



Supporting & Protecting LDSB Transgender, Gender Fluid & Gender Variant Student & Staff Rights

The following guidelines preserve and protect the rights, privacy, confidentiality, safety, health, and dignity of transgender, gender fluid and gender variant students and staff at all times – in all LDSB schools, related events and activities – both inside and outside of school hours.

These guidelines...

- . Arise from legal responsibilities enshrined in current public policy and human rights laws – included in amendments to the Ontario Human Rights Code, Bill 13 (2012) and Bill 33 Toby's Act
- . Apply at all times to every person in, or connected to the Board and LDSB schools in any capacity
- . Supplement related Board policies and codes of conduct (listed at the end)
- . Will be updated according to legal amendments and to maximize protection of transgender, gender fluid or gender variant student and staff rights

The Limestone Board recognizes and acknowledges ...

- . Each transgender, gender variant or gender fluid person is unique with different needs, concerns, and issues
- . Supporting individual process is best: what works for one may not work for another and may change over time
- . Self-identification is the sole measure of gender identity – legal or physical documentation is not required
- . Transgender, gender fluid and gender variant voices need to be included in Board policy and procedure reviews
- . Any form of harassment, violence or discrimination based on a person's actual or perceived transgender or gender identity must be given immediate attention and action
- . The need for Board- and school-wide action plans that build capacity, understanding and awareness of transgender, gender fluid and gender variant student and staff rights, issues, concerns and needs

Transgender, Gender Fluid and Gender Variant Students have a right to...

- . Privacy and confidentiality at all times – regardless of age or grade
- . Equitable access and full participation in all aspects of work or school life (academic, extracurricular, social)
- . Free and full expression of their gender identity and gender expression
- . Dress in a manner consistent with their gender identity or gender expression within existing dress codes (AP 352)
- . Be addressed by their chosen or preferred name and chosen or preferred pronoun(s) that correspond to their lived gender identity
- . Change their name and pronoun preferences as they transition

- . Choose how they want to be addressed in correspondence to their home or at meetings with their parent(s)/guardian(s)
- . Change their name and gender in the computer system at school
- . Choose restroom and washroom facilities that best correspond to their privacy needs and gender identity (including all or no genders)

Privacy and Confidentiality Rights of Transgender or Gender Variant/SMGV Students:

- Regardless of age or grade, schools must keep a student's transgender identity status confidential ...
- . Unless the student gives explicit consent to inform parent(s)/guardian(s)
 - . Unless there is a specific 'need to know' - e.g. to fulfill a specific accommodation request

Right to Self-Select Names, Pronouns & Gender Identity

- . Legal documentation is not required for a name or gender identity change
- . Requesting further proof of gender identity, such as medical records, is not acceptable
- . Intentional or persistent refusal to respect a person's self-selected gender identity – e.g. refusing to use their chosen name or pronoun – is a violation of these guidelines and may be considered harassment
- . Some gender-neutral pronouns include: they; them, their; zhe (pronounced 'zee'); hir (pronounced 'here')

Official Records and Communication re Transgender Student Rights

- . The Mandatory OSR/LDSB Student Record includes a student's legal name, birth-assigned sex and gender
- . Class lists or other such records do not require a student's legal name, birth-assigned sex or gender
- . The Board will change a student's official record to reflect a legal change of name, birth-assigned sex and gender – if requested by student or parent, and upon receipt of either legal (i.e. birth certificate or official change of name documentation) or medical documentation
- . Ensure a school plan is in place to avoid inadvertent disclosure when required by law to use or to report a student's legal name, sex or gender –e.g. in standardized testing or in attendance records

Gender Segregated Activities: Schools are expected to...

- . Avoid segregating students by gender, to every extent possible
- . Give all students the option to be included in the group that corresponds to their gender identity (Note: Some youth will not identify as a girl or a boy. Group segregation based on gender will alienate some youths.)

Athletics and Locker/Change Room Accommodation: Schools are expected to ensure transgender, gender fluid and gender variant students with access to ...

- . Inclusion and full participation in physical education classes and in team sports of their choice
- . Safe, inclusive, welcoming, affirming and respectful athletic environments and locker rooms
- . Privacy in the locker room that corresponds to their gender identity (e.g. use of a private change room, washroom, staffroom or gym office) - or if need be, develop a separate or modified schedule for changing – e.g. use locker room before or after other students

Washroom Rights: Schools are expected to provide...

- . Safe washrooms that best correspond to a person's gender identity, regardless of birth-assigned sex
- . Where possible - an easily accessible all-gender, single stall washroom for use by any student desiring privacy, regardless of the underlying reason

Note: A student may request use of an all-gender single stall washroom, but usage should not be imposed by the school because of the student's gender identity.

Accommodation Request re LDSB Operations or Requirements and rights to free gender expression or gender identity

- . A written request is required from the student or parent/guardian, or staff member requesting accommodation
- . Fulfill specific requests on a case-by-case basis, individualized to best meet needs of student or staff member
- . All efforts will be made to accommodate the student or staff member, to the point of undue hardship

Resolving Conflicts Involving Transgender/Gender Fluid/Gender Variant Students. Schools are expected to...

- . Involve the transgender, gender fluid or gender variant student in any decision-making process to resolve conflicts
- . If necessary – use existing related Board procedures for resolving issues
- . Apply principles of safety and accommodation to maximize inclusion & the student's best interests
- . Have a school-wide action plan to deal immediately with any kind of harassment, discrimination or violence due to gender identity and gender expression

School Life: School staff are expected to...

- . Increase personal awareness and understanding of transgender, gender variant and gender fluid people's rights, issues, concerns
- . Use, and to promote classroom and school use of names, pronouns and definitions self-selected by transgender or gender fluid or gender variant students or staff
- . Teach students to identify, and to report any form or expressions of transphobia
- . Use and develop curriculum activities, resources, materials that model and affirm respect for the contributions and achievements of transgender, gender fluid and gender variant people

Definitions:

Gender binary: a socially constructed system that arbitrarily divides sex and gender into two opposite and disconnected categories of male/female (sex) and woman/man (gender). (Problematic for intersex, transgender, gender fluid or gender variant people).

Assigned Sex: A person's sex assigned at birth based on anatomy.

Cisgender: Gender identity that is congruent with one's biological sex (e.g. both biological sex and gender identity are female)

Gender Identity: Each person's internal and individual experience of gender, including their sense of being a woman, man, both, neither or anywhere along the gender spectrum. A person's gender identity may be the same or different from their birth-assigned sex. Gender identity is fundamentally different from a person's sexual orientation.

Gender Expression: how a person publically presents their own sense of gender. Can include behaviour and outward appearance such as hair, make-up, body language and voice. A person's chosen name and pronoun are also common ways of expressing gender

Genderqueer (ambigender): A label for people whose gender identity is fluid and falls outside the dominant male/female gender binary. Genderqueer people often reject this binary completely and may choose not to undergo hormone therapy or surgery, or designate male or female pronouns for themselves. Some trans-identified or genderqueer people use gender-neutral pronouns such as *hir* (pronounced 'here'), *zhe* (pronounced 'zee'), or *they*

Sex: a person's genetic or anatomical sex, including associated psychological and behavioural norms related to a person's sex

Transgender (Trans): Umbrella term to include people who overlap/move beyond rigid stereotypical gender definitions, or people whose gender does not conform to social expectations. Includes but not limited to people who identify as transgender: trans woman (male-to-female), trans man (female-to-male), transsexual, cross-dresser, gender fluid, gender variant or gender queer. Some trans people may choose not to undergo surgery or hormones.

Gender Variant/Gender Fluid Individuals: Do not follow gender stereotypes based on sex assigned at birth, may or may not identify as transgender

Definitions continued:

Transitioning: Affirming one's gender. For example, a transgender individual may choose to undergo sex reassignment surgery or have their name changed to affirm their true self-selected gender identity

Lived Gender: Is the gender a person feels internally ("gender identity" along the gender spectrum) and expresses publically ("gender expression") in their daily life including at work, while shopping or accessing other services, in their housing environment or in the broader community

Two-Spirit: Aboriginal people who may self-identify as bisexual, gay, lesbian, or transgender. Two-spirit implies the embodiment of both masculine and feminine spiritual qualities within the same body.

References & Resources:

. Ontario Accepting Schools Act, Bill 13 – 2012

. Bill 33 Toby's Act

. Ontario Human Rights Commission, *Policy on Preventing Discrimination Due to Gender Identity & Gender Expression 2014*

. LDSB AP 105 –Equity and Inclusive Education

. LDSB AP 350 – Codes of Conduct

. LDSB AP 351 – Safe Schools: Use of Internet & Electronic Devices by Students

. LDSB AP 352—Safe Schools: Appropriate Dress Code

. LDSB AP 353 – Progressive Discipline

. LDSB AP 356 – Bullying Prevention and Intervention

. LDSB AP 405 – AP 408 Workplace Violence and Workplace Harassment, & Reporting Procedures

. Beck Hood, trans-identified Trainer/Public Educator with Family Services Ottawa - bhood@familyservicesottawa.org

. Guidelines for Supporting Transgender and Gender-nonconforming Students: Province of Nova Scotia – Department of Education and Early Childhood Development

. EGALE – Canada Human Rights Trust - <http://egale.ca/every-class>

. Rainbow Health Ontario - www.rainbowhealthontario.ca

. Gender Identity in Schools: Public Health Agency of Canada <http://www.education.gov.sk.ca/Q-and-A-gender-identity>

. Families in Transition - <http://www.ctys.org/families-in-transition-guide-pdf-now-online/>

. Canadian Centre for Gender and Sexual Diversity – www.ccgds.org-ccdgs.org