

# 504-C Guidelines for Accommodating Transgender and Gender Non-Conforming Students, Staff and Community Members



*Adapted from Halton District School Board Guidelines*

## Introduction

The Ontario *Human Rights Code* (the "Code") states that it is public policy in Ontario to recognize the inherent dignity and worth of every person and to provide for equal rights and opportunities without discrimination. The Code aims at creating a climate of understanding and mutual respect for the dignity and worth of each person so that each person feels a part of the community and feels able to contribute to the community. Gender Identity and Gender Expression are protected grounds under the Ontario Human Rights Code.

This includes transsexual, transgender and intersex persons, cross-dressers, and other people whose gender identity or expression is, or is seen to be, different from their birth-identified gender. For more information see the Ontario Human Rights Commission [Brochure on Gender Identity and Gender Expression](#).

Students, staff and community members of all gender expressions and identities are welcome and celebrated in the Upper Grand District School Board.

## Definitions

**Biological Sex:** generally refers to the sex assigned at birth based on external genitalia but also includes internal reproductive structures, chromosomes, hormone levels, and secondary sex characteristics such as breasts, facial and body hair, and fat distribution.

**Cisgender:** having a gender-identity that is congruent with one's biological sex.

**Gender:** may be defined in various ways and could include any or all of the following categories: secondary sex characteristics that develop at and after puberty, behaviour and conduct, the mind, and fashion choices. Gender is usually understood to be performative and learned.

**Gender identity or “lived gender”:** refers to those characteristics that are linked to an individual's intrinsic sense of self that is based on attributes reflected in the person's psychological, behavioural and/or cognitive state. Gender identity may also refer to one's intrinsic sense of manhood or womanhood. It is fundamentally different from, and not determinative of, sexual orientation.

**Gender expression:** is how a person publicly expresses or presents gender. This can include behaviour and outward appearance such as dress, hair, make-up, body language and voice. A person's chosen name and pronoun are also common ways of expressing gender. Others perceive a person's gender through these attributes.

**Gender fluid:** a gender identity that is not fixed and changes over time.

**Genderqueer:** a gender identity that challenges the categories of men and women or the notion that only two options exist.

**Gender non-conforming:** someone who expresses more than one gender or who does not clearly fit into the gender categories of masculine and feminine. Also called gender variant, gender independent, or gender creative.

**Hir:** a pronoun to describe a gender other than male or female; or both male and female.

**Intersex:** a person who has male and female genetic and/or physical sex characteristics.

**Non-binary:** gender identities that are outside of, or beyond two traditional concepts of male or female. See also genderqueer.

**Trans or transgender:** an umbrella term that describes people with diverse gender identities and gender expressions that do not conform to stereotypical ideas about what it means to be a girl/woman or boy/man in society. Trans can mean transcending beyond, existing between, or crossing over the gender spectrum. It is often used as an umbrella term to refer to anyone who is transgender, transsexual, or gender non-conforming (gender variant or gender queer).

**Transition:** the process (which for some people may also be referred to as the “gender reassessment”) whereby people change their appearance, bodies and identity

documents to match their internal (gender) identity, while living their lives full-time in the gender role they know themselves to be.

**Transsexual:** someone who was identified at birth as one sex and self-identifies as another.

**Two-Spirited:** an English language umbrella term for a range of people in some First Nations and indigenous cultures that identify as carrying both male and female spirit. This term may include gender identity, gender expression and/or sexual orientation.

**Zhe / Ze:** a pronoun to describe a gender other than male or female; or both male and female.

## Purpose

These guidelines set out the UGDSB's best practices related to accommodation based on gender identity and gender expression. They have been designed to raise awareness and help protect against discrimination and harassment. It is intended that this document will support students, staff and community members in that the rights of those whose gender identity and gender expression do not conform to traditional social norms are protected. It is important that we recognize that all members of our school communities are entitled to particular supports and protections. This includes those who are transitioning, identify as androgynous, gender creative, gender independent, gender fluid, gender variant, gender non-conforming, transgender, transsexual or trans.

There is an expectation that all UGDSB staff will adhere to these guidelines in general. It is also recognized that specific accommodation requests will be fulfilled on a case by case basis and individualized to best meet the needs of the individual who is making an accommodation request. Needs may change over time and may be different throughout various contexts (example: home, school, peers, work and community). Accommodations must be flexible and unique to each individual and decision making must include the individual.

## Privacy/Confidentiality

All individuals have a right to privacy regarding their personal information. A person's gender identity is private and confidential information and must be safeguarded appropriately.

Students whose lived gender identity or gender expression does not match what their parents or guardians or caregivers expect may not have the support of their parents or guardians or caregivers. The school's role is to support students so they feel safe and welcome at school so they can successfully engage in their education. A school should never disclose a student's lived gender identity to the student's parents or guardians, or caregivers without the student's explicit prior consent. This is true regardless of the age of the student.

At times, it may be appropriate for staff to be aware of a student's lived gender identity. Where possible, individuals should be allowed to control who is aware of their gender identity. School staff should not disclose a student's gender identity to others unless there is a specific situation in which the information must be disclosed.

When contacting the home of a student, discuss with the student first to determine an appropriate way to reference the student's lived gender identity with the student's parents or guardians, or caregivers.

Training or information for staff, students, or to the broader community on these issues is important. This should be done in general terms and not to single out individuals unless they have expressly consented.

## Student Records

### Gender Identification and/or Gender Change

A person's self-identification of gender is the sole measure of the person's gender. A person's lived gender may not match legal documentation (e.g., birth certificate, passport, statement of live birth). Legal documentation is not required as proof of gender identity.

A student's lived gender will be reflected in school records (Maplewood, the O.S.R., O.E.N.), and changed if requested by the student to match the student's lived gender identity. (e.g., If a student identifies as male, the school records will indicate male, regardless of the gender that is indicated on other identification documents such as the birth certificate). Please complete the *Gender Identification Form*. If the student identifies gender as "other," the Principal or designate will let the student and parent or guardian know that our student information system (Maplewood) only accepts male or female to identify gender. This is to align with Ministry of Education requirements (ONSIS). The student will need to indicate preference (male or female) for the

Maplewood entry. To recognize that this is not the individual's preference, the following note will be added to the emergency tab so that it shows up on the biographics section below life threatening allergies: ***student identifies as "other gender."*** The change is only prospective, in that updates will be made moving forward, but changes will not be made to historical records.

## Names/Pronouns

People will use the names preferred by individuals. This is true regardless of whether the student has obtained a legal name change. For example, in Maplewood's identification system, a student's "usual" name may be used on class lists, timetables, etc. to indicate the preferred name for the student. School staff may need to make manual changes to report cards and diplomas to ensure that the chosen name and pronouns appear on these documents.

The school will change a student's official records to reflect a change in legal name upon receipt of documentation that such legal name has been changed.

Students who wish to use pronouns such as "zhe", "ze", "hir", "they" (singular) to identify themselves are to be accommodated.

Intentionally addressing a student by the incorrect name or pronoun may be considered a form of discrimination and is not condoned. This directive does not prohibit inadvertent slips or honest mistakes, but it does apply to the intentional and/or persistent refusal to acknowledge or use an individual's lived gender identity.

## Washroom Access

Individuals will identify their own gender and access the appropriate washroom for their gender identity/gender expression. People who identify on the female spectrum may access the women's washrooms; people who identify on the male spectrum may access the men's washroom.

Where individuals feel uncomfortable or unsafe accessing segregated facilities, they must be granted access to gender-neutral facilities. This must be an easy process where the individual does not have to draw attention or request a key every time access is needed.

Schools and other Board facilities are encouraged to create or designate appropriately signed non-gendered, single-stall facilities if they do not already exist. Use of a non-gender specific single stall washroom should be an option, but should not be imposed upon an individual.

## **Change Room Access**

Individuals may access the change room that matches their gender identity. This can be complicated for people who do not fit within traditional gender norms. Change rooms that do not offer private spaces to change or shower can present difficulties and a potential safety risk for trans and transitioning individuals. Upon the individual's request, an alternate change and shower location must be made available. Some examples of accommodation may include:

- A private area within a public area (a bathroom stall with a door; an area with a curtain; an instructor's office in the change room)
- Use of a nearby private area (a washroom, nurse's office)
- A separate changing schedule

## **Gender Segregated Physical Education Class**

Students should attend the classes appropriate to their lived gender identity. As a last resort, if the school is unable to provide safe accommodation to a student, at the request of the student and/or their parent/guardian/caregiver, it may be appropriate to consider other options such as e-learning, independent study or full exemption.

## **Sports Team Participation**

Students are able to compete on the teams appropriate for their lived gender identity. If a student identifies as male, he will play on the boys' teams; if a student identifies as female, she will play on the girls' teams. Please note that OFSAA has its own transgender participation policy. At time of print, transgender males may participate on male teams; transgender females must submit documentation from treating licensed physician to show that gender reassignment has been active and ongoing for at least one year.

Schools should consider offering house league or intramural sports that are not gender segregated.

School teams should have non-gender specific uniforms.

## **Field Trips with Overnight Accommodation**

All students are welcome and encouraged to participate on school field trips. Students on overnight trips need to be housed in a manner that is safe and respectful. School staff will consider a student's needs/preferences when planning. In some cases, this may mean offering private accommodations to transgender students. Students must not be asked to pay more to participate because of their gender identity.

## **Dress Codes**

School dress codes should be gender neutral. For example, avoid reference to specific clothing and genders (e.g., length of skirts for girls).

## **Professional Learning**

UGDSB encourages all staff to become educated in gender diversity and advocacy. In addition, staff should be educated in challenging gender stereotypes and in using gender neutral language.

## **Advocacy**

Schools are encouraged to designate a staff person within the school who can act in an extended advocacy role for trans and gender variant students. This may be the Gay-Straight Alliance (GSA) lead, CYC, social worker, student success lead, equity representative, or homeroom teacher.

## Case Examples

The following case examples may be helpful in illustrating how these gender accommodation guidelines may be implemented in schools.

**1. You observe six girls on the playground taunting another girl. They say that “she isn’t really a girl” and that “she has a penis”. You hear one of them threaten that “we will get her if she enters the girls’ change-room again.”**

### Act:

- a) Immediately intervene. Tell the students that their behaviour is harassment and that harassment is not permitted.
- b) When the girls press you for “the truth” about the girl, focus on the harassers’ behaviour. Follow your school’s procedures for addressing harassment and bullying.
- c) Make sure the girls understand that if they are harassing other students in the change-room, then it is the students doing the harassing who will be removed. Nobody has the right to make a school unsafe for another person.
- d) Ensure that the target of the bullying feels safe. Ask her what supports she needs and follow-up with her.

### Educate:

- e) Be clear with the girls that we need to respect people’s abilities to be their own experts. Ask them how they would feel if others decided that they aren’t “really” who they are. Help them recognize that there are various ways that one can dress and act like a girl.
- f) Continue following-up with the harassed girl. Make sure she knows that you are concerned for her safety. Ensure she knows how and where to access help.
- g) Where appropriate, address this in a staff or school team meeting; ensure other teachers will also intervene if there are problems.

**2. A student who identifies as a transgirl (i.e. assigned as male at birth, but knows herself as female) confides that she is uncomfortable using the student change rooms and washrooms.**

Act:

- a) Your priority is to ensure the safety of all students in the school. Ask if there are specific behaviours of others that are causing problems.
- b) If there are, address those students and their actions.
- c) If the student still feels unsafe or uncomfortable, offer other options. This may include accessing single-stall, accessible washrooms, or being given a key and being allowed to use a staff washroom. Ensure that the student is able to find a solution that best fits their needs.
- d) Thank the student for trust and confidence in you. Let the student know that you respect their privacy and will only let others know their status with their permission or if it is important for the student's safety.

Educate:

- e) Ensure that other staff members are aware of and familiar with these policy guidelines. Consider offering an in-service for teachers.
- f) Educate the school about harassment and bullying.

**3. You challenge a student who is harassing a boy for wearing eye shadow. The harasser responds by saying that the boy deserves it because “he is wearing eyeshadow” and then makes a gagging motion.**

Act:

- a) Point out that no one has the right to harass another person.
- b) Explain that students have the right to express themselves within the dress code, and that the student wearing eye shadow is doing so.

Educate:

- c) Share with the student that school dress codes are to be applied equitably. The student wearing eye shadow is not violating a dress code by not conforming to gender norms.

**4. One young boy remained after both teams had been picked for the softball game. The captains of both team hotly complained about his lack of athletic ability. “He’s such a girl,” declared one of the captains. “You take him.”**

Act:

- a) Resolving to reflect on allowing students to pick their teams, you intervene in the discussion. You remind the students that name calling is not permissible and put a stop to the harassment.
- b) Re-divide the students into teams by a random method (i.e. by counting 1-2, or directing all January to June birthdays on one side, July to December birthdays to the other).

Educate:

- c) Remind students of the value of team spirit and supporting and encouraging all players.
- d) “He’s a girl” works as an insult not only against the student directly being harassed, but also against all women. Ensure students understand that gender bias and sexism have no part in schools. Sex does not determine athletic ability.
- e) Teach students about random ways to select teams when playing sports.

**5. Your class is reading a book with a transgender character. As you discuss the chapter where the character comes out (reveals that she is transgender) and a student hollers, “Ewwwww, that’s so gross!” The class erupts with laughter.**

Act:

- a) You ask what the student means by the reaction. The student replies, “That’s against nature.” You remind the student that we need to respect all people.
- b) Remind the class that while some people may laugh when they feel uncomfortable, the laughter can make others feel unsafe.

Educate:

- c) Remind the class that it is everyone’s responsibility to ensure the classroom is a safe place.
- d) Address the nature comment by teaching that nature is full of variation, for example, the parrot fish and some other fish are able to change sex.
- e) To illustrate what the character might be feeling, ask the students to imagine having to wear a pair of shoes not fitted to their feet, and just how uncomfortable

they would feel. Then ask them to imagine having to wear a body that does not fit. Help the students develop empathy and understanding.

*Scenarios 2 and 3 are adapted from "Committed to all Students: Responding to Homophobia in Secondary School."  
Scenarios 4 and 5 are adapted from "Responding to Homophobia and Heterosexism: A Resource Guide for Educators", Elementary Teachers' Federation of Ontario.*

## How to Handle Harassment in the Hallways in 3 Minutes!

Steps	Main Message	I would say...
<p><b>1. Stop the harassment.</b></p> <p>Interrupt the comment and engage students involved. Do not pull students aside for confidentiality unless absolutely necessary. It is important all students get the message that students are safe and protected in the school. Make sure all the students in the area hear your comments. Personalize the response: "Chris, please pause and think before you act."</p>	<p>All students are safe and protected at this school</p>	
<p><b>2. Identify the harassment.</b></p> <p>Label the form of harassment/put-down: "You just made a harassing comment/put-down based on race" (age, size, gender, religion, abilities, ethnicity, economic status, sexual orientation, etc.). Do not imply that the person being harmed is a member of that identifiable group.</p> <p>Use an affective statement: "I feel (shocked, hurt, uncomfortable, frustrated, sad, upset) when I hear/see/....."</p>	<p>Helps students to understand the impact of their words/actions</p>	
<p><b>3. Broaden the response.</b></p> <p>Do not personalize your response at this stage. "At this school, we do not harass people." "Our community is one in which people need to feel safe and we think about the impact of our words."</p> <p>Ask an affective question: "How might your choice of words affect: person being targeted/people overhearing/yourself?" "We don't do put-downs at this school."</p> <p>Re-identify the harmful behaviour. "This name-calling can also be hurtful to the others who overhear it. We don't do put-downs at this school." This specifically includes those listening, as well as the school community in general.</p>	<p>Impact is more important than intent</p>	

<p><b>4. Ask for change in future behaviour.</b></p> <p>Now shift the focus to the person who's caused harm, asking for repair. Even if they were "only kidding," the person must realize the impacts of the behaviour.</p> <p>"What can you do/say to repair the harm?" or "What can you do/say next time?"</p>	<p>An opportunity to accept responsibility and repair the harm</p>	
<p><b>5. Check in with the person harmed at this time.</b></p> <p>"If this continues, please tell me, and I will take further action. We want everyone to be safe at this school." Again, be sure not to treat the person harmed as helpless or a member of any target group.</p> <p>Check in to understand how the person has been harmed/impacted and assess their needs.</p>	<p>Students need to know that their safety is taken seriously</p> <p>Honouring the voice and needs of the person harmed</p>	
<p><b>6. Report the Behaviour</b></p>	<p>If the activity might lead to a suspension, reporting is a requirement</p>	

*Adapted from Lesbian, Gay and Bisexual Youth Program, Central Toronto Youth Services Rainbow Resource Centre, Winnipeg, Canada 2002*