

997 Bradford Street
Pomona, California 91767
January 10, 2007

Office of the Registrar
California State Polytechnic University, Pomona
3801 West Temple Avenue
Pomona, California 91768

Dear Registrar:

After denying me a name change in May, June, and July of 2005, this letter is to request once again a name change from Jared Clifford Tveter to Olympia Tveter and additionally for a gender change from male to female upon the university's records. Specifically I request that:

- My name and gender be changed in the Registrar's records, in my student employment and payroll records, and in all other university records, including email, Broncodirect and Blackboard accounts, medical, and library records
- I be issued a new student ID in my new name and gender

I request this as the freedom to change one's name *at will* is a human right under state and federal law. Specifically:

- I may be employed and do business under any name I choose at will (California Civil Code § 1279.5, California Family Code § 2082, *Lindon v. First National Bank* 10 F. 894, *Coppage v. Kansas* 236 US 1, *In re McUlta* 189 F. 250, *California Packing Corp. v. Kandarian* 62 Cal. App. 729)
- Such a change carries the same legal weight as a court decreed name change (*In re McUlta* 189 F. 250, *Christianson v. King County* 196 F. 791, *United States v. McKay* 2 F.2d 257)
- This is guaranteed under both the U.S. and California State Constitutions (*Jech v. Burch* 466 F.Supp. 714, California Penal Code § 422.6)
- As name relates to gender fluidity, the right to alter one's expression of gender is protected from discrimination and oppression (California Student Safety and Violence Prevention Act of 2000, Education Code § 200 and § 220, and Government Code § 12926 (l) and § 12926 (p), Penal Code § 422.55, § 422.56, and § 422.6)

The freedom to change one's gender *at will* is also a human right under state law. Specifically:

- One may change their gender at will, as gender is a social construct (California Student Safety and Violence Prevention Act of 2000, Education Code § 200 and § 220, and Government Code § 12926 (l) and § 12926 (p), Penal Code § 422.55, § 422.56, and § 422.6)
- No one may "intimidate, interfere with, oppress, or threaten any other person in the free exercise of any right or privilege," which includes one's chosen gender (Penal Code § 422.55, § 422.56, and § 422.6)

Thus, you are required to make these requested changes. The remainder of this letter explains my past request for a name change alone, exhibits several key laws and judicial rulings regarding name and gender changes, how your refusal was in the wrong, and what your proper response should have been and should be now.

I originally began changing my name at the beginning of 2005 because my old name no longer reflected the androgynous gender expression I had transitioned to. During late Spring 2005, I requested the university change my name in their records; my request was denied. Later in that summer I transitioned to living full-time as a female.

When I first came into the Registrar's Office in late May of 2005 requesting my name be changed, the clerical who greeted me told me that she needed to see a court order. She seemed quite willing to change my name in the Registrar's records at that very moment if I had shown her a court order. Somewhat familiar at that time with California State law regarding this matter, I knew that changing one's name through the courts was not necessary, and not finding an understanding with her, she led me to the office of Maria Martinez, an administrator there.

I explained to Ms. Martinez my situation and showed her some documents I had explaining name change law. Making some copies of those documents, she politely explained that she would look further into the matter and suggested that I write a formal letter to the Registrar, which I did. It was dated and delivered about a week later, specifically on June 8th.

A day or so before receiving a letter of denial in the mail in late June, I spoke with Ms. Martinez on the phone and she explained that really the refusal was not due to any evidence I show them, but due to paperwork reconciliation issues—needing all the records to match. Yet, as I have contemplated all of this, in the course of all these interactions, the reasoning for reconciliation is fallacious. When I first made the request with the clerical, she had no hesitation in my changing my name right there and then, if I had a document of the courts. Then, in the letter I received, no mention of such a document is made, and even the letter sends a mixed message. The first paragraph of the letter says that the Registrar is unwilling to change my name without a changed Social Security card, but, then, toward the end of the letter, it says that either a Social Security card or a drivers licence would be acceptable. A mixed message. It sounds as though you are either possibly trying to discriminate against me based on being a transgender person, or that perhaps truly you have no clear policy, except that you just want to see some evidence of the change from some other government entity before you will go ahead with it yourself. As will be clarified in this letter, such discriminatory capriciousness and/or lack of clear policy, based on my name and gender, or to avoid either difficult acrobatics in paperwork or fear of disagreeing with other agencies is not within the law.

Later in that summer, I also had a meeting with David Johnson at the campus Judicial Affairs Department. He had been of some legal help to me in the past and I thought that if I met with him again, he could help mediate in this instance with you. Legal reasoning and my just petitions fell on deaf ears. While conversing, he said that the university obviously felt that common law name changes were no longer legal, but really he seemed to want to avoid the issue—encouraging me to go get a court issued name change, as the clerical had first expected, he began searching the internet at his desk on how to obtain a name change through the courts, thus attempting to brush the law aside. He also told me that disobedience to the law by the university would only amount to a small infraction against them if someone sued them.

So, the stated reasons for being denied a name change in total were:

- The desire to see documents of change from the courts
- The desire to see documents of change from the Social Security Administration
- The desire to see documents of change from the DMV
- Paperwork reconciliation difficulties
- Only a minor punishment to the university for not abiding by the law

Absolutely, your open willingness to not keep the law is immensely disturbing, but primarily at issue is that according to state and federal law, common law name change is legal, the desire for complete alignment of all records is a fallacious excuse, and as my name change is part of my gender identity and expression, for all these reasons you are required to change my name in your records.

Below I explain the most key legislative passages and judicial rulings regarding this matter and how your refusal is against federal and state law.

In accordance with California State Civil Code § 1279.5 and California Family Code § 2082, meeting all qualifications, I have the legal right to change my name by common law. Civil Code § 1279.5 (a) reads, “Except as provided in subdivision (b), (c), (d), or (e), nothing in this title shall be construed to abrogate the common law right of any person to change his or her name. Subdivisions b through e preclude one from changing their name by common law if they are in state prison, on probation, on parole, or been a convicted sex offender. So if a person is not in any of these categories – which I am not – then they can change their name through common law. Another applicable state law, Family Code § 2082, specifically states, “Nothing in this code shall be construed to abrogate the common law right of any person to change one’s name.” Being a part of the California Codes, a division of the state statutes, like Civil Code § 1279.5, this is yet another codified affirmation that is *your calling* to abide by. You might ask, “So the state statutes say we have to follow this, but what does common law really mean?”

For clarification I refer you to several federal judicial rulings below, one of which went all the way to the U.S. Supreme Court and was affirmed.

In the case of *Lindon v. First National Bank* (1882), 10 F. 894, a woman who had changed her last name to one that was not her husband’s original surname name at birth, was trying to claim control over her inheritance. The court ruled in her favor, “At common law a man may change his name, and he is bound by any contract into which he may enter in his adopted or reputed name, and by his known and recognized name he may sue and be sued.” Yes, by common law, one may lawfully change their name and be “known and recognized” by that new name. Also, one may enter into any kinds of contracts in their new adopted name. Contracts include employment. See *Coppage v. Kansas* (1915) 236 US 1. And one can be recognized legally in court in their new name.

In the next case, *In re McUlta* (1911), 189 F. 250, the ruling states that even if a court is granted permission to change a name by petition and decree, this does “not change the common-law rule that a man may lawfully change his name at will and will be bound by any contract into which he enters under his adopted or reputed name, and that he may sue and be sued in that name.” So, explicitly, a common law name change carries the same legal weight as a court decreed name change. In this passage is also the use of the wording “at will”—this is precisely what common law allows—no court issued order of name change is required. It is “at will.” In this case, a certain person moved from New York State to Pennsylvania, by common law, at will, assumed the name of “J. D. McUlta,” and then went bankrupt after several years of doing

business in that new name. This case is also an example that a person's name is really irrelevant in regards to the person, for it only indicates the person. One may change their name by common law, but the existence of that person does not change:

This exception charges the bankrupt with fraud in obtaining the goods and merchandise purchased, in that he did not inform his creditors of his right name, and therefore he did not obtain title to the goods which he claims as exempt. We dismiss this exemption. A name is used merely to designate a person or thing. It is the mark or indica to distinguish him from other persons, and that is as far as the law looks. In re Snook, *supra*; Rich v. Mayer (City Ct. N. Y.) 7 N. Y. Sup. 69, 70. They are merely used as means of indicating identity of persons. Meyer v. Indiana National Bank 27 Ind. App. 354, 61 N. E. 596. There is nothing in the evidence to show that any fraud was committed by the bankrupt in purchasing the goods. They were sold to him under his assumed name (the creditors never knew until after the institution of bankruptcy proceedings and the adjudication, that the bankrupt was doing business under an assumed name;) and he took title of the goods and could have disposed of them under his assumed name and given a good title to the same. Credit in this case was given to the man—not the name—and that man was J. D. McUIta.

Name *indicates* the person; it is not, by law, the person. So if you already know a specific person, and an aspect or aspects of that person change or evolve over time, this is inconsequential. Furthermore, this federal case makes clear that, without any court authorization, by common law one may legally assume and thus change their name, their “indica,” “at will.” Also see California Civil Code § 1798.92(c) concerning types of indica.

In *Christianson v. King County* (1912) 196 F. 791, an immigrant from Norway, by common law, changed his name. The case predominately revolved around a land dispute regarding the descendants of the said person. The court speaks here of one's “assumed” name—that it *is* one's legal name. “A man may lawfully change his name without resorting to legal proceedings, and for all purposes the name assumed by him will constitute his legal name.” Very clearly here, the name a person assumes as theirs, it *is* their legal name. The court proclaims here that an at will change of name carries the exact same legal weight as that of a court ordered name change. This case was also affirmed by the U.S. Supreme Court in 36 S.Ct. 114, 239 U.S. 356, 60 L.Ed. 327.

To clarify intent, in the next case *United States v. McKay* (1924) 2 F.2d 257, a couple who'd assumed different names than their birth names were illegally selling liquor out of their home during the Prohibition. The warrant issued to search their premises was made out using their new name of McKay, but the accused tried to get out of being prosecuted due to that it was issued under their assumed names. In response, the court affirmed:

Under the common law a man can change his name at will, provided it is not done with a fraudulent purpose; he may sue and be sued by such adopted name, and will be bound by any contract into which he enters in his adopted name. [And this] is not abrogated by the fact that a procedure is provided by statute for the change of one's name.

Here again, is the conclusion that the common law carries the same legal weight as procedural court ordered name changes. The court concludes also that one's name is fairly irrelevant, unless deception is involved, and that one may change and enter into any kinds of contracts under one's newly chosen name.

Lastly, in a more recent federal case, *Jech v. Burch* (1979) 466 F.Supp. 714, some parents had given their newborn child a last name that was not their own. A friend of the parents did not think this was right and went to court over it. The court affirmed their common law right to choose any name they wished. Particularly, the court touched upon the morality and constitutionality of this right:

...a proper interpretation of Anglo-American political and legal history and precedent leads to the conclusion that parents have a common law right to give their child any name they wish, and that the Fourteenth Amendment protects this right from arbitrary state action. ...

The common experience of mankind, whether parents agonizing over a name for their newborn child, or grandparents trying to participate in the naming process, or grown children living with the names their parents gave them, points up to the universal importance to each individual of his own very personal label. Every society has developed a special folklore around a person's name. One's name becomes a symbol for one's self.

Good name in man and woman, dear my lord,
Is the immediate jewel of their souls;
Who steals my purse steals trash; 'tis something, nothing;
'Twas mine, 'tis his, and has been slave to thousands;
But he that filches from me my good name
Robs me of that which not enriches him,
And makes me poor indeed.

W. Shakespeare. *Othello* Act III, Sc. 3, Line 155 (1604)

The "Blessings of Liberty" mentioned in the preamble of the Constitution include time honored rights, amenities, privileges, and immunities, among which is autonomous control over the development and expression of one's intellect, interests, tastes, and personality. See *Doe v. Bolton*, 410 U.S. 179, 93 S.Ct. 739, 35 L.Ed.2d 201 (1973) (concurring opinion of Douglas J., at 210-211, 93 S.Ct. 739). The naming of one's own child comes within this catalogue of blessings of liberty.

And likewise, the naming of the self. This case directly expounds that this common law right is part of the "Blessings of Liberty" that the U.S. Constitution protects and that specifically the Fourteenth Amendment protects people from intolerant policies in this matter. The wording "of universal importance" speaks of how truly this right to determine one's name is a very *human* right, applicable to *all*. This protection of the law must be honored; none are to be robbed of this right "of universal importance," "of that which ... enriches [them]"— this right, at will, to freely choose their "own very personal label"— their name.

I could mention a large number of other cases, particularly state cases, but these were the most key, and as one can see, there is a great precedent. And regarding the few rules laid out by rulings and statutes, I am well within those set bounds. I have the freedom to change my name at

will, to sue and be sued, to enter into contracts and do business in the name I choose (regardless of the given name on a social security card or birth certificate), and that some sort of *proof* of that name change is not required of me to give to anyone.

Of the cases above, *Jech v. Burch* is more recent and its statements and definitions within carry strongly and logically into freedom of gender determination. The two are definitionally very tied together. Name is very much a part of one's gender identity. And they reflect one another as part of how one generally designates the self. In *Jech v. Burch*, "The 'Blessings of Liberty'" includes that over which one has "autonomous control over [one's] development and expression." Unlike personal control over one's name, control over one's gender is a relatively recent development in our society, but something that one may exercise control over. The state codes not only explicitly speak of this personal flexibility, but also prohibit you from discriminating against it. And as name is so very tied to gender, and the principle reason I changed my name is because of gender, the following laws are immensely important here.

Regarding freedom of gender determination, in accordance with the California Student Safety and Violence Prevention Act of 2000 (which guides many state education codes), California State Education Code § 200 and § 220, and Government Code § 12926 (l) and § 12926 (p), you are under the obligation of law to respect a student's self-determination of gender and not discriminate against anyone by labeling them in accordance with your will. The Student Safety and Violence Act of 2000 and the state penal code specifically call violations in this regard and others to be considered acts of violence and "hate crimes." These specific codes and legislation point to Penal Code sections 422.55, 422.56, and 422.6, which clearly define "gender" as a *social* construct and a matter explicitly of *self-determination*, regardless of what was assigned at birth and that such self-determination is a right preserved under the Constitution of the United States and the State of California. These laws are in place because of the intersexed and transgender communities in the state, because who is to say at what point physically or socially a person is a male or a female – and connectively determine their name? It is for the person to decide. To be sure, I will showcase the Penal Code sections above, of which you are called to abide. In § 422.56, it defines the word "gender" as specifically linked to the other two sections, and reveals its quality as a human right:

"Gender" means sex, and includes a person's gender identity and gender related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.

The wording that gender/sex "includes a person's gender identity and gender related appearance and behavior" leads one to conclude that, according to the statutes, gender is quite an expansive concept. It has everything to do with how one identifies one's self, presents one's self, and interacts with others. *That one's name is almost always an indication and presentation of gender, points to it being very much a part of one's "gender identity."* The phrase "whether or not stereotypically associated with the person's assigned sex at birth" suggests that everything to do with gender can an immense fluidity and that gender can change, transcend "stereotypes" and transcend whatever one was socially "assigned" at birth.

Gender, and all things related unto it, especially name, are woven together as a social indica and they are part of the "The Blessings of Liberty," are part of having "autonomous control over the development and expression of one's intellect, interests, tastes, and personality." Clearly here, control over the identification and expression of self, specifically gender, is a

human right, *especially* under state law and even under federal law. So, according to the state, “gender” or “sex” is initially assigned, but in the living of one’s life they are self-determined, social characteristics. Below is § 422.6:

No person, whether or not acting under color of law, shall by force or threat of force, willfully injure, intimidate, interfere with, oppress, or threaten any other person in the free exercise of any right or privilege secured to him or her by the Constitution or laws of this state or by the Constitution or laws of the United States in whole or in part because of * * * one or more of * * * the actual or perceived characteristics of the victim listed in subdivision (a) of section 422.55.

As gender self-determination is within “the free exercise of any right or privilege,” a denial of a request for a gender-based name change in your records, would absolutely “interfere with” and “oppress” that “free exercise” of the “actual or perceived characteristics” of one’s personal development and expression. The wording “actual or perceived” suggests that how you define someone else is not important, but, truly, only how they happen to define themselves. But let’s look at those “actual or perceived characteristics” unto which one must not discriminate, listed in “subdivision (a) of section 422.55”:

- (1) Disability.
- (2) Gender.
- (3) Nationality.
- (4) Race or ethnicity.
- (5) Religion.
- (6) Sexual orientation.
- (7) Association with a person or group with one or more of these actual characteristics.

As can be seen, “gender” is listed among these characteristics. Some of these in the list, one does not always determine themselves, but, for any individual, most of them *can* change and evolve over time—including, as indicated, one’s gendered name. One cannot discriminate, through interference or oppression, this deemed freedom, nor base any discrimination in relation to these expressions of self, for any such discrimination is considered a hate crime under state law.

My situation relates to all of these court cases and state statutes.

- I meet all California State qualifications to change my name by common law as found in Civil Code § 1279.5—I am not in state prison, on probation, on parol, nor am I convicted sex offender. According to codified state law, under Civil Code § 1279.5 and Family Code § 2082, I have the right to change my name at will and you are obligated to honor this common law right.
- Like the woman in *Lindon v. First National Bank*, I am also seeking acknowledgment by you of the change in my business relationship with the university (in my case as a student assistant). You are required to honor my right to this change.
- In *re McUlta* is similar in that it is someone who seeks to do business and interact in another name than their birth name. The court is clear that I need not offer you proof of that change, you must simply take me at my word, “at will” that the change is real. Also revealed in this case, if I

am seeking to defraud you in some way, then you must still make the change and let honor play its course.

- In the case of *Christianson v. King County*, I have literally assumed my new name at will and simply told people it was different and thus it was and it *is* now my *legal* name, equal to that of a court ordered change. As well, if I am seeking to defraud you in some way, again, you must still make the change and, as above, let honor play its course.
- In the case of *United States v. McKay*, after the change, fraud was found as time played its course, and thus you, the university, should likewise withhold any paranoia of future fraud and honor, in my case also, this guaranteed right, to change one's name at will. Additionally, again, is the specific proclamation that a common law name change carries the exact same legal weight as a court ordered one. Thus, you *must* honor my word of the change and change your records accordingly.
- *Jech v. Burch* shows that this choice of mine, to be able to choose my name, is deeply a part of our history and culture and also a right protected under the U.S. Constitution. As the right to a common law name change is protected under the highest document of this land, you are required to conform.
- In the case of the quoted gender legislation, my gender expression and identity, particularly in the form of my name is "not stereotypically associated with [my] assigned sex at birth," but under this state law this expression of my identity is something protected under U.S. and State Constitutions, and, thus, you are required to validate, not condemn or censor, nor continue to forcefully assign a previously assigned gender identification, nor must you practice any discrimination based on or related unto these self-defined characteristics.

To summarize all of this, to honestly change my name "at will" is explicitly protected under the Constitution of the United States and no court order is necessary. I can do business, enter into employment and other contracts, sue and be sued in whatever name I choose to adopt. These rights are guaranteed to me by state and federal rulings, by state statutes, and by the U.S. Constitution. As well, in relation to my gender identity, as my name is a reflection of my gender, by state law and under the state and federal constitutions you are required to not oppress this personal expression and indica of myself. Freedom of, at will, self-determination is a hallmark of this nation.

In accordance with these laws, you were in the wrong to deny my request for a name change in the school records. Upon my *at will* request, your proper response should have been to promptly change my name throughout the university's records, regardless of difficult administrative acrobatics, and regardless of whether other government agencies had changed them yet or not. As well, whether your records most perfectly aligned with other agencies at that moment was irrelevant, as "at will" name changes are clearly legal, and because changing one's name everywhere is absolutely a process. Honoring of the law through your acknowledgment and the making of such "at will" changes in your records was your official state calling, unto which you failed. Specifically denials of my request should not have happened:

- When I first approached the front desk at the Registrar's office with my request and was told I would need a court order
- When I was told to write a letter, as that was a form of denying me an "at will" change
- When I was told over the phone of the denial
- When I received a letter of denial

- When I was told at the campus Judicial Affairs Department that common law name changes were not legal even though it is codified in statute and confirmed in judicial rulings
- When I was told at Judicial Affairs to get a court order
- When I was told at Judicial Affairs of the university's willingness to break the law

This university has broken the law. I request once again now, with this letter clearly informing you of the law and of your disobedience unto it, that you follow through now in obedience to the law, and change my name throughout the records of this university.

Still, even though no proof is required of me to show you that this change is real, to mend any other doubts you may have, I have since changed my name in nearly every single aspect of my life now. My financial institutions (banks and investment accounts), wherein I have reportedly taxable income from interest, bear my new name. This includes not only my off campus bank, but also my Cal Poly Federal Credit Union savings and checking accounts. I have been writing checks in my new name for over a year now. I now own stock on the NASDAQ and New York Stock Exchanges in my new name. I have had the change made with all of my credit card companies. I have, as well, changed my name within my federal financial aid records and with Sallie Mae—my student loan now bears my new name. And now that it is changed within my financial aid records and upon my student loan, one of your two paperwork difficulties (the other being employment records) is no longer a reason not to change it, but has now transformed into a reason *to* change the main records of the university to my new name. As well, my church records are in my new name and my tax deductible donations to my church and to the university where I received my undergraduate degree are all in my new name. That my entire financial life, my accounts at my financial institutions and in other investments, with my creditors, and my charitable donations are all in my new name runs contrary to any proposed belief that one's income and debt information *must only* be recorded in the name on one's Social Security card or otherwise. You are required to honor my human rights. My subscriptions to periodicals and membership in social and professional organizations are now in my new name. I now hold a life insurance policy in my new name. I am registered to vote and voted in several recent elections in my new name. I have been called to serve jury duty in my new name. I am going by my new name with my friends, family, with my fellow students, all of my professors, and with my bosses and co-workers on the university campus. On campus, several web pages and on the computers in which I schedule my hours of work and on the papers I sign reporting my work hours, they are all in my new name. I have changed my name in nearly every facet of my life now. So, by law, even though no proof is required of me to show, only that you can initially identify me (see Civil Code § 1798.92(c)), there is an abundance of evidence to show that my name change is real.

In total, by federal and state law, you are required to change my name, and though evidence is not required much evidence exists to confirm it, and such overwhelming evidence points to the change being very doable for you. And even if you continue to feel some difficulty in this matter, the laws are very clear that you are under obligation to change my name as I have requested.

Now I will more fully discuss gender change law. At issue here is that refusal to honor a change of gender marker based on this *at will* request letter is illegal for this university.

As revealed earlier, discrimination on the basis of gender is illegal and considered a hate crime, but let's examine sub-section 422.55 of the Penal Code one more time, but this time soli

in relation to one's gender marker ("male", "female"). Once again it reads:

"Gender" means sex, and includes a person's gender identity and gender related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.

I have heard some people argue that "gender" is what one is socially and "sex" is what one is physically or biologically, though here, the opening three words clearly call "sex" and "gender" the exact same thing, and the "and includes" connects in an understanding that it consists of such things as how one identifies one's self, their appearance, and their behavior. Still, in the final wording, "whether or not stereotypically associated with the person's assigned sex at birth," again, this is especially powerful as it says that gender transcends stereotypes and assignment at birth. Because of this usage, that sex is *assigned*, one is rather unequivocally lead to believe that, according to codified state statute, "sex" is *purely* a social construct and not biological at all. Yes, it may be based in part on an "actual or perceived characteristic" but as it is assigned and can transcend stereotypes, it is clearly a matter of personal self-determination.

Assignment at birth is something given, even put upon a person, *like a name*. It is an indica; socially changeable and not dependent on biology. And clearly it is much larger than even a changeable *social* label or indica; it is a very personal determination of identity, behavior, and appearance, a protected "right," a "privilege" of being alive here in this land, it is something unto which we have "free exercise" (Penal Code 422.6). This state code is a proclamation of the immediate fluidity of gender, of it being relatively self-determined. And as mentioned earlier, this code is particularly accommodating for those born intersexed (having both female and male genitals at birth), and accommodating for transgendered individuals, who's "gender identity and gender related appearance and behavior [are] not stereotypically associated with [their] assigned sex at birth." Going back to *Jech v. Burch*, here is manifest "autonomous control;" here is manifest self-determination of so many things related to the "expression of one's" person. This expression is a name, a gender, hair color, religion and so much more that is fluid and can change and evolve over time, but as one can see from particularly the federal name change cases—the person is the constant.

To summarize, regardless of "the actual or perceived characteristics" or of those attributes assigned to a person at birth or otherwise, a person may freely choose at will to transcend those gender assignments and define for themselves what their gender identification and expression will be, and no one is allowed to discriminate, through interference or oppression, this deemed freedom, nor base any discrimination in relation to this expression and determination of self.

My situation directly relates to all of these state statutes and to the federal ruling:

- Specifically in relation to Penal Code § 422.55, I have taken numerous measures to change my gender identity, appearance and behavior to female, including changing my entire wardrobe, changing my name, incorporating dietary additions to alter my physiology, having facial hair permanently removed, and incorporating nuances of female speech and behavior into my life; these adopted characteristics do not match the stereotypes of identity and behavior related to my assigned sex at birth.
- In relation to Penal Code § 422.55, 422.56, 422.6 and *Jech v. Burch*, I have "autonomous control over the development and expression" and identification of my gender and this is a "right

or privilege” of which I have “free exercise.” And as gender is a social construction over which I have “autonomous control,” I have the right to change my gender at will.

In so far as your obligations, you may not “intimidate, interfere with, oppress, or threaten any ... person in the free exercise of any right or privilege,” which includes one’s chosen gender, and that such an oppression constitutes a hate crime (California Student Safety and Violence Prevention Act of 2000, Education Code § 200 and § 220, and Government Code § 12926 (l) and § 12926 (p), Penal Code § 422.55, § 422.56, and § 422.6). So in regards to my personal, honest, self-determination of gender, living as a female for nigh unto a year and a half now, presenting this at will request of you, you are obligated to honor my self-honestly and my “Blessings of Liberty” and change my gender marker in your records as I am requesting. Whether this presents some difficulty for you, I do not know, but what I do know is that you are obligated under the law to make the change and will be in violation of state and federal law if you refuse.

And though I need not give to you any additional verification because this is an at will request, I will give a few socially based examples of my very passing status from this past year or so, simply for your reassurance. As a tutor on campus, when I receive feedback from my students in their written evaluations they overwhelmingly refer to me using female pronouns. I have been using the women’s restrooms on campus for the past year and a half without any problems. I have established several friendships and acquaintanceships with people on campus in the past year and a half without them knowing that I was assigned as a male at birth. If they have found out that I was originally labeled as a male, they’ve always expressed that they had no idea. I have changed my gender designation with virtually everyone else I know also. Wherever I go, people know me as a female. Now, deliberately choosing my gender, I ask you, the university, to recognize me as a female too.

For both my name and gender change, you are not above the law to personally determine for me the indications of my identity and brand them upon me in the forms of name and gender. You must not discriminate, “interfere with,” or “oppress,” but acknowledge and honor my expression of designation and identity, “whether or not [it] stereotypically [matches my] assigned sex.” The laws are not based on some degree of physiologic changes. Simply, they are “at will.” I have already felt insulted by you, but another refusal to change my name and now gender in your records, truly, this would be a continued interference, an oppression, a blatant insult, indicating that only the state defines what my personal expression truly is, or is *suppose* to be. Such an action runs contrary to the statutes and rulings above.

This past summer, *The Advocate* magazine, a well-known periodical of the LGBT (lesbian, gay, bi-sexual, transgender) community, rated Cal Poly Pomona as one of the most queer friendly campuses in the nation, I hope that, after this letter, your keeping of these laws will continue to hold Cal Poly in such high regards. Relatedly, I have shared this letter with several attorneys, and with the campus Pride Center, and from them received validation of the legitimacy of the claims within this letter. And though I will be suing you if you continue to deny me my rights, most truly, I hope that the full explanations of this letter will not onset that task. I would suspect that as you make yourself a greater channel of obedience to these human rights laws, to law “of universal importance,” that it would be of great additional benefit to you — to increase your compatibility with transgender students now and in the future who transition while they attend school here and to make it easier for anyone to change their name at will as the state and federal constitutions and other laws protect.

For myself though, within the next 30 days, I will expect a typed letter of confirmation sent to me through the U.S. Postal Service. As well, I will need to come in to be issued a new student ID card. If you also need me to fill out any forms or otherwise using my new name and gender, please mention this in the letter you send and I will be most glad to come by, fill them out, and sign them. To help abate your possible fears that other agencies may come and ask you about this, or even if they do, if you would like to make an very internal, discreet note somewhere in my records, as I know my credit union has done, that at one time I went by a different name and gender, I will not mind this – as long as it does not appear in publically available transcripts and data. For a similar reason, I request also that I be allowed to keep my old ID card simply for the sake of being able to show a paper trail if asked by anyone concerning these matters.

President Kennedy expounded that “The rights of every person are diminished when the rights of one are threatened.” If you rob me of my rights, you rob yourselves too. Some people these days appear somehow plagued with paranoia about illusive terrorists or of thieves of identity, and so perhaps feel an obligation to place a burden of proof upon every request that falls upon their desk. Again though, as I have shown, your refusals were against the law; you are obligated and bound by state and federal law, codified in statutes and handed down in judicial rulings. It is my responsibility as a person of this country, protected under state and federal constitutions, to proactively hold you accountable and ensure that you uphold the laws of this land. And if so many others can change my name and acknowledge my gender, surely you can too. Obviously this matter is very personal to me and I have felt exceptionally hurt and damaged by your lack of acknowledgment, but it is within your own self interest to serve the needs of students, conform to the law, and respect everyone’s guaranteed rights. In this matter, I do understand that abiding by the law and respecting our guaranteed individual human rights may at times be difficult, but the benefits to the whole, to everyone are far greater than any perceived ease of your paperwork.

Most Sincerely,

Olympia Tveter

CC: David E. Johnson, Director of Judicial Affairs