Greater Essex County District School Board

Name: Gender Identity and Gender Expression in Schools
Category: Operational Procedure
Department: Equity and Human Rights
Responsibility: Superintendent of Justice, Inclusion, Equity, Diversity, and Indigenous Education
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Next Review Date: 2031

Rationale

The GECDSB is committed to upholding the dignity and worth of all students to equitable treatment without discrimination, including in respect of the inherent right to gender identity and gender expression. Gender identity and gender expression are protected grounds under the Ontario *Human Rights Code* (CODE).

The CODE protects students from discrimination and harassment based on the protected grounds of gender identity and gender expression. Students have the rights to self-identify, express, and define their lived gender identity and expression while attending school.

Students also have the right to be free from reprisal for seeking an accommodation, requesting their gender identity or gender expression to be respected, naming, or raising a human rights concern, including identifying transphobia or discrimination, participating in a process to address human rights concerns, or supporting someone else to do any of these things.

In addition, the GECDSB recognizes its obligations to promote the prevention of bullying and to promote a positive school climate for students including in respect to gender identity and gender expression. In that regard, Section 169.1(1) of the *Education Act* states in part:

Every board shall,

i. promote a positive school climate that is inclusive and accepting of all pupils, including pupils of any race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability.

ii. promote the prevention of bullying.

The GECDSB has the legal duty to accommodate a student in respect to their gender identity and/or gender expression. The GECDSB considers several principles in the accommodation process including:

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

- Confidentiality

Under the CODE, the GECDSB has an obligation to address discrimination and harassment based on gender identity and gender expression as well as reprisal, and to ensure that all students are treated with dignity and respect.

This operational procedure will address:

1. Accommodation Process and Accommodation Plan
2. Supporting Students' Privacy and Confidentiality of Information
3. Names and Pronouns
4. Ontario Student Record (OSR) and Other Records
5. Student Dress and Expression
6. Washroom and Changeroom Access, Field Trips/Excursions, Sport Activities, Health and Physical Educational Classes and Overnight Trips
7. Standardized Board Forms and Documentation
8. Student Engagement and Leadership

Definitions

Gender Identity refers to each person's internal and individual experience of gender. It is a person's sense of being a woman, a man, 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 expression refers to 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 expression is how people communicate their gender identity publicly and it is separate from sexual orientation.

Procedure

1. Accommodation Process and Accommodation Plan

The Board will take steps to provide reasonable accommodations to students related to gender expression and/or gender identity. The Board will accommodate students, to the point of undue hardship, considering the cost of accommodation to the Board and health and safety considerations.

Students and/or their parent/guardian/caregiver may request accommodations in respect to a student's gender identity and/or gender expression.

Accommodation requests should be made in writing, where possible, and shall be addressed to the school principal. Although, not required to be documented, it is recommended end encouraged so that the needs of the student can be better supported by relevant school staff and taking into consideration staff changes.

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'/caregivers' awareness/consent.

Although the awareness and support of the parent/guardian/caregiver is not required for a school accommodation request or the development and implementation of an Accommodation Plan, parent/guardian/caregiver support is encouraged, and the GECDSB will work with the student in that regard.

Upon receiving an accommodation request, the principal shall create an Accommodation Plan for the student in consultation with the school Superintendent. A written Accommodation Plan is designed to address and support the needs of the student and are provided to staff, as necessary.

The student and their parent/guardian/caregiver (if applicable) are expected to work with the school principal to develop the Accommodation Plan. Additional staff support (guidance teacher, CYW, social worker, classroom teacher or any staff member identified by the student) may also be included in the process of developing the Accommodation Plan. The school staff will work with the parents/guardians/caregivers to the greatest extent possible to best support the student.

Each students' needs are to be considered on an individual basis. Accommodation Plans may be changed over time and are subject to a regular review process, which shall occur at least once per school year.

The Accommodation Plan (see Appendices A and B) will set out the accommodations that are to be put in place and should address all elements such as name and/or pronouns, Ontario Student Records and other records, washroom and changeroom access, student dress and expression, sports activities and health and physical education, field trips and excursions.

Written accommodation requests and Accommodation Plans must be kept confidential and stored in the student's Ontario Student Record, subject to any safety concerns. (See Item #4 School Records under Procedure for further details.)

2. Supporting Students' Privacy and Confidentiality of Information

All students have a right to privacy in respect to their personal information. School staff must keep a student's gender identity confidential and not disclose it to others without consent unless there is a specific necessity to do so consistent with the accommodation process and/or Accommodation Plan or unless otherwise required by law.

Consent must be sought from the student and their parents/guardians/caregivers, as appropriate, prior to the further sharing of information fulfilling accommodations. Please note, caregivers who are not legal guardians do not have authority in respect of providing consent to share information under MFIPPA.

In circumstances in which the student seeking accommodation is not open about their gender identity or gender expression with their parents/guardians/caregivers, the school will respect the student's privacy and not disclose the information. When contacting parents/guardians/caregivers, the student will be consulted first to determine the appropriate way to reference the student's gender identity, chosen name and/or pronouns, regardless of the age of the student.

3. Names and Pronouns

Students have a right to change and use the name and/or pronouns that conform to their gender identity and to have these changes respected by students and staff.

Students who wish to use no pronouns or gender-neutral pronouns must be accommodated.

The Board recognizes there may be inadvertent or honest mistakes related to name and pronoun changes, however, intentionally, or persistently addressing a student by the incorrect name or pronoun is not acceptable.

4. Ontario Student Record (OSR) and Other 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.

Students may request the use of their chosen pronouns, no pronouns, gender-neutral pronouns, and similarly may request that their chosen name may be used in the report card comments, or that their name not be used at all, or that their last name only be used. This can be implemented without a student's name being legally changed.

As a component of the student's Accommodation Plan, school records, such as a class lists, student information systems, and timetables, may be changed to reflect a student's gender identity, pronouns, and/or chosen name. Manual changes to report cards, other documents and diplomas may also be completed as a component of the Accommodation Plan.

Administrators will amend/update a student's Ontario Student Record and Ontario Education Number records to reflect a change in legal name upon receipt of official documentation that the legal name has been changed. This may include amendments to courses on transcripts, report cards and diplomas, as appropriate and in consultation with the Superintendent. While the Ontario School Record might include a student's legal name and information that discloses the student's sex assigned at birth, this information is confidential and may not be communicated to any member of the school community without the student's express permission. This is the case regardless of age or grade.

In accordance with the *Education Act*, every student has the right to have access to their Ontario School Record. The parents/guardians/caregivers also have the right to have access to the student's Ontario School Record until the student turns eighteen. Specifically, it is important to note that the parents/guardians have access to personal information about their child in both the Ontario School Record Guidelines and the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). For this reason, although the school will make every effort to keep information confidential, where parents/guardians/caregivers are not involved in accommodation planning, the school cannot guarantee confidentiality related to the student's personal information. In such cases, the student may request that the accommodation(s) is honoured without a written request or plan.

5. Student Dress and Expression

Every student has the right to dress and groom in alignment with their gender identity. Schools are gender neutral regarding expectations of student attire as per the GECDSB Dress Code Protocol.

6. Washroom and Changeroom Access, Field Trip/Excursions, Sports Activities, Health and Physical Education Classes and Overnight Trips

Students have a right to safe washroom and changeroom facilities and the right to use a washroom or changeroom that best corresponds to the student's lived gender identity, regardless of the student's sex assigned at birth. Schools will also provide an accessible all-gender single stall washroom for used by anyone. Students have the right to safe changeroom that corresponds to their gender identity.

Students have the rights to enjoy full participation in field trips/excursions, including overnight field trips/excursions, health and physical education classes and in team sports activities. A student must not be denied the equitable opportunity to participate in field trips/excursions, physical education or athletics because of their gender identity and/or expression.

7. Standardized Board Forms and Documentation

With respect to gender identity, the GECDSB will include "non-binary or other (please specify)" and "prefer to not answer" as options when requesting individuals to self-identify. The Board is taking steps to have its standard forms reviewed and amended to use gender neutral and inclusive language. Schools are to make every effort to use gender-neutral inclusive language within school documents and communications.

8. Student Engagement and Student Leadership

GECDSB Schools support the development of a Gender Sexuality Alliance in accordance with the following section of the *Education Act*:

Board support for certain pupil activities and organizations.

303.1 *(1) Every board shall support pupils who want to establish and lead activities and organizations that promote a safe and inclusive learning environment, the acceptance of and respect for others and the creation of a positive school climate, including:*

a) *activities or organizations that promote gender equity.*
b) *activities or organizations that promote anti-racism.*
c) *activities or organizations that promote the awareness and understanding of, and respect for, people with disabilities; or*
d) *activities or organizations that promote the awareness and understanding of, and respect for, people of all sexual orientations and gender identities, including organizations with the name gay-straight alliance or another name.*

Same, gender sexuality alliance

303.1 *(2) For greater certainty, neither the board nor the principal shall refuse to allow a pupil to use the name gay-straight alliance or a similar name for an organization described in clause (1)(d).*

General Resource List and References

Canadian Charter of Rights and Freedoms Canadian Charter of Rights and Freedoms
Ontario Human Rights Code Ontario Human Rights Code
MFIPPA Municipal Freedom of Information and Protection of Privacy Act
Education Act Education Act
Program Memorandum 119 Program Memorandum 119
Policy Program Memorandum 144 Policy Program Memorandum 144
GECDSB Equity and Inclusive Education Policy GECDSB Equity and Inclusive Education Policy
GECDSB Equity and Inclusive Education Regulation GECDSB Equity and Inclusive Education Regulation
GECDSB Human Rights Policy GECDSB Human Rights Policy
GECDSB Human Rights Regulation GECDSB Human Rights Regulation
GECDSB Human Rights Appendix A
GECDSB Human Rights Appendix B
Ontario Human Rights Commission Preventing Discrimination - Gender Identity & Expression
Accepting Schools Act (2012) Accepting Schools Act (2012)
Ontario's Equity and Inclusive Education Strategy, 2009 Ontario's Equity and Inclusive Education Strategy, 2009

Egale Canada Egale Canada
Rainbow Health Ontario Rainbow Health Ontario
PFLAG Canada PFLAG Canada
PHE Canada, Transgender, Non-Binary and Two-Spirit Youth & Physical and Health Education: Environmental Scan
The Canadian Non-Binary Youth in Sport Report, 2023 The Canadian Non-Binary Youth in Sport Report, 2023
LGTBQIA+ Youth line LGBTQIA+ Youthline

Appendix A:

Considerations for Gender Identity and Expression Accommodation Planning for Students:

The process of accommodating gender identity and expression is significant and potentially sensitive for the student involved, and therefore, necessitates a fulsome and respectful conversation focused on understanding the needs of the student. These considerations are intended to provide guidance to facilitate the accommodation of gender identity and gender expression in school. The items outlined below are suggested considerations, and individual circumstances may require variation from this suggested list. When preparing the gender identity and gender expression Accommodation Plan, be mindful that individual needs and experiences may vary from person to person and over time. It is therefore appropriate to revisit the considerations at the commencement of the school year and if deemed necessary throughout the year.

- Considerations in the gender identity and gender expression Accommodation Plan:
- Identify the appropriate parties to be part of the planning process with the student consulted in the process in determining parties.
- Determine whether, when, whom and how to inform others of the change in gender identity.
- Determine what changes will be made to records and district information systems and when.
- Establish when and which pronouns and preferred names will be used.
- Determine preferences for use of washrooms and other gender-specific facilities and activities.
- Discuss any concerns related to gender expression.
- Determine relevant and timely training in conjunction with the Superintendent.
- Identify supports to facilitate transitions and interactions in the school community.
- Inform individuals of policies and processes related to protections against harassment and discrimination.
- Determine any other supports that may be required.

Special Consideration for Students: Determine the appropriateness and extent of parental/guardian/caregiver involvement.

Appendix B:

Gender Identity and Gender Expression Accommodation Plan Template

Before meeting to develop an Accommodation Plan, consult with the student requesting the accommodation and identify the appropriate parties to be part of the planning process. It is expected that this plan be created by respectfully engaging in a collaborative process that recognizes the uniqueness of each student's experience. It is imperative to remind all participants in the planning process that students have a right to privacy regarding disclosure of information related to their gender identity and gender expression.

Student Name	
Student Number	
School Name	
Date of Request	
Date(s) of Meeting(s)	
School Principal	
Planning Meeting Attendees	

1. Discuss whether, when, with whom and how to inform others of the change in gender identity and accommodations.

2. Discuss when and what changes will be made to records and system. This could include a change in gender indicator, a change in preferred name, and/or a change in legal name (official documents are necessary for legal name change).

3. Establish when and which pronouns and preferred names will be used. The individual determines this.

4. Discuss and establish preferences for use of washrooms and other gender-specific facilities and activities. This could include change rooms, teams, and overnight excursions.

5. Discuss any further questions or concerns related to the requested accommodations. Determine whether central office supports are necessary with appropriate consents, identify safe adult(s), safe space(s), who on staff may need to be aware of the accommodation, communication plan with home.

6. Set meeting time for review based on the needs of the student. (When preparing an Accommodation Plan, be mindful that individual needs and experiences may vary from person to person and over time. Therefore, it may be appropriate to revisit this plan periodically).

7. Inform student of policies and process related to protections against harassment and discrimination.

Inform student about additional supports and resources available in Operational Procedure under General Resource List and References.

Appendix C:

Glossary of Terms - Understanding Gender Identity and Gender Expression:

The definitions below are intended to be helpful for understanding gender equity and inclusion. This is not an exhaustive list, and these definitions are not standardized or fixed. Gender identities are self selected by individuals, not ascribed by others. It is of primary importance to respect a person's right to self-identification.

2SLGBTQIA: refers to Two-Spirit, Lesbian, Gay, Bisexual, Trans, Queer, Questioning, Intersex, and Asexual. This acronym is often used as an umbrella term to encompass a much wider range of identities and experiences related to sex, gender, and attraction that fall outside the dominant norms of heterosexual and cisgender.

Bisexual: refers to a person who experiences attraction to more than one gender. Some bisexual people use this term to express attraction to both their own gender, as well as to people of a different gender. Some bisexual people do not focus on gender at all when they describe their attraction to a partner.

Cisgender ("cis" meaning "the same as"): refers to gender identity is in line with or "matches" the sex assigned at birth.

Cisnormativity: refers to the assumption that all people are cisgender and that everyone accepts this as "the norm." The term is also used to describe prejudice against trans people that is less overt or direct and more widespread or systemic in society, organizations, and institutions. This form of systemic prejudice (CIS privilege) may be unintentional and unrecognized by people or organizations responsible.

Cissexism: refers to prejudice and discrimination against gender diverse identities and/or expressions. This may include the presumption that being cisgender is the superior and more desirable gender.

Deadnaming: refers to a person by a name they no longer want to use, instead of their gender affirming name.

Gender Diverse: refers to gender identities and/or gender expressions that differ from cultural or societal expectations based on assigned sex.

Gender Expression: refers to 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 expression is how people communicate their gender identity publicly and it is separate from sexual orientation.

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

Gender Non-Conforming: refers to individuals who do not follow ideas or stereotypes about how they should look, or act based on the sex they were assigned at birth (also called Gender Independent and Gender Creative). For example, this includes "feminine boys," "masculine girls," and individuals who are androgynous.

Intersectionality: refers to the concept of intersectionality recognizes that each person. simultaneously exists within multiple and overlapping identity categories (including but not limited to ability, citizenship, ethnicity, gender expression, gender, race, religion, and sexual orientation).

Intersex: refers to a medical classification for people who have some degree of both female and male genetic and/or physical sex characteristics.

Gender Identity: refers to each person's internal and individual experience of gender. It is a person's sense of being a woman, a man, both, neither, nor anywhere along the gender spectrum. A person's gender identity may be the same as or different from their birth-assigned sex.

Trans or Transgender: refers 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 MTF), trans man (female-to-male FTM), transsexual, cross-dresser, gender non-conforming, gender variant or gender queer.

Misgendering: refers to someone by a pronoun, name, or gender that does not reflect their self identified gender identity.

Non-Binary: refers to a person who experiences their gender as not exclusively woman or man. When used as an umbrella term, it encompasses identities reflecting a range of gender experiences, including agender and genderfluid.

Orientation: refers to a person's sense of sexual or romantic interest and attraction to people of the same or different gender(s). It covers the range of human sexuality and is different from gender identity.

Outing: refers to disclosing a person's gender identity or sexual orientation without their consent.

Pansexual: refers to a person who experiences attraction to people of diverse sexes and/or genders. The term pansexual reflects a desire to recognize the potential for attraction to sexes

and/or genders that exist across spectrum and to challenge the sex/gender binary. Pansexual people, bisexual people and other people who experience an attraction to more than one gender often create a community together, sometimes called the Bi+ community. The selection of one identity word over another and how it is defined is a personal process.

Sex: refers to the anatomical classification of people as male, female, or intersex, usually assigned at birth.

Transphobia: refers to hatred, suspicion, or fear of anyone whose gender identity and gender expression does not conform to society's expectations for their sex assigned at birth.

Two-Spirit: refers to a term used within some Indigenous communities, encompassing cultural, spiritual, sexual and gender identity. The term reflects some Indigenous understandings of gender roles, spirituality, and the long history of sexual and gender diversity in some Indigenous communities.