



ADMINISTRATIVE PROCEDURE STUDENTS, PARENTS AND COMMUNITY	
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## GENDER IDENTITY AND GENDER EXPRESSION

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### 1. PURPOSE

The Rainbow District School Board is committed to upholding the inherent dignity and worth of all persons, and places high value on protecting all members of its community from discrimination and harassment. All individuals have the right to express their gender identity without fear of discrimination or reprisal.

### 2. DEFINITIONS

#### Accommodation

Accommodation is a multi-party process with shared responsibility. Everyone must work together cooperatively and respectfully to explore and implement appropriate accommodation solutions. Accommodation could include programming, facilities, field trips, forms and/or preferred names/pronouns.

Board and school staff must consider each student's needs and concerns separately. Each individual is unique with different needs.

#### Gender

Gender is a system that operates in a social context to classify people, often based on their assigned sex. In many contexts this takes the form of a binary classification of 'maleness' and 'femaleness'; in other contexts, this includes a broader spectrum.

#### Gender Expression

**Gender expression** is how a person publicly presents their 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.

#### Gender Identity

**Gender identity** is each person's internal and individual experience of gender. It is their sense of being a 'male', a 'female', both, neither, or anywhere along the gender spectrum. A person's gender identity may be the same as, or different from, their birth-assigned sex. Gender identity is fundamentally different from a person's sexual orientation.

**Sex / Gender Binary**

A social system whereby people are thought to be either one of two genders; male or female. These genders are expected to correspond to birth sex: male or female. In the gender binary system, there is no room for interpretation, for living between genders, or for crossing the binary. The gender binary system is rigid and restrictive for people who feel that their birth sex does not match their gender or that their gender is fluid and not fixed.

**Sex / Assigned Sex**

The classification of a person as male, female or intersex based on biological characteristics, including chromosomes, hormones, external genitalia and reproductive organs. Most often, sex is assigned by a medical professional at birth, and is based on a visual assessment of external genitalia.

**Transgender**

**Transgender** is an umbrella term referring to people with diverse gender identities and expressions that differ from stereotypical gender norms. It includes but is not limited to people who identify as transgender, trans woman (male-to-female), trans man (female-to-male), transsexual, cross-dresser, gender non-conforming, gender variant or gender queer.

**3. Application**

It is expected that these guidelines be used respectfully in a collaborative process that recognizes the realities of every person's experiences. It should be understood that this is an evolving area of law and policy.

**4. Procedures**

The Rainbow District School Board will take reasonable steps to provide accommodation to students making a request based on their right to free gender expression and/or gender identity. The right to reasonable accommodation belongs to the student who seeks accommodation. Accommodations are made upon request, regardless of the age of the student, on a case-by-case basis. Accommodation includes considerations, assessments and steps taken to respond to each person's accommodation needs. The specifics of each accommodation may change over time.

An accommodation request should be made in writing to the school principal. The request may come directly from the student or the student's legal guardian(s). Staff may also work in an advocacy capacity and work with the student to support them in their request. The school will work together with the student on an accommodation that best respects dignity, meets individual needs, and promotes inclusion.

The goal of accommodation is to facilitate an inclusive environment that supports and respects the dignity of all. While consent/permission from a student's parent/guardian is not necessary in order to implement an accommodation plan, whenever possible, the accommodation process

should include consultation with that student's parent/guardian. A student's right to reasonable accommodation is not subject to consent or permission from the student's parent(s)/guardian(s).

In the case of students who remain in the care and control of their parent(s)/guardian(s), consideration should be given to the appropriateness and extent of parental involvement in the accommodation process. The principles underlying accommodation include: respect for dignity, individualization, integration and full participation. An accommodation that works for one cannot simply be assumed to be appropriate for another.

## **5. Guiding Principles**

The words people use to describe themselves and others are very important. The right terms can affirm identities and challenge discriminatory attitudes. The wrong ones can disempower, demean and reinforce exclusion. While these terms and explanations are considered current and appropriate at the publication of this policy, their meaning and use may evolve and change over time. Generally, when in doubt, asking a person how they self-identify is the most respectful approach.

All students, including students who identify as transgender, have the right to be addressed by a preferred name and self-identified pronoun. This is true regardless of whether the student has obtained a legal name change or sex designation change.

For example, in the Student Information System, a student's "preferred" or "chosen name" and a change of gender can be used on any non-official record, such as class lists, timetables, etc. Students who request the use of pronouns other than the masculine or feminine must be accommodated.

Intentionally addressing a student by other than their preferred name or pronoun is discriminatory and is unacceptable. Some people do not feel included in the gender binary of "he" and "she". An accepted strategy is to use "they" as a gender-neutral singular pronoun upon request.

## **6. Areas of Focus**

### **Confidentiality and Privacy**

All students have the right to confidentiality and privacy. Schools will take reasonable steps to keep a student's transgender status confidential. Gender identity and gender expression are self-determined identities. The individual determines when, what and to whom this information should be disclosed. Some individuals are not open about their identity for safety or other reasons.

The transgender status of an individual is considered to be confidential and should only be disclosed to those who require the information for their role in facilitating the accommodations or requested support. School staff will take reasonable steps to ensure that consent is sought from

the student and the students' family prior to the sharing of information, in order to fulfill an accommodation request. It is important to avoid breaches of confidentiality and privacy, as they may compromise the safety of individuals. This is true regardless of the age of the individual.

School staff members will take reasonable steps to ensure that the confidentiality of disclosures regarding gender identity from a student are maintained unless or until the student consents to others including parent(s)/guardian(s) being informed. The age and independence of a student should be considered when balancing between maintaining a student's privacy and implementing an accommodation plan.

Because most students are not wholly independent, and continue to live with their parent(s)/guardian(s), one of the factors that should be considered when a student seeks accommodation at school is the student's desire to maintain privacy regarding their preferred gender identity. In the case of students who remain in the care and control of their parent(s)/guardian(s), consideration should be given to the information that is directly communicated to a student's parent(s)/guardian(s) and the information that might be incidentally or unknowingly communicated by staff, other students and other members of the school community.

If school staff contact the home of a student who identifies as transgender regarding the student's gender identity, this should only be done with the express permission of the student. In all other circumstances, the student's accommodation plan should identify an agreed and appropriate way to reference the student's gender identity and what personal information may be disclosed.

Depending on the circumstances and the accommodation being sought, it may not be reasonable, or even possible, to expect that a student's accommodation will remain strictly private while at school. Similarly it may not be reasonable or possible for a student to expect to maintain a different gender identity, in a confidential manner, while attending school than their gender identity while at home.

### **Official Records**

The school will change a student's official records (Ontario Student Record, report card, transcript, diploma, IEP, IPRC) to reflect a change in legal name only upon receipt of **official documentation** that such legal name has been changed. The school will change a student's official records to reflect a change in gender identity upon request from the student.

### **Facilities**

All students have a right to safe restroom facilities and the right to use a washroom that best corresponds to the student's lived gender identity, regardless of the student's sex assigned at birth. Schools will make a reasonable effort to provide an easily accessible all-gender single-stall washroom for use by anyone. This should be an option that students may choose. Where such facilities are not available, schools will make an effort to explore mutually agreeable alternatives.

Students have the right to a safe change room that corresponds to their gender identity. Students who identify as transgender have the right to reasonable accommodation that best meets the individual student's self-identified needs and should be determined on a case-by-case basis. Such accommodations can include:

- a) access to the change room as would be afforded to any other student of that gender identity;
- b) use of a private area within the public area (a bathroom stall with a door; an area separated by a curtain; a PE instructor's office in the change-room);
- c) a separate changing schedule in the public area (either utilizing the change room before or after other students);
- d) use of a nearby private area (a nearby washroom; a health room); or
- e) access to the change room corresponding to the student's assigned sex at birth.

### **Program**

As a general rule, in any other circumstances where students may be separated by gender in school activities, students shall be permitted to participate in accordance with their gender identity. School staff will take reasonable steps to ensure students can exercise their right to participate in gender-segregated sports and physical education class activities in line with each student's preferred gender identity.

Schools will support the development of a Gay-Straight Alliance/Gender and Sexuality Alliance in accordance with subsection **303.1(1)** of the Education Act.

### **Field Trips**

Activities that may involve overnight sleeping accommodations will be addressed on a case-by-case basis. In such circumstances, staff shall take reasonable steps to provide acceptable accommodation. In some cases, this may include offering alternate accommodations to transgender students at no additional cost.

### **Dress Code**

All students can choose to wear appropriate clothing, informed by the board's dress code policy, which matches their gender identity. School dress codes should not be gender specific and should apply equally to all students, regardless of gender. Schools should be flexible and gender-neutral regarding expectations of student attire. Students should not have to choose between what is perceived to be 'male' or 'female' clothing.

## **REFERENCE DOCUMENTS**

### ***Legal:***

Canadian Charter of Rights and Freedoms.  
Ontario Human Rights Code  
Employment Standards Act

Education Act, para. 8 (1) 29.1 Equity and Inclusive Education  
Education Act, Section 169.1 Positive School Climate  
Education Act, Part XIII Behaviour, Discipline and Safety  
Ontario Regulation 298, Sections 27-29 Religion in Schools  
Ontario Regulation 474/00 Access to School Premises  
PPM No. 108 Opening or Closing Exercises  
PPM No. 119 Developing and Implementing Equity and Inclusive Education Policies 2013  
PPM No. 128 The Provincial Code of Conduct and School Board Codes of Conduct  
PPM No. 144 Bullying Prevention and Intervention  
PPM No. 145 Progressive Discipline and Promoting Positive Student Behaviour  
Ontario Ministry of Education Equity and Inclusive Education in Ontario Schools: Guidelines for Policy Development and Implementation. 2009  
Ontario Ministry of Education Realizing the Promise of Diversity: Ontario's Equity and Inclusive Education Strategy 2009  
Ontario's Education, Equity Action Plan

**Board:**

Board Policy No. GOV-11 Learning and Working Environment: Equity and Inclusive Education  
Board Policy No. GOV-12 Learning and Working Environment: Safe Schools  
Strategic Directions for Rainbow Schools  
Rainbow District School Board Code of Conduct  
Administrative Procedure Acceptable Use of Information Technologies