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Contact	Superintendent of Education – Program Services (School Effectiveness)

## GENDER IDENTITY AND EXPRESSION – STUDENTS AND STAFF

### BACKGROUND

The Renfrew County District School Board (District) operates within the broader context of law and public policy, including the *Ontario Human Rights Code* (OHRC). The OHRC provides for equal rights and opportunities, and freedom from discrimination. As of 2012, the OHRC was amended to add gender identity and gender expression to the list of grounds to be protected from discrimination. People whose gender identity or expression is, or is seen to be, different from their assigned sex at birth, are entitled to legal protections in the same way that people are protected from discrimination and harassment based on other prohibited grounds such as race, age or disability. This procedure supplements the District’s Code of Conduct, Human Rights Procedure and Equity and Inclusive Education Procedure. It is intended to raise awareness and support the District community in ensuring the dignity and equality of all gender identities and gender expression. The District is committed to providing a safe, caring and respectful learning environment for all of its students, staff and community partners.

### PROCEDURE

#### 1. Definitions

This procedure uses the following Ontario Human Rights Commission definitions.

**Gender Identity (n.)** Each person’s internal and individual experience of gender. It is their 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 identity is fundamentally different from a person’s sexual orientation. Everyone has a gender identity, whether they are cisgender or transgender. Man/boy, woman/girl and non-binary are some gender identity terms.

**Gender Expression (n.)** 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. Everyone has a gender expression, whether they are cisgender or transgender. Androgynous, masculine or feminine are some gender expression terms.

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 referring to a diverse group 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 people who identify as transgender girls and women, transgender boys and men, non-binary people and gender-fluid people.

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 masculine women (whether transgender or not) and a feminine man (whether transgender or not). People who are gender non-conforming are at risk of gender expression discrimination, including if they are cisgender.

## **2. Privacy and Confidentiality**

All students have a right to privacy which includes their gender identity; unless specifically directed by the student, schools must keep a person's gender identity confidential. Therefore, school staff should not disclose a student's gender identity to others unless there is a specific "need to know" (e.g., to fulfill a specific accommodation request).

Some students are not open about their gender identity at home for safety or other reasons. A school should never disclose a student's gender identity to the student's parent(s)/guardian(s)/caregiver(s) without the student's explicit prior consent. This is true regardless of the age of the student.

When school staff contact the home of a student, the student should be consulted first to determine an appropriate way to reference the student's gender identity. It is strongly suggested that staff privately ask students at the beginning of the school year or term how they want to be addressed in class as well as in correspondence to the home or at meetings with the student's parent(s)/guardian(s)/caregiver(s).

## **3. Names, Pronouns and Honorifics**

Everyone has the right to be addressed by a name and pronouns that correspond to the individual's gender identity. This is also true of honorifics such as Mr., Ms, Mrs., Mx. A court-ordered name or gender change is not required, and the person does not need to change his or her legal records for this right to be extended to them. The intentional or persistent refusal to respect a person's gender identity (e.g., intentionally referring to the student by a name or pronoun that does not correspond to the student's gender identity) is a violation of this procedure and may be considered a form of harassment.

#### **4. Official Records and Communication**

The District is required to maintain a mandatory Ontario Student Record (OSR) that includes a student's legal name and the sex of a student. When requested by the student or parent, the District will change a student's official record to reflect a change in legal name, sex, or gender upon receipt of legal or medical documentation. In situations where school staff or administrators are required by law to use or to report a student's legal name, sex, or gender, such as for purposes of standardized testing or attendance records, school staff and administrators shall adopt practices to avoid the inadvertent disclosure of such confidential information.

The legal name must also be used at the top of the first page of the report card.

The District is not required to use a student's legal name, sex, and gender on all other school records or documents. When a student/parent/guardian requests a name change through the school, the preferred name and pronouns will be used throughout the body of the report card, on the IEP and in all other documentation (e.g., class lists, timetable, behaviour plans). This is true regardless of the age of the student.

The District will also use a staff member's name, gender, pronouns and honorifics according to their gender identity. The same will hold true for parents as well as community partners.

#### **5. Preventing Discrimination: Gender-Segregated Activities**

Remove instances - both curricular and extra-curricular - where students are segregated by gender, to the extent possible. Where this is not possible (eg: competitive athletics) all students will be given the option to be included in the group that corresponds to their gender identity.

#### **6. Curricular and Extracurricular Athletics, Locker Rooms and Change Rooms**

All students, regardless of their gender identity or expression, are able to participate in physical education classes and team sports in a safe, inclusive, affirming, and respectful environment. All schools will review their student athletic policies to ensure they are inclusive of the spectrum of gender identities and gender expressions.

All individuals shall have access to locker room facilities that correspond to their gender identity. In locker rooms that require undressing in front of others, people who desire increased privacy, for any reason, (e.g., medical, religious, cultural, gender identity, etc.) shall be provided with accommodations that best meet their individual needs and privacy concerns. Based on availability and the nature of the privacy concerns expressed, such accommodations could include, but are not limited to:

- Use of a private changing area such as a washroom, staffroom, nurse's or gym office.

- Development of a separate or modified changing schedule (e.g., using the locker room before or after others).

## **7. Washroom Access**

All students, staff, and community members have a right to safe restroom facilities and the right to use a washroom that corresponds to the individual's gender identity. Requiring anyone to "prove" their gender (by requiring a doctor's letter, identity documents, etc.) is not acceptable. A person's self-identification is the sole measure of the student's gender. Schools will also provide an easily accessible all-gender single stall washroom for use by any person who desires increased privacy, regardless of the underlying reason.

## **8. Gender Expression - Dress**

All individuals have a right to dress in a manner consistent with their gender identity and gender expression within existing dress codes. Dress codes (in schools or in school athletics) will not discriminate based on any of the protected grounds in the Ontario Human Rights Code.

## **9. Accommodations Based on Request**

While adherence to this procedure is required, it is recognized that specific accommodations sought are to be fulfilled on a case-by-case basis and individualized to best meet the needs of a person who is making an accommodation request.

The District will take reasonable steps to provide accommodation to individuals who state that the District's operations or requirements interfere with their right to free gender expression and/or gender identity. The District will balance its decision to accommodate on several factors, such as undue hardship, including: the cost of the accommodations to the District; health and safety risks to the individual requesting accommodation and to others; and the effect of accommodation on the District's ability to fulfill its duties under District policies and the *Education Act*. Such requests shall be made in writing.

## **10. Resolving Conflicts**

If a dispute arises with regard to student/staff member's participation in educational activities, the dispute shall be resolved in a manner that involves the individual in the decision-making process. District staff will take reasonable steps to resolve problems that may include the use of existing District procedures for resolving issues. The principles of human rights, dignity, safety, reasonable accommodation, maximizing inclusiveness, and the best interests of the individual shall guide the decision-making when resolving conflicts.

## **LEGAL REFERENCES**

*Education Act*

*Ontario Human Rights Code, 1990*

*Ontario All Families are Equal Act, 2016*  
*Ontario Accepting Schools Act, 2012*  
*Ontario Human Rights Commission, Policy on preventing discrimination because of Gender Identity and Gender Expression, 2014*

**RCDSB REFERENCES**

[AP 140 Code of Conduct](#)

[AP 450 Human Rights](#)

[AP 451 Workplace Conflict and Workplace Harassment](#)

[AP 452 Equity and Inclusive Education](#)

**Procedure History**

Approved:	June 2015; November 2021; March 2022
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