



GENDER IDENTITY AND EXPRESSION IN THE WORKPLACE

Overview

These guidelines address the needs and issues that can arise in the workplace for transgender persons or other gender non-conforming persons working at NVIDIA. These guidelines support NVIDIA's Code of Conduct and Anti-Harassment policy, which prohibit discrimination and harassment based on gender identity and expression. NVIDIA also includes gender identity and expression in its equal employment opportunity policies to clarify that discrimination and harassment against transgender individuals is prohibited. This is consistent with our philosophy that all employees should be treated fairly and with respect. All employees are required to act in accordance with NVIDIA's Code of Conduct and equal opportunity and anti-harassment policies. A failure to comply with these policies and guidelines could result in corrective action, up to and including termination of employment.

Terms You May Encounter

- Transgender refers to a broad range of people who experience and/or express their gender differently from what most people expect – either in terms of expressing a gender that does not match the sex listed on their original birth certificate (i.e. designated sex at birth), or physically changing their sex. It is an umbrella term that includes all people who are gender non-conforming. Not all people who consider themselves (or who may be considered by others as) transgender will undergo a gender transition.
- Transitioning is the process through which a person changes their life to live as a gender other than the one assigned at birth, and/or modifies his/her physical characteristics and/or manner of expression to satisfy the standards for membership in a gender other than the one he/she was assigned at birth. Some people transition simply by living as a member of the other gender, some undergo medical treatment to align their physical characteristics with their internal sense of gender, and some undergo legal proceedings to be legally recognized as another gender.
- Sex is the biologically based presumption of reproductive capability to determine a person's label of female or male. This label, at birth, is usually based on a doctor's visual assessment of a baby's genitalia.
- Gender is the social meaning given to sex. A person's gender role reflects the duties, qualities and expectations of society based on gender which includes how we have learned to walk, look, act, dress, what job we choose, what first name we have and so on. These are commonly referred to as gender characteristics.
- Gender Expression or Presentation refers to all external gender characteristics and behaviors that are socially defined as either masculine or feminine, such as dress, mannerisms and speech patterns. It bears noting that not all employees who identify as a gender different than that assigned to them at birth will present or express themselves as the gender with which they identify.
- Gender Identity refers to a person's innate, deeply felt psychological identification as male or female, which may or may not correspond to the person's body or designated sex at birth. These individuals may or may not change their physical or gender characteristics in order to alter or publicly redefine their gender from male to female or from female to male. Gender identity is distinct from sexual orientation.
- Presentation refers to how a person expresses their gender to the world. A person may have been assigned one sex, but publicly present differently than that, according to their gender identity and need for gender expression.

- Cisgender refers to individuals who are not transgender.
- Sexual orientation refers to an individual's physical and emotional attraction to the same and/or opposite gender. "Heterosexual," "bisexual," and "homosexual" (aka gay or lesbian) are all sexual orientations. A person's sexual orientation is distinct from a person's gender identity and expression.

Transitioning Employee Responsibilities

We support a transitioning individual expressing openly who they are. Transitioning employees have the right to express their gender identity without fear of consequences while still maintaining professional expectations.

An employee beginning the transition process should contact his or her manager and human resources representative to discuss the employee's timeline for transitioning. To the extent they feel comfortable doing so, transitioning employees should consider providing information to their manager, human resources representative and/or others in order to ensure clear understanding of what their needs may be. Resources to assist transitioning employees in this educational effort are listed at the end of this document.

The employee should choose how, or even if, others with whom they work at NVIDIA are notified of their transition. Some employees may be more comfortable doing this themselves, while others may prefer assistance from human resources. Please contact human resources if you would like help discussing this process.

Management Responsibilities

If an employee informs a manager of his or her intent or desire to transition, or if an employee is currently in the transitioning process, the manager should educate himself or herself or allow the employee to educate the manager, if necessary. The manager must be respectful when discussing with the employee his or her needs and concerns. If a manager needs additional assistance, he or she should contact their human resources representative.

Appearance Standards

A transgender employee is permitted to dress consistently with his or her gender identity and is required to comply with the same standards of dress and appearance as apply to all other employees. NVIDIA expects all employees to dress and behave in a business professional manner.

Restroom Access

Access issues related to restrooms and other sex-segregated facilities (showers, locker rooms, etc.) will be handled with sensitivity to all employees. In all NVIDIA offices in the U.S., transgender employees are permitted to use the facilities that correspond to their gender identity. Outside of the U.S., employees should contact their human resource representative to determine appropriate use of restrooms in their location. Employees may also use available single-occupancy or unisex facilities.

Transgender employees who are traveling on behalf of NVIDIA and have concerns about the appropriate use of restrooms should consult with their human resources representative in advance of their travel.

Pronoun and Name Changes

An employee who transitions on the job will be addressed by the name and pronoun that the employee requests. Employee records and work-related documents will also be changed accordingly. Upon notification by the transitioning employee, NVIDIA shall change the employee's name and gender in all personnel and administrative records, and as soon as practicable, replace all photographs on display in the workplace with an updated photo portraying the individual.

Where a person's legal name does not match his or her new name, the new name should be used on all documentation, such as e-mail, phone directory, business cards, access badge, name plate, etc., except where records must match the legal name, such as on payroll and insurance documents.

In everyday written and oral speech, the new name and pronouns should be used.

Benefits

In the United States, transgender employees are eligible for all benefit programs that non-transgender employees are eligible for and are required to meet the same eligibility requirements of being a full-time employee working 20 or more hours per week. For benefits information outside of the United States, please contact your local human resources department.

Right to Privacy

Transgender employees at NVIDIA have the right to be who they are without unnecessary disclosure of medical information. In addition, current and prospective employees who encounter problems concerning identification documentation, such as payroll and insurance forms, should feel comfortable raising those concerns with their human resources representative directly.

Statement of Confidentiality

The transgender status of an employee is considered confidential and can only be disclosed on a need-to-know basis. However, transitioning employees are encouraged to participate in the necessary education of their coworkers at whatever level they are comfortable.

Guidance for Co-workers

A lack of knowledge about transgender issues has the potential for creating misunderstanding in the workplace. All employees are expected to conduct themselves in accordance with NVIDIA policies, including NVIDIA's Code of Conduct and Anti-Harassment policy. Gossip or disparaging remarks regarding a transgender or non-gender conforming employee will not be tolerated.

If a co-worker is transitioning and employees are not certain which pronouns to use, it is appropriate to respectfully ask the transitioning co-worker which pronouns should be used. In general, it is considered insensitive to refer to someone by the wrong pronouns once it is established which set of pronouns he or she prefers.

Time Off and Leave of Absence Benefits for Transgender Employees

Managers should provide sufficient flexibility to meet the transitioning employee's needs for appointments, consistent with NVIDIA's paid time off or professional time off policies (as applicable). Time off for medical procedures, including surgery, is to be treated the same as other scheduled medically necessary procedures, consistent with NVIDIA policies.

As with other aspects of a transition, plans should be discussed and communicated only with affected parties in order to manage expectations and to minimize disruption. As with all employees, medical information must be treated confidentially and in accordance with local laws.

Resources for Transitioning Employees, Managers and Other Employees

NVIDIA

- Job-Related Planning for a Gender Transition: Contact your human resources representative
- NVIDIA Lesbian, Gay, Bisexual and Transgender Employee Resource Group: NVPride
- Diversity related questions: Contact NVIDIA-global-diversity@nvidia.com
- Employee Assistance Program: Contact Nvidia-benefits@nvidia.com

External

- Human Rights Campaign Foundation: www.hrc.org/workplace/transgender
- Transgender at Work: www.tgender.net/taw
- National Center for Transgender Equality: www.nctequality.org
- Out & Equal Workplace Advocates: www.outandequal.org
- Harry Benjamin International Gender Dysphoria Association: www.hbgda.org