

Topic: Gender Identity & Gender Expression in Schools

Effective: February 2024 ~~October 2021~~

Review Date: February 2028 ~~October 2023~~

Cross Reference: Human Rights Code, RSO 1990, c.H.19
 Education Act, Section 303.1
 Municipal Freedom of Information and Protection of Privacy Act, RSO 1990, c.M56
 Ontario's Equity and Inclusive Education Strategy
 HDSB Student Dress Code and School Uniform Policy
 HDSB Equity & Inclusive Education Policy
 HDSB Ontario Student Record's Administrative Procedure
 HDSB Selection of Instructional and Library Resources
 Administrative Procedure
 Human Development and Sexual Health Exemption Administrative Procedure (PPM 162)

Responsibility: Superintendent of Education, Human Rights, Equity & Inclusive Education

INTENDED PURPOSE:

The Halton District School Board (HDSB) recognizes the rights of students, staff, parents/guardians/caregivers and community members to equitable treatment without discrimination based upon gender identity and gender expression. Gender identity and gender expression are protected grounds under the [Ontario Human Rights Code](#).

The HDSB is committed to establishing and maintaining a safe, caring, inclusive, equitable and welcoming learning and working environment for all members of the school community including students, staff, parents/guardians and community members who identify as, or are perceived as Two-Spirit, qQueer, transtrans*¹, nNon-bBinary, iIntersex, and those who are questioning their sexual orientation and/or gender identity(ies).

The HDSB understands that ~~every~~all students, ~~including those who identify as TransTrans*~~ needs a safe, respectful and inclusive environment in order to succeed. The procedures outlined in this document support student well-being and achievement ~~and well-being~~ by establishing and protecting accessible and inclusive experiences related to gender identity and gender expression. It is also recognized that specific accommodation requests will be addressed on a case-by-case basis and individualized to best meet the needs of a student, recognizing needs will change over time and may be different throughout various contexts (e.g. home, school, peers and community). ~~Accommodations must be flexible and unique to each student and decision-making must include the student.~~

Note: The majority of accommodation requests are in consultation with the student(s) and their parent(s)/guardian(s)/caregiver(s). With student safety and well-being as our highest priority, schools must ensure that accommodation requests and decision-making prioritizes the student.

¹ For the purposes of this document, ~~TransTrans*~~ refers to those who identify within the transgender and/or non-binary umbrella.

PROCEDURE:

1. Privacy and Confidentiality

A student's gender identity is private and confidential information and must be safeguarded appropriately.

Staff will :

- i. Discuss and receive consent from the student prior to any disclosure and discussion of a student's gender identity and/or gender expression with others. (e.g., students, staff, parent(s)/guardians/caregiver(s), or other school community members) ~~to the student's parent(s)/guardian(s)/caregiver(s).~~
- ii. Protect the confidentiality of a student's gender identity ~~by restricting information to others~~ unless there is a specific "need to know", as in cases where information would be required to fulfill a specific accommodation request.
- iii. ~~Restrict any discussion about a student's gender identity and/or gender expression with other students, staff, parent(s)/guardians/ caregiver(s), or other school community members~~

2. Pronouns and Gender Identity

At any age, students have the right to be known by the name and gender with which they identify, whether or not this relates to the social expectations that exist based on the sex that appears on the student's birth certificate. It is understood by the Ontario Ministry of Education that, in some cases, the gender on the source documentation used for registration purposes may not match the gender selected.

Intentionally addressing a student by their incorrect name or pronouns is considered a form of discrimination. While it is understood that inadvertent slips or honest mistakes may occur, the intentional and/or persistent refusal to acknowledge a student's gender identity or use their chosen name is unacceptable as firmly established in the HDSB Discriminatory & Harmful Language Protocol.

a. Use of Chosen Preferred Names

School staff will:

- i. Use the student's preferred names if a student's legal name does not match and if consent has been received by the student.
- ii. Use the preferred names on all hard copy documents NOT in the OSR for students who make this request based on gender identity.

b. Names/Pronouns

School staff and students will:

- i. Use an individual's preferred name.
- ii. Refer to an individual as the gender with which they identify.
- iii. Use an individual's preferred pronouns, including "they", "zhe", "ze", "hir" and/or any other pronoun sets to identify themselves without requiring legal documentation.

c. Gender Identity in Student Information Systems

School staff will:

- i. Change to the gender/sex designation in the Student Information System, upon request by the student or family without supporting legal documentation.

3. Instructional Practices in the Classroom

To ensure that classroom experiences are positive, inclusive, equitable, and non-discriminatory, and that all student identities are affirmed and reflected in classroom program across all areas, school staff will:

- i. Ensure instructional materials and resources, as well as during discussions and

- assignments present the range of human diversity, including but not limited to a range of bodies and abilities that are differentiated, culturally relevant, and responsive
- ii. Include a range of bodies and abilities, a range of gender identities and gender expressions, and a range of experiences of attraction.
- iii. Use language that is gender and body type affirming and reflective of gender diverse identities.

4. Student Records and Ontario Student Record (OSR) Documentation

The contents of the OSR must reflect the legal name of a student. Use of preferred names on all hard copy documents NOT in the OSR is the practice for students who make this request based on gender identity.

a. Report Cards, Suspension Letters, and Transcripts

School staff will:

- i. Print a non-OSR copy of report cards, suspension letters and transcripts with the preferred names appearing by revising the legal name field to preferred names for printing purposes.
- ii. Re-enter the student legal name into the legal name field in the Student Information System to print an OSR file copy.

b. Special Education Documentation using the IEP engine and the English Language Learner (ELL) Forms Engine

School staff will:

- i. Adhere a sticker with the student's preferred name onto to non-OSR copies of documents that cannot be adjusted within the data system, including copies of IEPs and ELL language documents, and Grade 9 EQAO math assessment reports
- ii. File OSR copies of these documents with the student's legal name.

c. OSR folder

School staff will:

- i. Adhere a removable sticker with the student's preferred name to the outside of the OSR folder to cover the legal name and the gender marker of the student
- ii. Place a card in the sequence where the legal name would appear in the OSR files which also references the OEN (Ontario Education Number) for the student .

5. Legal Name Changes

When a student or family presents documentation to support a legal name change (i.e., birth certificate, passport or baptismal record, legal name change document) school staff will:

- i. Change the legal name in the Student Information System through a TOPDesk ticket.
- ii. Change the current and future components of the OSR to reflect the legal documentation provided.
- iii. Upon request, revise all past components of the OSR so that it will appear as if the OSR was originally established in the changed name.

6. Dress Codes

~~All students should be permitted to wear the clothing of their choice, provided that such clothing does not violate the school's dress code. To support this, schools will:~~

- ~~i. Develop dress codes that are non-gendered.~~
- ~~ii. Permit students to express their gender in accordance with their identity.~~

7. Washrooms

All students may use a washroom that best corresponds to their gender identity, regardless of the student's sex assigned at birth. The student's self-identification is the sole measure of their gender.

To support this, schools will:

- i. Ensure that there is at least one, all-gender washroom facility available to all students.
- ii. Allow students to use the washroom that is most gender affirming and/or best meets their needs with regards to access to a space where they feel the safest.

8. Health & Physical Education

a. Change Room Access

Schools will:

- i. Allow students to use the change room that is the most gender affirming and/or best meets their needs with regards to the access to a space where they feel the safest.
- ii. Provide an alternate change and shower location as an option to using a change room based on their sex assigned at birth when requested by an individual (e.g., private area within a public area such as a washroom stall with a door or curtain; use of an alternate changing schedule; use of a nearby private area such as a washroom, or health room).

b. Gender segregated classes

Schools will:

- i. Ensure students are able to attend the class of their choosing that is most gender affirming and/or best meets their needs in regards to their safety, regardless of what their identification states.
- ii. Offer a substitution or alternative course (in consultation with the school administrator) at the request of the student and/or their parent/guardian/caregiver (~~i.e., If an all-gender H&PE course is unavailable in Grade 9, the student may defer the required H&PE course to a later grade when alternative H&PE courses are available.~~).

9. Interschool Athletic Teams ~~Sports Teams~~

The opportunity for students to compete on the team(s) that are most gender affirming and/or best meet their needs in regards to their sense of safety should be made available for intramural and interschool athletic ~~school level~~ teams.

School staff will:

- i. Advocate for the student with the team(s) they have been selected to play on to prioritize their needs with safety in cases of concern regarding compliance with [OFSSA's Student-Athlete Participation Statement re: Gender Identity](#) ~~OFSSA's athlete participation guideline.~~
- ii. ~~Provide options of gendered and non-gendered uniforms for students participating in any sport. ¶~~
- iii. ~~Ensure there are all-gender washrooms and change rooms available at all venues where teams are scheduled to compete.~~
 - Allow students to use the change room that is the most gender affirming and/or best meets their needs with regards to the access to a space where they feel the safest.
 - Provide an alternate change and shower location as an option to using a change room based on their sex assigned at birth when requested by an individual (e.g., private area within a public area such as a washroom stall with a door or curtain; use of an alternate changing schedule; use of a nearby private area such as a washroom, or health room).

10. Excursions and Field Trips ~~Overnight Trips and Excursions~~

Discussions with the student and parent/guardian/caregiver as part of the excursion or field trip

planning will allow for accommodations to be discussed and determined. ~~The involvement of the parent/guardian/caregiver in this conversation needs to be determined by the student (re: confidentiality of their gender identity).~~ The planning process should be based around information provided by students' themselves via conversation or through an information gathering tool.

a. Accommodations

School staff will:

- i. Work in collaboration with the student to identify and finalize room arrangements that are the most gender affirming and/or best meets their needs with regards to sense of safety and well-being.
- ii. Cover any additional costs that may occur through solutions identified.

b. Considerations during Commute/Travel

School staff will:

- i. Discuss with students who have disclosed their ~~trans~~Trans* or ~~n~~Non-binary identity, whether they have any specific needs or how might an adult chaperone / coach / staff support them in a variety of situations including but not limited to: identification review; security screening that could also include physical pat down or x-ray screening; public spaces.
- ii. Identify potential areas of concern in advance of the trip/excursion for all students (e.g., access to all-gender washroom facilities enroute; public spaces).
- iii. Consult students to determine the most appropriate solutions in advance and throughout the trip, confirming the level of support and involvement the student requests to ensure safety.

c. Access to Gendered Facilities enroute and at destinations

School staff will:

- i. Inquire whether there are all-gender or gender neutral washrooms and change rooms available (often single stall accessible washrooms work) prior to the trip/excursion, including all planned stops / venues / hotels on the itinerary.
- ii. In advance, plan and communicate accommodations that can be made if there are no all gender/universal facilities available.

d. Proactive and Responsive Approaches to Student Safety

The emotional, psychological, and physical safety of any student is the number one priority. In advance of the trip/excursion, planning for support and response to any harmful and/or discriminatory incident must be planned with the student.

- i. Staff will determine with the student how much support, if any, they would like when being on the road and going to any locations that are foreign to them, including frequency of check-ins.
- ii. Staff will ensure that there is a protocol/process that enables students and any supporting adult to report incidents immediately to the supervising staff member.
- iii. Staff will follow the HDSB Discriminatory & Harmful Language Protocol in the event of any transphobic harassment or incident.

DEFINITIONS: ¶

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~~2S&LGBTQ+:~~ The acronyms and words used to describe ~~2S&LGBTQ+~~ people and communities continue to evolve, reflecting the complex nature of all members of these and other communities. Variations of the acronym exist that include lesbian, Gay, Bisexual, Transgender, Two Spirit, Queer, Questioning, Intersex, Asexual, and sometimes an asterisk or plus to indicate that other sexual or gender minority identities. ¶

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~~Assigned Sex:~~ The legal and biological classification of people as male, female and/or intersex. Sex is usually assigned by a medical professional at birth based on a visual assessment of

external reproductive anatomy (i.e. genitals), but also involves consideration of internal reproductive organs, hormones and chromosomes.

Cisgender and cisnormativity: For those who are “cisgender” (not trans*), their gender identity is in line with or “matches” the sex they were assigned at birth. Cisnormativity (“cis” meaning “the same as”) refers to the commonplace assumption that all people are cisgender and that everyone accepts this as “the norm.” The term is used to describe prejudice against trans* people that are less overt or direct and more widespread or systemic in society, organizations and institutions. This form of systemic prejudice may even be unintentional and unrecognized by the people or organizations responsible.

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Gender: A socially constructed concept of identity, such as “boy/man,” “girl/woman,” “non-binary,” etc., with corresponding roles, behaviours, activities and appearance. Gender is usually understood to be performative and learned.

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Gender Binary: A social system that requires everyone to be understood and raised as a boy or girl (dependent on what sex one is assigned at birth) which forms the basis for how one is expected to identify and express one’s gender, how one is educated, what jobs one can do (or is expected to do), how one is expected to behave, what one is expected to wear, and how one is expected to experience attraction and engage in relationships.

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Gender Expression: How a person communicates about their experience of gender. Gender expression can include the choices that individuals make about the clothing and jewelry they wear, hair length and style, and choice of personal care/cosmetic products and practices; how a person holds their body and occupies space, walks, the way they act or speak; the tone and pitch of their voice, the way they do or don’t remove their body hair, and how they emphasize or deemphasize physical characteristics like their chest or hips.

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Gender-Fluid: An experience of gender that is not fixed and changes over time (i.e. moment to moment, day to day, week to week, year to year, etc.). Gender fluidity may encompass a variety of gender identities and experiences both in and outside of the dominant binary system, including a lack thereof (e.g. agender).

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Gender identity: An individual’s intrinsic sense of self and the way in which they relate to the concept of gender as it exists in their particular cultural context. This can be understood as one’s internal sense of being Two-Spirit, a woman, a man, Non-Binary, Agender, or countless other identities, regardless of their assigned biological sex.

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Gender non-conforming/Gender diverse/Gender variant: Refers to individuals who do not follow dominant, binary ideas about how they should identify, look or act as defined by social expectations that exist based on the sex they were assigned at birth.

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Genderqueer: Refers to those whose experience/understanding of their gender falls outside of the dominant gender binary system. This is an umbrella term that encompasses a wide range of non-binary identities including Two-Spirit, Bigender, Pan/Polygender, and Agender, among many others.

Gender Neutral Pronouns: A pronoun that is not associated with a particular gender and that does not imply masculine or feminine identity. Many English pronouns are gender neutral, including “they”, which can be employed in reference to a singular subject (he/she/they). ¶

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Non-Binary: Refers to individuals who experience their gender as outside of the binary categories of “woman” and “man”. Non-Binary individuals experience and describe their gender in a wide variety of ways that may or may not relate to the gender binary, identifying with one or more genders or not identifying with gender at all (i.e. Two-Spirit people who relate to their gender according to Indigenous gender systems that pre-date colonization; Bigender people who identify as both “woman” and “man”; Agender people who do not identify with or experience gender as a component of how they see themselves and relate with others; etc.) ¶

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Sex: The legal and medical categories of male, female and intersex. See “assigned sex”. ¶

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TransTrans*: Refers to individuals whose experience of their gender identity is outside of the social expectations that exist based on their assigned sex (i.e. a female assigned person who identifies as a boy/man, both, neither or something else entirely). The prefix “trans” comes from Latin and means “across” or “away from”. Often used as an umbrella term that encompasses a wide variety of binary and non-binary gender identities including Two-Spirit, Transgender, Genderqueer, Gigger, Pan/Polygender, Gender-Fluid, Agender, among many others — both culturally specific and otherwise — used to describe the diverse ways in which individuals may experience their gender(s). ¶

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Transgender: Refers to individuals whose experience of gender is outside of the social expectations that exist based on their sex, whether or not they express this experience outwardly. Transgender people may identify both in and outside of the gender binary (i.e. trans men and women, non-binary, genderqueer, agender, etc.) ¶

Transition: The variety of processes an individual may take in order to communicate a change in how they wish their gender to be understood by those around them. Transition can include a wide array of actions which can be understood in three separate containers: social, legal and medical transition. Social transition is about changing the way in which one is recognized in social spaces and includes things like changes in the way a person expresses their gender through dress or grooming, the way they speak and move, the name and pronouns that they use, and the way in which they access social spaces. Medical transition involves accessing medical care like gender affirming surgery and hormone therapy in order to emphasize or deemphasize physical characteristics associated with gender (e.g. chest, genital, reproductive or facial reconstruction surgery, taking estrogen or testosterone, etc.). Legal transition centers on changes in how someone is recognized by institutions like government or education, and involves changes in personal documentation like ID or school records to reflect an individual’s experience of their gender. Transition means different things to different people, due in part to issues of access, safety and personal choice. ¶

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Transphobia/Transantagonism: The fear, ignorance, and mistreatment of people who identify as, or are perceived to be, TransTrans*. This often takes the form of bias, discrimination, hatred,

harassment and violation of the human rights of ~~Trans~~Trans* and gender non-conforming people. ¶

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~~**Transsexual:** Refers to individuals whose experience of gender is outside of the social expectations that exist based on their sex, whether or not they express this experience outwardly. Historically, transsexual was a term that specifically referred to someone who had accessed some form of medical transition (i.e. gender affirming surgery(ies) and/or hormone therapy(ies)). At present, however, it may be used by ~~Trans~~Trans* people who have not and/or who have no interest in accessing medical transition of any kind. ¶~~

~~**Trans boy/man:** Someone assigned female or intersex at birth who identifies as a boy/man. Many Transmasculine people simply identify as boys/men without the use of Trans as a prefix. ¶~~

~~**Trans girl/woman:** Someone assigned male or or intersex at birth who identifies as a girl/woman. Many Transfeminine people simply identify as girls/women without the use of Trans as a prefix. ¶~~

~~**Two Spirit:** An umbrella term used by some Indigenous people to describe their experiences of same, multiple or no gender attraction and/or diverse experiences of sex, gender identity(ies) and expression(s). In some nations, Two Spirit experiences are/have been understood as the embodiment of both masculine and feminine spirits/energies. Before contact with colonial settlers, Two Spirit people were respected members of many Indigenous communities, and often acted as community leaders, healers, mediators, negotiators and caregivers to vulnerable community members. Because of their respective roles in community, and because their way of being was not in alignment with the cis and heteronormative, patriarchal framework imposed by colonizers, Two Spirit people were often targeted by colonial violence. Use of the term Two Spirit is part of a larger project of decolonization and cultural reclamation, and it is important that it only be used to self-identify by sex, attraction and gender diverse Indigenous people. ¶~~

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