

GREATER ESSEX COUNTYDISTRICT SCHOOL BOARD

Regulation: Gender Identity and Expression – Student Records

Reference No: R-AD-65

This Regulation sets out the Board's practices in respect of school records for students, based on accommodation requests related to gender identity and gender expression.

The Ontario Human Rights Code protects students from discrimination and harassment based on the protected grounds of gender identity and gender expression. Students have the right to self-identify and express and define their lived gender identity and expression while attending school.

Furthermore, the Ontario Human Rights Commission notes the legal duty to accommodate based on a student's gender identity or gender expression. There are several principles to consider when accommodating:

- Dignity of the student
- Individualized planning
- Full participation at school
- Barrier free inclusive design
- Health and safety
- Confidentiality

1.0 Request and Responding to an Accommodation Request

Students and/or their parent/guardian are to request the change of gender, name and/or pronouns in writing for purposes of clarity and to help protect both parties in case of questions regarding the original request. The request may come directly from the student or the student's legal guardian(s) and be addressed to the school principal.

There is no age limit on making an accommodation request; young students have the same rights to privacy and to have accommodations made on their behalf with or without their parents'/guardians' knowledge.

The support of a parent/guardian is *not* required for a school accommodation request or accommodation fulfillment. The GECDSD will take reasonable steps to provide accommodation to students who state that the school climate, structures and/or procedures interfere with their rights related to gender expression and/or gender identity. The Board will balance its decision to accommodate on several factors, such as undue hardship, including: the cost of the accommodation to the Board; health and safety risks to the person requesting accommodation and to others; and the effect of accommodation on the Board's ability to fulfill its duties under Board policies and the *Education Act*.

All written accommodations must be kept confidential and stored in the student's Ontario Student Record.

2.0 Privacy

All students have a right to privacy. School staff must keep a student's gender identity, gender diverse or transgender status confidential and not disclose it to others unless there is a specific necessity to do so. That is consistent with the accommodation process. Consent must be sought from the student and their parents/guardians, as appropriate, prior to the further sharing of information in fulfilling accommodations.

There may be circumstances in which this student seeking accommodation is not open about their gender identity at home. A school should never disclose a student's gender identity, chosen name, and/or pronouns to the student's parent(s)/guardian(s) without the student's explicit prior consent. When contacting home, the student should be consulted first to determine an appropriate way to reference the student's gender identity, chosen name, and/or pronouns.

This is true regardless of the age of the student.

3.0 Standardized Forms and Documentation

The GECDSD will use non-binary and "prefer to not answer" as options and allow individuals to self-identify. Standardized forms should also use gender-neutral/inclusive language.

4.0 Official Records

Students have the right to be addressed by their chosen name and pronouns that conform to their gender identity, regardless of whether the student has obtained a change to their legal name or sex designation.

School records, such as class lists, student information systems, timetables, will be changed to reflect a student's gender identity, pronouns, and/or preferred name, upon request of the student, regardless of the involvement of their parent/guardian. The Board will make manual changes to report cards and other documents and diplomas after consultation with the student and they have provided their permission.

Administrators will change a student's Ontario Student Record and Ontario Education Number records to reflect a change in legal name upon receipt of documentation that such legal name has been changed. Additionally, courses on transcripts may have to be altered (for example, physical education).

Intentionally or persistently addressing a student by the incorrect name or pronoun may constitute discriminatory conduct and is not condoned by the board. The board recognizes there may however, be inadvertent or honest mistakes.