



## ACCOMMODATION OF PERSONS WHO IDENTIFY AS TRANSGENDER

Responsibility:	<i>Coordinating Superintendent, Student Achievement &amp; Well-Being</i>
Legal References:	<i>The Canadian Charter of Rights and Freedoms (Section 15); The Ontario Human Rights Code; The Education Act</i>
Related References:	<i>Accepting Schools Act (Bill 13) Ministry of Education Policy/Program Memorandum 114 – Bullying Prevention and Intervention Board Policy 1008 – Equity and Inclusion Board Policy 6009 – Bullying Prevention and Intervention Board Policy 1004 – Harassment Board Policy 6000 – Safe Schools Board Policy 6001 – Code of Conduct Board Policy 6008 – Student Discipline Board Policy 1009 – Violence in the Workplace Administrative Procedure 1050 – Ontario Student Record (OSR) Office Index Card (OIC) Administrative Procedure 1200 – Student Bullying and/or Harassment Administrative Procedure 1260 – Student Discipline Procedures Administrative Procedure 4035 – Responding to Request for Transcripts and Other Education Verification</i>
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### 1. Preamble

- 1.1 The Waterloo Region District School Board (WRDSB) 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, lesbian, gay, bisexual, transgender, transsexual, two-spirit, genderqueer, intersex, and those who are questioning their sexual orientation and/or gender identity (LGBTQ+).
- 1.2 For the purposes of this document, “trans” refers to those who identify within the transgender/gender variant umbrella, including but not limited to: transgender, transsexual, genderqueer, gender fluid, two-spirit, trans man, trans woman, trans boy, trans girl, intersex, gender independent, and questioning or people who do not identify with a particular gender identity.
- 1.3 Transgender staff and students and their families have a right to have their confidentiality protected and respected, to self-identification, and for their identity to be included, represented, valued and respected within all aspects of the school and working environment.
- 1.4 The accommodation of staff, students, parents/guardians and community members who identify as transgender will be addressed in a dignified manner. All accommodation requests will be taken seriously. No person will be penalized for making an accommodation request.

## 2. Belief Statements

- 2.1. The WRDSB recognizes the rights of staff, students, parents/guardians and community. The WRDSB is committed to student achievement and well-being and excellence of education. The Board ensures that values of uniqueness and diversity of its students, staff and community are deeply embedded in the services and programs provided. We strive for equity, inclusivity, and diversity in all programs, practices, resources and facilities.
- 2.2. The WRDSB recognizes the rights of staff, students, parents/guardians and community members to equitable treatment without discrimination based upon gender identity and gender expression. The Administrative Procedure for the Accommodation of Persons Who Identify as Transgender is established as the Board's commitment to the values of freedom of gender identity and gender expression, freedom from discriminatory behaviors based on gender identity and gender expression, as well as respect for diversity in our school and work environments.
- 2.3. The WRDSB understands that gender is part of a person's identity and seeks to respect and honour the whole person in making accommodations.
- 2.4. The WRDSB understands that staff and students who are trans identified need a safe, respectful and inclusive environment in order to succeed. The Administrative Procedure for the Accommodation of Persons Who Identify as Transgender is a proactive effort that is aimed to support student achievement and well-being by eliminating discrimination and harassment related to gender identity and gender expression.
- 2.5. The Board will explore all options to provide an accommodation to individuals who identify as transgender.

## 3. Terms and Definitions

These terms and definitions are provided to be used only as a reference and are not meant to label individuals. A person's identity and how they identify is very personal, and should not be assumed by others. Language is constantly changing and this list should only be used as a guide.

**Assigned Biological Sex:** the biological classification of people as male and/or female. Sex is usually assigned by a physician at birth and is based on a visual assessment of external anatomy.

**Agender:** a term which can be translated as "without gender". A person who is agender may feel that they have no gender, or have a gender identity that is neutral.

**Bi-gender:** refers to individuals whose gender identity is a combination of male/man and female/woman.

**Cissexism:** prejudice, stereotyping and discrimination, directed against people who are not cisgender. Cissexism is also a set of assumptions or beliefs that people who are cisgender are superior to those who are not.

**Cisgender:** refers to individuals having a gender identity that is congruent with one's assigned biological sex. A man/boy is male and a woman/girl is female.

**Cross-Dresser:** someone who generally identifies with their assigned biological sex, but at times identifies with and personifies the "opposite" sex in their gender presentation and dress. Cross-dressing is not indicative of sexual orientation or attraction.

**Gender:** a socially constructed concept of identity, such as man, woman, boy and girl, with corresponding roles, behaviours, activities, and appearance.

**Gender Binary System:** a social system that requires everyone to be raised as a boy or girl (dependent on what sex you were assigned at birth), which in turn forms the basis for how you are educated, what jobs you can do (or are expected to do), how you are expected to behave, what you are expected to wear, what your gender and gender presentation should be, and who you should be attracted to/love/marry, etc.

**Gender Expression/Gender Presentation:** refers to the way an individual expresses their gender identity (e.g. in the way they dress, the length and style of their hair, the way they act or speak, the volume of their voice, and in their choice of whether or not to wear make-up).

**Gender Fluid:** a gender identity which encompasses a wide spectrum of gendered behaviour or appearance that blurs the lines of man, woman, boy, girl in a fluid way. In this sense, gender is not fixed and may change over time.

**Gender Identity:** is linked to an individual's intrinsic sense of self and their sense of being female, male, a combination of both, or neither regardless of their assigned biological sex.

**Gender Independent:** refers to individuals who do not follow other people's ideas or stereotypes about how they should look or act based on the female or male sex they were assigned at birth (also called Gender Variant, Gender Creative or Gender Non-Conforming).

**Genderqueer:** refers to people who do not ascribe to gender and sex as a binary concept. Genderqueer people may identify as either male, female, both, neither or may reject gender altogether.

**Gender Neutral Pronouns:** a pronoun that is not associated with a particular gender and that does not imply male or female. Many English pronouns are gender neutral, including "they", which can be substituted in a singular use (he/she/they). Alternative pronouns used include "zhe", "zir" and "hir".

**Intersex:** refers to people whose reproductive or sexual anatomy is not easily defined as male or female. There are a variety of ways someone can be intersex, ranging from having ambiguous genitalia to having a mixture of XX and XY chromosomes. The word hermaphrodite was historically used to describe intersex individuals, however, this term is considered highly offensive.

**LGBTQ+:** an acronym that stands for lesbian, gay, bisexual, transgender and queer/questioning. The plus sign (+) indicates the inclusion of all sexual and gender identities within queer communities.

**Non-binary:** refers to a person who does not agree with the idea that there are only two genders – male/female or man/woman and that a person must be strictly gendered as either/or.

**Questioning:** being unsure of one's sexual orientation and/or gender identity; feeling uncomfortable with or unwilling or unable to self-categorize within traditional labels such as gay, straight, man, woman, etc.

**Sexual Orientation/Attraction:** the desire for intimate emotional and/or sexual relationships with people of the same gender/sex, another gender/sex, or multiple genders/sexes.

**Trans:** an adjective relating to gender diverse individuals, groups or interests. This inclusive category is used by many who also identify within the transgender/gender variant umbrella, including but not limited to: transgender, transsexual, genderqueer, gender fluid, two-spirit, trans man, trans woman, trans boy, trans girl, intersex, gender independent, and questioning or people who do not identify with a particular gender identity. Some people may identify as trans, but not with other terms under the trans umbrella.

**Transgender:** an umbrella term that refers to individuals whose gender identity is different from their assigned biological sex at birth, and/or whose gender expression may be different from the way males or females are stereotypically expected to look or behave.

**Transition:** the process (which for some people may also be referred to as the "gender affirming process") whereby people change their appearance or physical body to align with their gender identity. Transition means different things to different people, due in part to issues of access, safety and personal choice. It may involve, if freely chosen, modification of bodily appearance, presentation or function by medical, surgical, or other means.

**Transphobia:** the fear, ignorance, and mistreatment of people who are, or are perceived to be, transgender. This often leads to bias, discrimination, hatred, harassment and violation of the human rights of transgender people.

**Transsexual:** a person who does not identify with the gender associated with the sex assigned to them at birth. This term is most frequently associated with movement from one side of the gender binary to the other. Some transsexual people may physically alter their body (e.g., gender affirmation surgery and/or hormone therapy) to correspond with their gender identity. For some people this is a stigmatizing term because of its historical association with the pathologization of gender diverse people, and the implication that a person's gender identity is not valid unless they medically transition. In addition, many transsexual individuals who make a surgical transition no longer consider themselves to be transgender upon completion of this process.

**Trans boy:** an identity label sometimes adopted by trans individuals to signify that they are boys while still affirming their history as females.

**Trans girl:** an identity label sometimes adopted by trans individuals to signify that they are girls while still affirming their history as males.

**Trans man:** an identity label sometimes adopted by trans individuals to signify that they are men while still affirming their history as females.

**Trans woman:** an identity label sometimes adopted by trans individuals to signify that they are women while still affirming their history as males.

**Two-spirit:** an umbrella term used by Indigenous and Aboriginal people to describe the embodiment of both masculine and feminine spirits. This identity is not limited to gender expression or sexuality, but encompasses them both while incorporating a spiritual element.

#### 4. Responsibilities of Principals and Managers

The Ontario Human Rights Code provides for the equal rights and opportunities and freedom from discrimination for all persons. People cannot be discriminated against or harassed because of their gender identity or expression. These administrative procedures explain WRDSB's best practices related to accommodation based on gender identity and gender expression. They have been designed to raise awareness and help protect people who identify as transgender from discrimination and harassment.

##### **Privacy**

All persons have a right to privacy which includes their gender identity. WRDSB staff must keep a person's transgender status confidential.

WRDSB staff must not disclose a staff's transgender status to others unless there is a specific "need to know" as in cases where information would be required to fulfill a specific accommodation request.

Similarly, school staff must not disclose a student's transgender status to others unless there is a specific "need to know" as in cases where information would be required to fulfill a specific accommodation request. See the *General Guidelines for the Accommodation of Persons who Identify as Trans - Appendix A* for case examples.

Some students who identify as transgender are not openly so at home because of safety and/or other reasons. A school shall not disclose a student's gender status to the student's parent(s)/guardian(s) without the student's explicit prior consent.

When school staff contacts the home of a student who identifies as transgender, the student should be consulted first to determine an appropriate way to reference the student's gender identity. Not doing so can potentially put a student's well-being and safety at risk.

If students have first disclosed their gender status to staff, it is strongly suggested that staff privately ask transgender students at the beginning of the school year how they want to be addressed in correspondence to the home or at meetings with the student's parent(s)/guardian(s). School staff should talk to the student about letting their administrator, teachers, guidance counsellor, child and

youth worker, and other school staff know, explaining reasons why it may be helpful for them to be aware (e.g., making calls to home). Staff should respect a student's decision not to disclose to others.

### **Professional Learning**

The Board will strive to ensure that professional development and training opportunities are provided for staff to develop the awareness, knowledge, skills and attitudes necessary to deliver an inclusive curriculum which includes anti-homophobia and anti-transphobia education, identify and address homophobic and transphobic discriminatory attitudes and behaviour, and support and advocate for students whose identity or perceived identity is LGBTQ+.

School board leaders must ensure that staff is educated in anti-transphobia education, in challenging gender stereotypes, and in using gender neutral and inclusive language. (*Refer to the General Guidelines for the Accommodation of Persons who Identify as Transgender - Appendix E* for community resources to support professional learning.)

### **Trans Representation**

There are few transgender role models in schools. School leaders should ensure that resources and guest speakers represent the transgender community in a positive way.

### **Accommodation Requests**

Students and staff members are encouraged to make accommodation requests in writing (refer to the *Student Request for Accommodation - Name and Gender* Form IS-21-01 or the *Staff Request for Accommodation* Form HR-17-00) or speak directly to their principal or manager. Students and staff are invited to bring a chosen advocate to help make the accommodation request with them. Each request will be dealt with on a case by case basis. Anybody who identifies as transgender is unique with different needs. An accommodation that works for one person cannot simply be assumed to work for another. Each accommodation may involve collaboration between the school, the student or staff, their family, and their community to jointly explore accommodation solutions.

### **Special Advice for Management and Human Resources**

**If a student or staff member informs you of their intention to transition, your support is critical, and your words and actions will impact the outcome of the transition.**

Be open-minded and discuss the needs and concerns of the student or staff member in a respectful way. Refrain from voicing personal opinions regarding the person's decision to transition or about their appearance. Take the time to listen. Also take the time to acknowledge and reflect on personal bias.

Make it clear that your conversation will be held in confidence and that you would like to discuss how you, and the Equity and Inclusion Officer if requested, can assist them during their transition. Ask the student or staff member for their suggestions on what you can do to help.

- Do they want to inform others in the school? If yes, do they want to inform colleagues and students themselves, or would they prefer this be done for them?
- Do they expect to change their name? If yes, what name and pronoun will they use and when do they want to be referred by the new name and pronoun?

As managers, you may need to address the concerns of co-workers, parents/guardians and community members. A lack of knowledge about transgender issues has the potential of creating misunderstanding and tension in the workplace. Please be advised that there will be people who will be resistant to learning about the transgender community. In such circumstances, remind all employees that they are expected to conduct themselves in accordance with the WRDSB Equity and Inclusion Policy, the Charter of Rights and Freedoms, and the Ontario Human Rights Code.

## **GENERAL GUIDELINES FOR THE ACCOMMODATION OF PERSONS WHO IDENTIFY AS TRANSGENDER**

In accordance with Ontario's Equity and Inclusive Education Strategy and the Ontario Human Rights Code and associated guidelines on developing human rights policies and procedures, the accommodation process and accommodation should be effective and respect the dignity of individuals seeking the accommodation.

Students and staff who identify as trans have the right to be who they are in an inclusive environment without fear of unwanted consequences, as well as the right to be treated with dignity and respect.

Please be conscious of times during the school year when the privacy, dignity and respect of a student who identifies as transgender may be compromised. These includes times when their legal name will be used, as in EQAO testing and report cards, or when third party agencies attend a school looking to meet with a student, like Family and Children's Services, or during immunizations (HPV virus immunization for girls), and when an occasional teacher is in the classroom. Mistakes will happen and things will get missed, but as much as possible should be done to maintain the privacy and well-being of transgender students.

The purpose of these guidelines is to describe the accommodation process and provide some examples of when accommodations may occur.

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## 1.0 GUIDELINES FOR STUDENTS

### ***Areas of Accommodation***

For some students in Waterloo Region District School Board schools, there are a number of areas where gender identity and gender expression may result in a request for accommodation on the part of the school and/or Board.

These areas may include, but are not limited to, the following:

- Addressing Students and Management of Students Records (Names/Pronouns/Gender Marker)
- Washroom Access
- Dress Code
- Sports and Extracurricular Activities, and Physical Education Class (including Competitive Sports)
- Change Rooms
- Gender Segregation in Other Areas
- Student Support and Student Advocacy

### **1.1 Addressing Students and Management of Student Records**

Transgender students have the right to be addressed by a name and pronoun corresponding to their gender identity.

This is true regardless of whether they have obtained a legal name change or legal change to their official sex designation.

Intentionally addressing a student who identifies as transgender by the incorrect name or pronoun will be considered a form of discrimination and harassment. 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 preferred/chosen name is unacceptable.

Students who wish to use gender-neutral and gender inclusive language in WRDSB schools are to be supported. For example, some people do not feel included in the gender binary of "he or she". Students and staff may wish to write in such a way as to avoid it. An increasingly common and accepted strategy is to use "they" as a gender-neutral singular pronoun, as this document often does.

The teacher is to ensure that the supply teacher is aware of the preferred/chosen name of any transgender students in the classroom. Please see *Appendix A* for case examples. Also, teachers are asked to be discreet to ensure the privacy and well-being of transgender students, especially as it pertains to the distribution of report cards that may reflect a students' birth name.

*The information below is summarized in Appendix G1- Quick Reference Chart – Accommodating Requests for Use of Preferred/Chosen Names, Pronouns, Gender Marker and Appendix G2- Accommodating Request for Legal Changes to Names, Pronouns, Gender Marker.*

#### **1.1.1 Names/Pronouns**

Transgender students have the right to be addressed by a name and pronoun corresponding to their gender identity other than that which appears on the student's birth certificate.

Where a student's legal name does not match their preferred/chosen name, the preferred/chosen name should be used where possible and included in all printed reports. This change is only prospective, in that updates will be made moving forward, but changes will not be made to historical records.

*Students age 15 and under whose parents do not agree to the use of a preferred or chosen name - school administration would not change the students' name in Trillium or OEN databases, nor would the OSR label be changed. However, a*

classroom teacher should continue to use the student's preferred/chosen name in order to ensure the student's mental health and well-being. This is not unlike calling someone "Jenny" if that is their preferred/chosen name, even though their birth name is "Jennifer". When there is a supply teacher, the preferred/chosen name should also be reflected on attendance sheets, timetables, class lists, etc., except where records must match the legal name. These can be printed and changed manually to reflect the preferred/chosen name.

*Students age 15 and under whose parents are supportive* – upon completion by the parent/guardian of form IS-21-01 (Student Request for Accommodation - Name and Gender), the school can make a change in the student database (Trillium), Google classroom, School Day, Compass, D2L, Insignia, Dreambox, S4S, MyWay and the OEN to reflect the student's preferred/chosen name. The IS-21-01 form should be placed in the Ontario Student Record (OSR) and the preferred/chosen name should be written manually on the OSR label. The preferred/chosen name will also be reflected on attendance sheets, timetables, class lists, etc. Report cards and transcripts can be requested and printed with the preferred/chosen name and sent home with the student. A copy of these records will be attached to a copy of the same record printed in the legal name and filed in the OSR.

*Students age 16 years and older do not need parental/guardian approval* - upon completion by the student of form IS-21-01 (Student Request for Accommodation - Name and Gender), the school can make a change in the student database (Trillium), Google classroom, School Day, Compass, D2L, Insignia, Dreambox, S4S, MyWay and the OEN to reflect the student's preferred/chosen name. The IS-21-01 form should be placed in the Ontario Student Record (OSR) and the preferred/chosen name should be written manually on the OSR label. The preferred/chosen name will also be reflected on attendance sheets, timetables, class lists, etc. Report cards and transcripts can be requested and printed with the preferred/chosen name and sent home with the student. A copy of these records will be attached to a copy of the same record printed in the legal name and filed in the OSR. Diplomas can be requested and printed with the preferred/chosen name and sent home with the student. A copy of this diploma will be filed in the OSR.

*Any age - legal name change* - if the parent/guardian/student acquires proper source documentation indicating a legal name change, then that information will be recorded in Trillium, the OEN and a new OSR label will be printed. Historical documents may also be changed if a written request to do so has been provided by the parent/guardian/student.

### **1.1.2 Gender Marker**

Transgender students have the right to be known by a gender other than that which appears on the student's birth certificate. This change is only prospective, in that updates will be made moving forward, but changes will not be made to historical records.

NOTE: The WRDSB's current student information systems allows for Male "M", Female "F", Not Disclosed "N", and Self-Identified "S" options for gender.

*Students age 15 and under whose parents do not agree to the use of a preferred or chosen name* - school administration would not change the student's gender in Trillium, nor would the OSR label be changed.

*Students age 15 and under whose parents are supportive* – upon completion by the parent/guardian of IS-21-01 form (Student Request for Accommodation - Name and Gender), the school can make a change in the Trillium student database to reflect the student's gender identity. The form should be placed in the Ontario Student Record (OSR) and the OSR label should reflect the gender identity. The gender identity will also be reflected on any reports, where applicable.



*Students 16 years and older do not need parental/guardian approval* - upon completion by the student of IS-21-01 form (Student Request for Accommodation - Name and Gender), the school can make a change in the Trillium student database to reflect the student's gender identity. The form should be placed in the Ontario Student Record (OSR) and the OSR label should reflect the gender identity. The gender identity will also be reflected on any reports, where applicable.

*Any age - legal gender change* - if the parent/guardian/student acquires proper source documentation indicating a legal gender change, then that information will be recorded in Trillium, and a new OSR label will be printed. Historical documents may also be changed if a written request to do so has been provided by the parent/guardian/student.

## **1.2 Washroom Access**

Under the Ontario Human Rights Code, all students have a right to safe restroom facilities and the right to use a washroom that best corresponds to the student's gender identity, regardless of the student's sex assigned at birth. Requests for accommodation may include the use of one, or both, gendered washrooms, or the use of a private single stall washroom. **The student's self-identification is the sole measure of their gender.**

Where possible, schools will provide an easily accessible all-gender single stall washroom for use by any student who desires increased privacy, regardless of the underlying reason. However, use of an all-gender single stall washroom should always be a matter of choice for a student.

Schools with a single stall accessible washroom already have what is considered a gender neutral washroom.

## **1.3 Dress Code**

A student should be permitted to wear what they want and express their gender in accordance with their gender identity as long as attire is acceptable according to current dress code standards. If a student is wearing inappropriate clothing, this should be addressed, regardless of their gender identity.

Students should not have to choose between 'male' and 'female' clothing. Some students are most comfortable in clothing that is neither clearly masculine nor feminine.

## **1.4 Sports and Extracurricular Activities, and Physical Education Classes**

School staff must ensure students can exercise their right to participate in gender-segregated sports and physical education (P.E.) class activities in accordance with each student's gender identity.

It is not an acceptable accommodation to deny a student the opportunity for physical education. For example: *not allowing* the student to have P.E.; *forcing* the student to choose independent study; *requiring* a gender independent or transgender student to use the change room corresponding to the student's sex assigned at birth.

### **1.4.1 Competitive Sports**

A student should be able to compete in sports in accordance with their lived gender identity.

The following additional guidelines will assist schools, athletics departments, coaches, teams, and student-athletes in creating an environment in which all student-athletes are safe and fairly treated. Please note that as every transgender student is different, it would be advisable to have a conversation with them to ensure that the accommodations are acceptable.

**Competition at Another School** — If a transgender student-athlete requires a particular accommodation to ensure access to appropriate changing, showering, or bathroom facilities, school leaders, athletic directors, and coaches, in consultation with the transgender student-athlete, should notify their counterparts

at other schools prior to competitions to ensure that the student has access to facilities that are comfortable and safe. This notification should maintain the student's confidentiality. Under no circumstances should a student-athlete's identity as a transgender person be disclosed without the student's express permission.

**Hotel Rooms** — Transgender student-athletes should be assigned to share hotel rooms based on their gender identity.

**Dress Codes**—Transgender student-athletes should be permitted to dress consistently with their gender identities. Dress codes for athletic teams when traveling or during a game day at school should be gender neutral.

**Uniforms** — All team members should have access to uniforms that are appropriate for their sport and that they feel comfortable wearing. No student should be required to wear a gendered uniform that conflicts with the student's gender identity.

### **1.5 Change Rooms**

Students have the right to a safe change room that corresponds to their gender identity. Any alternative arrangement will be provided in a way that protects the student's ability to keep their transgender status confidential. In addition, transgender students have the right to an accommodation if requested that best meets the individual student's particular needs. Such accommodations may include: (a) use of a private area within the public area (a bathroom stall with a door; an area separated by a curtain; a P.E. instructor's office in the change-room); (b) a separate changing schedule in the private area (either utilizing the change room before or after the other students); (c) use of a nearby private area (a nearby washroom; a vacant office); (d) access to the change room corresponding to the student's assigned sex at birth, or (e) satisfaction of the P.E. requirement by independent study outside of P.E. class. The accommodation must be acceptable to the student.

### **1.6 Gender Segregation in Other Areas**

As a general rule, gender segregation should be avoided where possible.

In circumstances where students are separated by gender in school activities (e.g., class discussions, field trips), students shall be permitted to participate in accordance with their gender identity.

Activities that may involve the need for housing accommodations in order to address student privacy and safety concerns will be addressed on a case-by-case basis. In such circumstances, staff shall make every reasonable effort to provide an accommodation that is acceptable to the student, including assignment of rooms based on their gender identity.

### **1.7 Student Support and Student Advocacy**

Schools should support the development of a trans-inclusive GSA (Gay-Straight Alliance) or similar group, developed and named by the students. They should support actions, activities and campaigns that are trans-positive and create awareness about trans-phobia, gender stereotypes, and gender-based violence. This work is supported by the Accepting Schools Act (Bill 13), 2012; An Act to amend the Education Act with respect to bullying and other matters.

## **2.0 GUIDELINES FOR STAFF**

### ***Areas of Accommodation***

For some staff in WRDSB schools, there are a number of areas where gender identity and gender expression may result in a request for accommodation on the part of the school and/or the WRDSB.

These areas may include, but are not limited to the following:

- Names/Pronouns
- Gender Expression/Dress Code
- Washroom Access
- Change Rooms
- Notification of Transition
- Statement of Confidentiality
- Accommodation-based Requests for Transfer
- Medical Procedures

## **2.1 Names/Pronouns**

Employee records and work-related documents must be retained under the individual's legal name unless and until the individual makes a legal change. Where a person's legal name does not match their preferred/chosen name, the preferred/chosen name should be used on all documentation, such as e-mail, phone directory, company identification card, etc., except where records must match the legal name, such as insurance documents and official human resources documents.

Transgender staff have the right to be addressed by a name and pronoun corresponding to their gender identity. This is true regardless of whether the staff member has obtained a legal name change or change of sex designation.

Intentionally addressing a staff member by the incorrect name or pronoun will be considered a form of discrimination and harassment. While it is understood that inadvertent slips or honest mistakes may occur, the intentional and/or persistent refusal to acknowledge or use a staff member's gender identity is unacceptable and will be subject to progressive discipline.

## **2.2 Gender Expression/Dress Code**

All employees have the right to dress consistently with their gender identity without being questioned as long as attire is acceptable according to current dress code standards. Staff should not have to choose between 'male' and 'female' clothing. Some people are most comfortable in clothing that is neither clearly masculine nor feminine.

## **2.3 Washroom Access**

Under the Ontario Human Rights Code, employees have the right to safe restroom facilities and the right to use a washroom that best corresponds to their gender identity, regardless of their sex assigned at birth. Requiring employees to 'prove' their gender (by requiring a doctor's letter, etc.) is not acceptable. The employee's self-identification is the sole measure of their gender.

Where possible, schools and other school board buildings will also provide an easily accessible all-gender single stall washroom for use by any staff member who desires increased privacy, regardless of the underlying reason. However, use of an all-gender single stall washroom should always be a matter of choice for a staff member.

## **2.4 Change Rooms**

All staff have the right to a safe change room that corresponds to their gender identity.

## **2.5 Notification of Transition**

The word "transition" refers to the process (which for some people may also be referred to as the "gender affirming process") whereby people bring their appearance or physical body into alignment with their gender identity. Transition means different things to different people, due in part to issues of access, safety and personal choice. It may involve, if freely chosen, modification of bodily appearance, presentation or function by medical, surgical, or other means. It should not be assumed that all persons will be making a physical transition.

An individual employee beginning the transition process may contact their direct supervisor, federation or association and the WRDSB Equity and Inclusion Officer in order to speak about their intentions, needs and concerns. It is recommended that

individual employees make these contacts well before a planned transition date, so that a supportive network can be established along with plans that may include gender awareness training. The onus should not be placed on the transitioning individual to provide training. In such circumstances, employers are encouraged to contact the Equity and Inclusion Officer in order to help facilitate discussion around a transition.

## **2.6 Statement of Confidentiality**

The transgender status of an employee is considered confidential and may only be disclosed with the consent of the employee. If a person is not out as transgender at work, but their identity is discovered, that is to remain private. The status and history of one's gender identity is a matter of privacy.

## **2.7 Accommodation-based Requests for Transfer**

An employee may feel more comfortable working in a different position during and/or after their transition. Principals and Managers should be prepared to discuss options with the individual, as well as with the HR department of the WRDSB.

In such circumstances, employees are encouraged to contact their federation or association and the Equity and Inclusion Officer in order to help facilitate discussions around options.

## **2.8 Medical Procedures**

Recognize that a transitioning employee may or may not undergo a medical procedure for any number of personal reasons. Surgery in and of itself is not the goal or purpose of a gender transition. For example, it should not be assumed that a person will be making a physical transition. Transitioning can mean different things to different people, and may evolve over time.

Medical information, including surgery plans communicated by an employee, must be treated confidentially, as with any requests regarding medically related situations.

### **Further Reading**

For more information about Human Rights in Ontario around Gender Identity, please refer to *Appendix B*.

*These guidelines have been adapted from the TDSB Guidelines for the Accommodation of Transgender and Gender Non-Conforming Students and Staff.*

## APPENDIX A: Privacy Case Examples

All persons have a right to privacy. Schools must keep a student's gender status confidential. Therefore, school staff should not disclose a student's gender status to others unless there is a specific "need to know" as in cases where information would be required to fulfill a specific accommodation request.

Some students who identify as transgender and gender independent are not openly so at home because of safety and/or other reasons. A school should never disclose a student's gender status to the student's parent(s)/guardian(s) without the student's explicit prior consent.

### Case Examples

**1) The administrator has been informed by a student that they identify as transgender but that their parent(s)/guardian(s) is not supportive.**

In this situation, the administrator should consider asking the student the following:

- 1) *How do you want to be called?* This includes name and pronouns.
- 2) *How do you want to be referred to when we call home?* Talk to the student about how to refer to them when making calls home or corresponding with the parent(s)/guardian(s).
- 3) *Would you like to inform school staff about this?* The administrator should talk to the student about informing their teacher(s) and other school support staff so that they too are aware of their specific home situation in case they need to call home.
- 4) *Do you want to inform staff or would you like assistance?* Please ask the student if they would prefer to inform other staff themselves or if they would like the administrator to do so. The student may prefer that the administrator informs staff.

**2) A transgender identified student would like to be referred to by their preferred/chosen name, but they are under the age of 16 and their parent(s)/guardian(s) does not approve.**

School administration would not change the students' name on report cards and official documents. However, a classroom teacher should continue to use the student's preferred/chosen name in order to ensure the student's mental health and well-being. This is not unlike calling somebody "Jenny" if that is their preferred/chosen name, even though their birth name is "Jennifer".

**3) A classroom teacher has a transgender identified student in their class who has a preferred/chosen name different from the name on the class list. The teacher is going to be away on professional development and an occasional teacher (OT) will be filling in.**

As always, the teacher should leave a class list for the OT. Be mindful to leave a class list that reflects the preferred/chosen name of all the students in the class, including the transgender identified student(s) in their class.

## **APPENDIX B: Human Rights in Ontario – Gender Identity**

### ***Adapted from The Ontario Human Rights Commission’s Policy on Discrimination and Harassment Because Of Gender Identity***

#### **Ontario’s Human Rights Code**

The Ontario *Human Rights Code* (the *Code*) provides for equal rights and opportunities, and freedom from discrimination. The *Code* recognizes the dignity and worth of every person in Ontario, in employment, housing, facilities and services, contracts, and membership in unions, trade or professional associations.

People who are discriminated against or harassed because of gender identity are legally protected under the ground of gender identity, gender expression. This includes transsexual, transgender and intersex persons, cross-dressers, and other people whose gender identity or expression is, or is seen to be, different from their birth-identified sex.

#### **Discrimination and Harassment**

Any intentional or unintentional behavior towards a person that is based on that persons’ perceived sex or gender where that behavior creates a burden on that person that is not a burden experienced by others is discrimination. It can also be behavior towards a person that is based on that persons’ perceived sex or gender and that behavior results in withholding or limiting access to any benefit that is available to other members of society. Discrimination can be obvious or subtle and can also happen on a bigger, systemic level, such as when a rule or policy may appear to be neutral, but is not designed in an inclusive way.

Harassment is a form of discrimination. It includes comments, jokes, name-calling, or behaviour or display of pictures that insult or demean a person because of their gender identity or gender expression.

No person should be treated differently while at work, at school, trying to rent an apartment, eating a meal in a restaurant, or at any other time, because of their gender identity or gender expression.

Organizations cannot discriminate, must deal with harassment complaints, and must provide a non-discriminatory environment for transgender people. This also applies to “third parties,” such as people doing contract work or who regularly come into contact with the organization. Individuals should be recognized as the gender they live in, and be given access to washrooms and change facilities on this basis, unless they specifically ask for other accommodation (such as for safety or privacy reasons).

#### **The Duty to Accommodate**

Under the *Code*, employers, unions, landlords and service providers have a legal duty to accommodate people because of their gender identity. The goal of accommodation is to allow people to equally benefit from and take part in services, housing or the workplace. Accommodation is a shared responsibility. Everyone involved, including the person asking for accommodation, should cooperate in the process, share information, and jointly explore accommodation solutions.

#### **Keeping Information Private**

An employer or service provider must have a valid reason for collecting and using personal information, such as from a driver’s licence or birth certificate, that either directly or indirectly lists a person’s sex as different from his or her lived gender identity. They must also ensure the maximum degree of privacy and confidentiality. This applies in all cases, including employment records and files, insurance company records, medical information, etc.

#### **For more information**

The Ontario Human Rights Commission’s **Policy on Discrimination and Harassment Because Of Gender Identity** and other publications are available at [www.ohrc.on.ca](http://www.ohrc.on.ca).

## APPENDIX C: Egale Canada Human Rights Trust Survey Results

Below are some of the statistics about transgender youth based on the Egale Canada Human Rights Trust 2011 survey “Every Class in Every School”. This was the first national climate survey on homophobia, biphobia and transphobia in Canadian schools. Over 3700 high school students were surveyed from across Canada.

In the final report, it states that *“While youth who actually identify as trans are comparatively small in number, they are highly visible targets of harassment. Trans students may report experiencing particularly high levels of harassment on the basis of perceived sexual orientation because often trans individuals are perceived as lesbian, gay, or bisexual when they are not. The heightened sense of lack of safety at school experienced by trans youth is likely due to the rigid policing of gender conventions (male masculinity and female femininity), which can make trans youth highly visible targets for discrimination and harassment.”*(pg.23)

- 90% of trans students heard transphobic remarks every day in school (pg. 23) (23% of trans students heard transphobic remarks from teachers. pg. 18)

-78% of trans students felt unsafe in some way at school (pg. 23)

- 52% of trans students feel unsafe in washrooms and change rooms (pg. 18) at school because of gender expression

-44% miss school because of feeling unsafe, 15% have skipped more than 10 days because of feeling unsafe (pg. 23)

-trans students have the highest rates of verbal, sexual and physical harassment/ assault (74%, 49%, 37%, respectively) compared to peers (pg. 17)

-trans students are more likely to feel uncomfortable talking to school coaches (58.6%), teachers (28.1%) and peers (25.8%) about LGBTQ matters than their LGB counter parts

(pg. 102)

To learn more about the findings in the final report, please visit

<http://egale.ca/wp-content/uploads/2011/05/EgaleFinalReport-web.pdf>

## **APPENDIX D: Trans PULSE – Ontario Wide Survey**

Trans PULSE is a community-based research project investigating the impact of social exclusion and discrimination on the health of trans people in Ontario, Canada. Funded by the Canadian Institutes of Health Research, this project is a partnership between researchers, trans community members, and community organizations committed to improving health outcomes for trans people.

Between April 2009 and May 2010, Trans PULSE surveyed 433 trans people age 16 and older who live, work and receive health care in Ontario. Here are some of the findings:

- Among trans Ontarians, 50% have ever seriously considered suicide because they were trans, and an additional 27% have considered suicide for reasons they felt were unrelated; thus, about three-quarters of trans people have ever seriously considered suicide. 43% had attempted suicide at some point in their lives.
- Results point strongly to the special vulnerabilities experienced by trans youth. Trans youth (up to age 24 as per the United Nations) were nearly twice as likely to seriously consider suicide as those over age 25, and almost three times as likely to have attempted suicide within the past year. It is also important to bear in mind that estimates of suicide are almost always underestimated, in that only the survivors complete surveys or tell their stories to researchers.
- Estimates show that because they were trans, 20% of trans Ontarians have been the targets of physical or sexual assaults and another 34% have experienced verbal harassment or threats.

For more information about the Trans PULSE survey, please visit

<http://transpulseproject.ca/resources/trans-pulse-survey/>



## **APPENDIX E: Trans Resource List**

### **Local Resources**

- ❖ OK2BME
  - [www.ok2bme.ca](http://www.ok2bme.ca)
- ❖ Spectrum – Waterloo Region’s Rainbow Community Space
  - [www.ourspectrum.com](http://www.ourspectrum.com)
- ❖ Gender Variant Working Group
  - [www.facebook.com/WWGenderVariance](http://www.facebook.com/WWGenderVariance)
- ❖ Arch Clinic
  - [www.archguelph.ca](http://www.archguelph.ca)

### **Provincial Resources**

- ❖ Gender Creative Kids
  - [www.GenderCreativeKids.ca](http://www.GenderCreativeKids.ca)
- ❖ Rainbow Health Ontario
  - [www.rainbowhealthontario.ca](http://www.rainbowhealthontario.ca)
- ❖ Trans Health
  - [www.trans-health.com](http://www.trans-health.com)
- ❖ Trans Pulse Project
  - [www.transpulseproject.ca](http://www.transpulseproject.ca)
- ❖ Trans Lifeline
  - [www.translifeline.org](http://www.translifeline.org)
  - 1-877-330-6366
- ❖ LGBTQ Youthline
  - [www.youthline.ca](http://www.youthline.ca)
  - 1-800-268-9688
- ❖ Ontario Human Rights Commission
  - [www.ohrc.on.ca](http://www.ohrc.on.ca)

### **National Resources**

- ❖ Egale Canada Human Rights Trust
  - [www.egale.ca](http://www.egale.ca)
- ❖ PFLAG Canada
  - [www.pflagcanada.ca](http://www.pflagcanada.ca)
- ❖ Trans Parent Canada
  - [www.transparentcanada.ca](http://www.transparentcanada.ca)

### **Other Resources**

- ❖ Phone App: EVA (Exceptional Voice App)
  - \$4.99 Vocal Training App for Trans Men and Women
- ❖ The 519 Church Street Community Centre
  - [www.the519.org](http://www.the519.org)

## Appendix F: How to apply for a legal name change and change of sex designation

### How do I apply for a legal name change? (Adult)

You can download the [Application to Change an Adult's Name](#), fill it out, then mail in the completed form and required documents to ServiceOntario at:

Office of the Registrar General  
PO Box 3000  
189 Red River Rd, 3rd Floor  
Thunder Bay, ON P7B 5W0

You can download the link at

<http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/ssbforms.nsf/FormDetail?OpenForm&ACT=RDR&TAB=PROFILE&ENV=WWE&NO=007-11155E>

If you are unable to download the form, you can request to have the form mailed to you. Please contact ServiceOntario at 1-800-461-2156 or 416-325-8305.

### How do I apply for a legal name change for a child?

You can download the [Application to Change a Child's Name](#), fill it out, then mail in the completed form and required documents to ServiceOntario at:

Office of the Registrar General  
PO Box 3000  
189 Red River Rd, 3rd Floor  
Thunder Bay, ON P7B 5W0

You can download the link at

<http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/ssbforms.nsf/FormDetail?OpenForm&ACT=RDR&TAB=PROFILE&ENV=WWE&NO=007-11156E>

If you are unable to download the form, you can request to have the form mailed to you. Please contact ServiceOntario at 1-800-461-2156 or 416-325-8305.

### Changing your sex designation on your birth registration and birth certificate

How to change your sex designation on your Ontario birth registration and birth certificate; the process you follow to change your sex designation will depend on your age. If you are age:

- 15 or under, you will apply as a child,
- 16 or 17, you can choose to apply as an adult or as a child, or
- 18 or older, you will apply as an adult.

#### As an adult, to change your sex designation you will need:

- your birth to have been registered in Ontario
- to be 16 years of age or older
- an [Application for Change of Sex Designation on a Birth Registration of an Adult](#)  
<http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/ssbforms.nsf/FormDetail?OpenForm&ACT=RDR&TAB=PROFILE&SRCH=1&ENV=WWE&TIT=11325&NO=007-11325E>
- a [Payment Form](#)
- a [Statutory Declaration for a Change of Sex Designation on a Birth Registration of an Adult](#)
- a letter signed by a practicing physician or psychologist (including a psychological associate) authorized to practise in Canada that includes the statements necessary to support your request ([see application cover sheet for instructions](#)). In some cases, alternatives to the required letter may be acceptable
- all previously issued birth certificates and certified copies of your birth registration
- an [application form for a birth certificate](#) submitted with applicable fees

#### As a child, to change your sex designation you will need:

- your birth to have been registered in Ontario
- to be 17 years of age or under
- an [Application for Change of Sex Designation on a Birth Registration of a Child](#) completed by a person with legal custody (e.g., a parent)

<http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/ssbforms.nsf/FormDetail?OpenForm&ACT=RDR&TAB=PROFILE&SRCH=1&ENV=WWE&TIT=11327&NO=11327E>

- a [Payment Form](#)
- a [Statutory Declaration for a Change of Sex Designation on a Birth Registration of a Child](#) completed by a person with legal custody (e.g., a parent)
- a [consent form](#) providing written consent of the child
- a [consent form](#) providing consent of all persons with legal custody of the child
- [proof of notice](#) to all persons with legal access to the child
- a letter signed by a practising physician or psychologist (including a psychological associate) authorized to practise in Canada that includes the statements necessary to support the child's requested change ([see application cover sheet for instructions](#)). In some circumstances, alternatives to the required letter may be acceptable
- all previously issued birth certificates and certified copies of your birth registration
- an [application form for a birth certificate](#) submitted with applicable fees

Mail your documents to:  
Office of the Registrar General  
P.O. Box 3000  
189 Red River Rd, 3rd Floor  
Thunder Bay, ON P7B 5W0

If you require a form in an alternate format or with a communication support, please contact ServiceOntario:

- Toll-free: 1-800-461-2156
- Toronto: 416-325-8305
- TTY Toll-free: 1-800-268-7095
- TTY Toronto: 416-325-3408

Appendix G1: Quick Reference Chart

**Accommodating Requests for  
Use of Preferred/Chosen Names, Pronouns, Gender Marker  
– Students Identifying as Transgender**

<b>ACCOMMODATION OF PREFERRED/CHOSEN NAME/ GENDER MARKER REQUESTS</b>	<b>15 YEARS OLD AND UNDER WITHOUT PARENT/GUARDIAN SUPPORT</b>	<b>15 YEARS OLD AND UNDER WITH PARENT/GUARDIAN SUPPORT</b>	<b>16 YEARS OLD AND OLDER</b>
<i>Verbal Use of Preferred/Chosen Names/Pronouns</i>	Staff to use student's preferred/chosen name and pronouns in class and within the school	Staff to use student's preferred/chosen name and pronouns in class and within the school	Staff to use student's preferred/chosen name and pronouns in class and within the school
<i>Reflect Preferred/Chosen Name in Trillium, OEN, Google Classroom, School Day, Compass, D2L, Insignia, Dreambox, S4S, MyWay; Add manually, in writing to OSR folder label.</i>	Not Applicable	Refer to <u>Form IS-21-01</u> completed by parent/guardian	Refer to <u>Form IS-21-01</u> completed by student
<i>Reflect Gender Marker in <del>OEN</del>, Trillium and OSR label</i>	Not Applicable	Refer to <u>Form IS-21-01</u> completed by parent/guardian	Refer to <u>Form IS-21-01</u> completed by student
<i>Print Report Cards in Preferred/Chosen Name for student; place copy in OSR along with Report Card in Legal Name</i>	Not Applicable	Refer to <u>Form IS-21-01</u> completed by parent/guardian –submit ITService Desk ticket to request assistance	Refer to <u>Form IS-21-01</u> completed by student –submit ITService Desk ticket to request assistance
<i>Print Transcript in Preferred/Chosen Name for student; place copy in OSR along with Transcript in Legal Name</i>	Not Applicable	Refer to <u>Form IS-21-01</u> completed by parent/guardian – submit ITService Desk ticket to request assistance	Refer to <u>Form IS-21-01</u> completed by student – submit ITService Desk ticket to request assistance
<i>Print Diploma in Preferred/Chosen Name for student; place copy of diploma in OSR (no diploma in legal name is required)</i>	Not Applicable	Not Applicable	Refer to <u>Form IS-21-01</u> completed by student

Appendix G2: Quick Reference Chart

**Accommodating Request for  
Legal Changes to Names, Pronouns, Gender Marker  
– Students Identifying as Transgender**

ACCOMMODATION OF LEGAL NAME/ GENDER MARKER CHANGES	15 YEARS OLD AND UNDER WITHOUT PARENT/GUARDIAN SUPPORT	15 YEARS OLD AND UNDER WITH PARENT/GUARDIAN SUPPORT	16 YEARS OLD AND OLDER
<i>Enter new Legal Name and Gender Marker in Trillium, OEN, OSR and change other systems/records as required</i>	Proof of legal name/ gender marker change required (e.g., birth certificate) – submit ITService Desk ticket to request assistance with changing historical OSR records, if written request to do so is received from parent/guardian/adult student	Proof of legal name / gender marker change required (e.g., birth certificate) – submit ITService Desk ticket to request assistance with changing historical OSR records, if written request to do so is received from parent/guardian/adult student	Proof of legal name/ gender marker change required (e.g., birth certificate) – submit ITService Desk ticket to request assistance with changing historical OSR records, if written request to do so is received from parent/guardian/adult student