



AGENDA REPORT

TO: City Council

FROM: City Attorney Barbara J. Parker, Mayor Libby Schaaf, City Administrator Edward D. Reiskin, Council President Nikki Fortunato Bas, President Pro Tempore Sheng Thao, and Councilmembers Loren Taylor and Treva Reid

SUBJECT: Resolution Calling On Microsoft Corporation To Allow Users To Designate Their Personal Pronouns In Their Microsoft Teams User Profiles

DATE: June 21, 2022

RECOMMENDATION

City Attorney Barbara J. Parker, Mayor Libby Schaaf, City Administrator Edward D. Reiskin, Council President Nikki Fortunato Bas, President Pro Tempore Sheng Thao, and Councilmembers Loren Taylor and Treva Reid Recommend that the City Council Adopt the Following:

RESOLUTION CALLING ON MICROSOFT CORPORATION TO ALLOW USERS TO DESIGNATE THEIR PERSONAL PRONOUNS IN THEIR MICROSOFT TEAMS' USER PROFILES

EXECUTIVE SUMMARY

Since the onset of the COVID-19 pandemic in March 2020, the City has relied heavily on Microsoft Teams to operate and transact business on behalf of the people of Oakland, as many City employees work remotely to protect their health and safety. However, unlike other online meeting platforms, such as Twitter, LinkedIn, Instagram, Facebook, Slack, and Zoom, Microsoft Teams does not allow users to designate their pronouns in their user profiles. This legislation would call on Microsoft Corporation to add an option allowing users to designate their pronouns in their Microsoft Teams user profiles.

BACKGROUND / LEGISLATIVE HISTORY

The City of Oakland is committed to upholding and furthering the rights, protections, dignity, and inclusion of all its residents and City staff. Moreover, California's State Fair Employment and

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Housing Act Regulations require that employers honor an employee's request to be identified with a preferred gender, name, and or pronoun and to accommodate changes in an employee's name and pronoun usage.

Since the onset of the COVID-19 pandemic in March 2020, a significant portion of the City's workforce has transitioned to a remote working structure, wherein employees work from home or other locations to avoid in-person contact in the interest of health and safety. As a result, the City has relied heavily on business technology that allows employees to conduct meetings and other affairs virtually, such as through platforms like Zoom and Microsoft Teams. Many employees utilize Microsoft Teams on a daily basis and conduct meetings exclusively through this platform. In fact, working remotely for a portion of each work week will be the standard practice for the vast majority of City employees for the foreseeable future.

Unlike Zoom and other online meeting platforms, Microsoft Teams does not allow users to designate their pronouns in their user profiles. The importance of respecting and acknowledging personal pronouns is widely established, particularly with regard to inclusion of trans, nonbinary, and other persons whose gender identity may not be readily identifiable. To this end, the City passed Resolution No. 88320 C.M.S., acknowledging the importance of maintaining a City culture that supports and affirms persons of all gender identities, such as through mindful use of pronouns and other gendered terminology. Microsoft's failure to include a pronoun option in Teams creates a meeting environment that is not conducive to inclusivity of all users and impairs the City's ability to fulfill the legal requirement to honor employees' pronouns.

On April 1, 2022, the City Attorney, Mayor and City Administrator sent a letter to Microsoft Corporation Chief Executive Officer Satya Nadella urging Microsoft to add an option for Microsoft Teams users to designate their personal pronouns in their user profiles. However, Microsoft has failed to respond to this request despite the fact that more than two months have passed.

ANALYSIS AND POLICY ALTERNATIVES

Over the past several years, public awareness and recognition has increased regarding the need for government agencies to revise policies and practices to appropriately reflect the diversity of their constituents and remove language that is outdated and inherently biased. This includes avoiding the use of gendered terminology and accounting for people of all gender identities. Research shows that an increasing number of people in the United States openly identify as nonbinary and/or transgender. One report published in 2021 by the Williams Institute estimates that approximately 1.2 million adults in the U.S. identify as nonbinary. The Bay Area, and Oakland in particular, are estimated to have one of the highest concentrations of trans and/or nonbinary people in a U.S. metropolitan area.

In the context of personal pronouns, it is impossible to know how a person identifies or wishes to be addressed solely based on their name, voice, or likeness. Allowing people to disclose or otherwise designate their personal pronouns avoids the risk that people will be misgendered, which in extreme examples can be considered harassment or discrimination. The importance of allowing self-disclosure of personal pronouns, so that others do not have to guess someone's gender or how they wish to be addressed, has already been acknowledged by many of the nation's largest technology platforms, including Twitter, LinkedIn, Instagram, Facebook, Slack, Zoom, and others.

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Item # _____
City Council
June 21, 2022

City Attorney Barbara J. Parker, Mayor Libby Schaaf, City Administrator Edward D. Reiskin, Council President Nikki Fortunato Bas, President Pro Tempore Sheng Thao, and Councilmembers Loren Taylor and Treva Reid

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Allowing users to designate their personal pronouns in Microsoft Teams will help to foster an inclusive and respectful meeting environment. This is a bare minimum function to ensure that trans and/or nonbinary City employees are addressed appropriately, regardless of the sound of their voice or their appearance. Notably, providing this function in Teams would not require that users disclose their personal pronouns, but merely provide the option to do so. This is the practice that other major platforms follow.

FISCAL IMPACT

This resolution will have no fiscal impact or cost.

PUBLIC OUTREACH / INTEREST

No public outreach was deemed necessary for the development of this report and resolution beyond the standard City Council agenda noticing requirements.

COORDINATION

The City Attorney's Office coordinated with the City Administrator's office and the Mayor regarding this proposed resolution.

SUSTAINABLE OPPORTUNITIES

Economic: Having laws, policies, and other City communications that accurately reflect the diversity of residents and employees will help to encourage greater civic participation, engagement, and productivity among residents and employees who may otherwise feel excluded, undervalued, and/or discouraged as a result of perceived bias, stigma, and/or frequent misgendering.

Environmental: Using language that is inclusive and affirming of people of all genders promotes a welcoming and safe environment and reduces negative health impacts of perceived bias and exclusion.

Race & Equity: Allowing users of Microsoft Teams to designate their personal pronouns is consistent with and directly promotes the City's commitment to equity. This option would especially benefit persons who identify as transgender, nonbinary, intersex, two-spirit, and/or who otherwise use other pronouns.

ACTION REQUESTED OF THE CITY COUNCIL

City Attorney Barbara J. Parker, Mayor Libby Schaaf, City Administrator Edward D. Reiskin, Council President Nikki Fortunato Bas, President Pro Tempore Sheng Thao, and Councilmembers Loren Taylor and Treva Reid recommend that the City Council adopt the following:

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USERS TO DESIGNATE THEIR PERSONAL PRONOUNS IN THEIR
MICROSOFT TEAMS' USER PROFILES

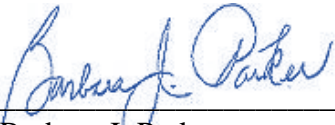
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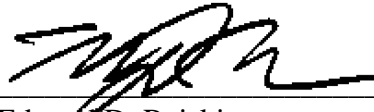
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For questions regarding this report, please contact Laura Lane, Supervising Deputy City Attorney, at (510) 238-3838.

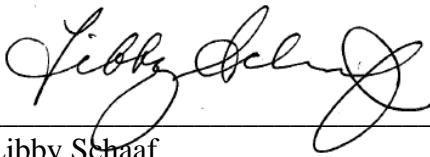
Respectfully submitted,



Barbara J. Parker
City Attorney



Edward D. Reiskin
City Administrator



Libby Schaaf
Mayor



Nikki Fortunato Bas
Council President



Sheng Thao
President Pro Tempore



Treva Reid
Councilmember



Loren Taylor
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