

Remember that it is illegal to discriminate against people on the basis of gender identity in the Commonwealth, including in using public spaces and in accessing state services. People who identify as gender nonbinary or transgender are therefore entitled to utilize the RMV’s services, as well as to use the restroom that they feel most comfortable using. Additionally, the RMV has policies to ensure quality and respectful customer service. If you see a client who is being treated disrespectfully, being denied a nonbinary gender marker, being denied access to the restroom they feel safe using, or otherwise being treated poorly, you should follow your office’s procedures for ensuring quality and lawful customer service.

