

Guidelines on Supporting Gender Identity and Gender Expression

Introduction

The Limestone District School Board recognizes and acknowledges that every Limestone student, including but not limited to those who are transgender, nonbinary, gender non-conforming, Two-Spirit, or who are transitioning or exploring their gender, has the right to equitable access and full participation in all aspects of school life (academic, extracurricular, social), with free and full expression of their gender. Although each student is unique and has different needs which may change over time, and what works for one person may not work for another, the Limestone District School Board recognizes that the Board has a duty to identify and remove barriers to students' free and full expression of their gender, and that such barriers exist within the Board. Board and school-wide action plans should build capacity, understanding and awareness of gender identity, gender expression, and human rights protections.

1.0 Scope of Application

1.1. These guidelines support our legal responsibilities enshrined in current public policy and human rights laws included in amendments to the Ontario Human Rights Code as a result of Bill 33, Toby's Act and amendments to the Education Act as a result of [Bill 13, Accepting Schools Act 2012](#),.

1.2. These guidelines preserve and protects the rights, privacy, confidentiality, safety, health, and dignity of students who face discrimination (whether individual or systemic) due to their gender identity and/or gender expression; this includes but is not limited to transgender, nonbinary, gender non-conforming, transitioning or exploring their gender. These guidelines apply at all times in all Limestone District School Board sites (including virtual spaces), and at related events and activities.

1.3. These guidelines supplement related Board policies and codes of conduct listed at the end.

2.0 Definitions

Cisgender: (adj.) A person with a gender identity that aligns with expectations for people of their assigned sex (e.g. a cisgender woman was assigned female at birth [sex] and identifies as a woman today [gender identity]).

Limestone District School Board is situated on the traditional territories of the Anishinaabe and Haudenosaunee.

Robin Hutcheon, Chair | Krishna Burra, Director of Education and Secretary | Craig Young, Treasurer

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Gender expression: (n.) How a person publicly presents their gender. This can include behaviour and outward appearance such as hair, make-up, body language, and voice. A person's chosen name and pronouns are also common ways of expressing gender (Source: Ontario Human Rights Commission). Everyone has a gender expression, whether they are cisgender or transgender. Masculine, feminine, and androgynous are some gender expression terms.

Gender identity: (n.) 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 (Source: Ontario Human Rights Commission). Everyone has a gender identity, whether they are cisgender or transgender. Man/boy, woman/girl, and nonbinary are some gender identity terms.

Gender-conforming: (adj.) A person whose gender expression aligns with expectations for people of their gender identity in their local context. Some examples of gender-conforming people are a feminine woman (whether cisgender or transgender), or a masculine man (whether cisgender or transgender). Expectations change across time and across contexts.

Gender non-conforming: (adj.). A person whose gender expression does not align with expectations for people of their gender identity. Examples of gender non-conforming people are a masculine woman (whether cisgender or transgender), and a feminine man (whether cisgender or transgender). Some behaviours, characteristics or preferences can also be described as 'gender-conforming,' such as typically masculine behaviours exhibited by a man. People who are gender non-conforming are at risk of gender expression discrimination, including if they are cisgender. Nonbinary and gender-fluid people are often perceived to be gender non-conforming.

Sex: (n.) A biological classification that brings together genetic, chromosomal, gonadal, hormonal and other physiological characteristics, but is often reduced to external genitalia. The terms 'male' and 'female' designate sex, with considerable variation among males and females.

Transgender (or trans): (adj.) This term has two common usages: individual and categorical. Individually, a 'transgender person' has a gender identity that does not align with expectations for people of their assigned sex. Categorically, 'transgender' is used as an umbrella term to include the diverse range of people whose gender identities and/or gender expressions do not align with sex-based expectations. The transgender spectrum includes but is not limited to transgender girls and women (trans girls, trans women), transgender men (trans guys, trans boys, trans men), nonbinary people, and gender-fluid people.

Two-Spirit: Two-Spirit is a term often used by Indigenous people on Turtle Island (North America) whose gender and/or sexuality do not follow the path of most other people in their communities. Two-Spirit is a literal English translation of the Anishinaabemowin term *niizh manidoowag* and was proposed for this purpose by Indigenous people attending the third annual intertribal Native American/First Nations gay and lesbian conference held near Beausejour, Manitoba in 1990. Two-

Spirit has a meaning both like and unlike settler terms such as ‘queer’ or ‘transgender.’ Some Indigenous queer and/or transgender people use the term ‘Two-Spirit’ and some do not (Source: Supporting Transgender & Gender-Creative Youth: Schools, Families and Communities in Action).

3.0 Self-Identification, Names, Pronouns, Dress, and Appearance

3.1. Regardless of age or grade, a student is the authority on their gender, name, pronouns, dress or appearance.

3.2 Every Limestone student has the right to dress and otherwise present their appearance in a manner consistent with their gender identity or gender expression, in accordance with the provisions of [AP 352: Student Clothing](#). Advising a student to alter their dress or appearance in ways related to gender is a violation of these guidelines and may constitute discrimination or harassment on the grounds of gender identity and gender expression.

3.3. All students have a right to have their chosen name and pronouns used at school, to change their name and/or pronouns as needed, to make such a change known to staff and other students, and to have this change respected. Legal documentation is not required for a name or gender marker change in the computer system at school. Requesting further ‘proof’ of gender identity, such as medical records, is not permitted and may constitute discrimination or harassment on the ground of gender identity. Intentional or persistent refusal to use a student’s chosen name and/or pronouns is a violation of these guidelines and may constitute discrimination or harassment on the ground of gender identity and/or gender expression.

3.4. School administrators will

3.4.1. Ensure that school clothing requirements and enforcement (general and specific to a particular program or activity) are not gendered in any way (e.g., do not have separate requirements for girls or boys).

3.4.2. Review curricular and extra-curricular programming to remove instances where students are segregated by gender, to the extent possible. Where this is not possible (e.g., competitive athletics), ensure staff understand the key message above so that all students can participate in a way that is the best fit for them.

3.4.3. Build staff capacity to support and respond to the needs of students with gender pronouns that are not he/him or she/her, or who change their pronouns, even if there are currently no known students who are not cisgender at a particular school; this capacity includes increasing fluency with singular “they” as a gender-neutral personal pronoun of reference.

3.5. Examples of Individual Accommodation

3.5.1. Reviewing a transgender student's timetable to ensure that assigned staff are ready with the capacity to support them, providing training or resources to staff as needed, and scheduling regular check-ins with staff.

3.5.2. Maintaining open lines of communication with students to ensure that their name and pronouns are being used in the school community, and that they are being referred to with correct gendered and/or gender-neutral language, as needed.

4.0 Communications, Privacy, and Official Records

4.1. While the mandatory Ontario Student Record (OSR)/LDSB Student Record likely includes a transgender student's legal name and assigned sex, this information is confidential and may not be communicated to any member of the school community without the student's permission. This is the case regardless of age or grade.

4.2. Class lists or other such records do not require a student's legal name or assigned sex, and the latter should be replaced with chosen name and/or corrected gender marker immediately upon request. School staff must use gender-inclusive language and provide gender-inclusive choices on all school forms and documentation.

4.3. Students have the right to choose how they want to be addressed in correspondence sent to their home or at meetings with their parent(s)/guardian(s) or other supportive adults.

4.4. Regardless of age or grade, schools must keep a student's transgender status confidential unless the student gives explicit consent to inform parent(s)/guardian(s). If applicable, school staff may initiate supportive conversations with a student about their reasons for not yet informing their parent(s)/guardian(s) that they are transgender (etc.). The purpose of such conversations can be to evaluate whether there is risk associated with information the parent(s)/guardian(s) and, if no, planning to support the student in sharing this information when they are ready to do so.

4.5. The Board will change a student's OSR / LDSB Student Record to reflect a legal change of name if requested by student or parent(s)/guardian(s) and upon receipt of a birth certificate or a Change of Name certificate. Where a student is identified by a different name, the name has been obtained by repute (i.e., usage by others) and the use of the name is in the student's best interests, it could be added/overlaid in the OSR if requested by the student or parent(s)/guardians. The principal will record the requested name in Part A of the OSR folder in addition to the legal name of the student, and the requested name will be used henceforth. The legal name will be enclosed in brackets. Office Staff will inform the administrator who will follow up as necessary.

4.6. School administrators will:

4.6.1. Review how staff routinely administer attendance – e.g., discourage ‘reading the list’ on the first day of school in favour of having students introduce themselves to each other with chosen names.

4.6.2. Ensure that administrative staff are operationally familiar with procedures for changing student name and gender marker on all internal school records and in the OSR/LDSB Student Record, and that they are prepared to support a transgender student in doing so.

4.6.3. Ensure a school plan is in place to avoid inadvertent disclosure when staff are required by law to use or to report a transgender (etc.) student’s legal name, or sex – e.g., in standardized testing or in attendance records.

4.7. Example of Individual Accommodation

4.6.1 Calling a meeting with a transgender (etc.) student’s teachers – with the student’s cooperation, if possible, but at least with their consent – to inform them of a student’s changed name and pronouns and supporting staff in making changes to existing written or electronic records.

5.0 Health & Physical Education and Inter-School Athletics

5.1. Schools must ensure transgender students enjoy full participation in Health and Physical Education classes and in sports. This includes ensuring an inclusive, welcoming, affirming, and respectful athletic environments and changing facilities (see Section 6.0).

5.2. Transgender student athletes are entitled to play on girls’ and boys’ teams, regardless of their assigned sex.

5.3. Non-binary student athletes may play on the team of their choice, and on one team per sport per season. They may opt for differently gendered teams for different sports, which is their right. For example, a nonbinary student athlete might play girls’ volleyball in the winter and boys’ soccer in the spring, but they may not play girls’ and boys’ volleyball at the same time.

5.4. Transgender student athletes may experience discrimination or harassment when participating in competitions, meets, or away games. Staff will be aware that this is possible and likely, and foster an environment of acceptance and mutual respect so that these student athletes are shielded as much as possible by the support of their teams.

5.5. School administrators will

5.5.1. Create a plan that anticipates the participation of transgender- spectrum student athletes and ensure staff are able to act on this plan as needed.

5.5.2. Discourage the use of gendered language in athletics among both staff and students (ladies, gentlemen, “hits like a girl,” asking for a “strong boy” to assist with equipment, “man up,” etc.).

5.5.3. Ensure that jerseys and other sportswear are available in different sizes.

5.5.4. Build staff capacity to support and respond to the needs of transgender student-athletes.

5.6. Example of an Individual Accommodation

5.6.1. Proactively engaging a transgender student in a conversation about athletics and letting them know that they are welcome to participate.

6.0 Washrooms and Changing Facilities

6.1. A transgender student is the authority on which washroom or changing facility is the best fit for them.

6.2. At least one easily accessible all-gender, single-stall washroom will be available for use by any student desiring privacy, with no questions asked. This washroom should not require a key. If security and use are of concern, smoke/vape detectors and/or an automatic timed-release lock may be installed.

6.3. Gendered locker rooms and changing rooms should have private changing spaces, and any student who requests a gender-neutral changing room must be allowed to access one. If there are no gender-neutral changing rooms, and upon the student's request, a student may be given a modified schedule for changing (e.g., use of a gendered locker room before or after other students).

6.4. No student will be requested to use an all-gender washroom or to use a gendered washroom or changing facility that does not align with their gender identity. Such a request to a student is a violation of these guidelines and may constitute discrimination or harassment on the grounds of gender identity and gender expression.

6.5. A student who objects to sharing a gendered space with a transgender student is to be accommodated in a private, all-gender, single-stall or other similar space as required. A transgender student will not be re-assigned (etc.) in such instances.

6.6. New construction or significant renovation to Limestone buildings must include the addition of all-gender washroom(s) and the enhancement of privacy features in gendered washrooms and changing rooms. New construction or significant renovation to Limestone buildings should include the addition of gender-neutral changing facilities (whether single- or multi-stall).

6.7. School administrators will

6.8.1. Include information on the location of single-stall and/or all-gender washroom and changing facilities in all student- and family-facing communications (e.g., handbooks, orientation materials), including in invitations to special events (e.g., parent/guardian-teacher interview, plays, assemblies, games, or tournaments).

6.8.2. Provide opportunities for transgender students and/or staff who support these students to provide input on their experiences accessing washrooms and changing facilities in the school (whether all-gender or gendered), and make proactive changes based on this feedback. Engage staff in this process who have pre-existing relationships with these students.

6.8.3. Create a plan to support students who request access private and/or all-gender changing facilities in relation to or proximity to the school gymnasium, and ensure all relevant staff carry out this plan as needed.

6.8. Example of Individual Accommodation

6.7.1. Ensuring that nonbinary (etc.) students who require extra time to travel to an all-gender washroom (if applicable) are afforded that extra time and are not penalized by staff.

7.0 Overnight Field Trips

7.1. A transgender student is the authority on which shared accommodation is the best fit for them.

7.2. No student will be requested to stay in a particular (gender-neutral or gendered) accommodation that does not align with their gender identity. Such a request to a student is a violation of these guidelines and may constitute discrimination or harassment on the grounds of gender identity and gender expression.

7.3. A student who objects to sharing an accommodation with a transgender student is to be accommodated in a private, all-gender, single-stall or other similar space as required. A transgender student will not be re-assigned (etc.) in such instances.

8.0 Harassment or Violence for Gender Identity or Gender Expression

8.1. Any form of harassment or violence based on a student's actual or perceived gender identity or gender expression must be addressed immediately.

8.2. When addressing harassment or violence, staff are expected to

- Use existing related Board procedures and administrative procedures for resolving issues, such as AP 376: Student Human Rights Incidents and Complaints, AP 352: Student Clothing.
- Involve the targeted student in any decision-making process related to a conflict.
- Apply principles of safety and accommodation to maximize inclusion and the targeted student's best interests.
- Be aware that transgender and/or gender non-conforming students are likely experiencing harassment or violence at school, regardless of whether this is reported to school staff, and that an 'initial' incident is likely not the first time this has occurred.

8.3. School administrators will

8.3.1. Ensure that school staff know what gender expression harassment and gender identity harassment look like in the school context, and that these are different.

8.3.2. Develop a school-wide action plan to immediately address harassment or violence due to gender identity and gender expression which differentiates responsibilities by role. For example, persistent and/or intentional misgendering (i.e., calling someone the wrong name or pronouns) may rise to the level of harassment and require administrator involvement.

8.3.3. Develop a practice of regularly checking in with staff who have trusting relationships with transgender and/or gender non-conforming students to become aware of emerging or ongoing issues.

8.3.4. Model for staff what it means to intentionally build trust with transgender and/or gender non-conforming students by administrators attending relevant events, publicly using students' chosen names and pronouns, and asking after these students' well-being.

8.4. Example of an Individual Accommodation

8.4.1. Ensuring that a targeted student has free access to affirming spaces—as identified by the student—within the school during breaks and after school.

9.0 Teaching and Learning

9.1. Limestone staff are expected to take personal responsibility for increasing their personal awareness and understanding of gender diversity, including but not limited to gender identity and gender expression human rights protections, and to engage with students in ways that reflect a respect for and anticipation of gender diversity in all Limestone facilities.

9.2. The Board will hold regular professional development opportunities for staff, ideally separated by areas of responsibility (i.e., teachers have different learning needs than administrative or coaching staff).

9.3. Staff should not refer to a class using phrases like “boys and girls” or “ladies and gentlemen.”

9.4. Staff will avoid creating assignments or activities in which students must select an option based on their gender.

9.5. School administrators and staff will

9.5.1. Teach students to identify, and to report any form of harassment or violence on the grounds of gender identity or gender expression and teach all students about the right to be free from discrimination on these grounds regardless of whether they are transgender.

9.5.2. Use and develop curriculum activities, resources, and materials that model and affirm the existence of gender diversity in human societies.

9.5.3. Include a range of gender representations in the curriculum.

10.0. Making an Accommodation Request Regarding Gender Identity or Gender Expression

10.1. A student of any age may request or be provided with an individual accommodation. Parental consent is not required. An accommodation request may be made in writing or verbally to a principal or school staff member. The request may come directly from the student or parent/family. School administrators fulfill specific requests on a case-by-case basis, individualized to best meet the needs of the student. All efforts will be made to accommodate the student to the point of undue hardship.

11.0. Review

11.1. These guidelines will be reviewed every two years according to legal amendments, and evidence from research.

Relevant Administrative Procedures, Laws and Policies

Administrative Procedure 105: Equity and Inclusive Education

Administrative Procedure 350: Codes of Conduct

Administrative Procedure 351: Safe Schools: Use of Internet & Electronic Devices by Students

Administrative Procedure 352: Student Clothing

Administrative Procedure 353: Progressive Discipline

Administrative Procedure 356: Bullying Prevention and Intervention

Administrative Procedure 376: Student Human Rights Incidents and Complaints

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