

GREATER ESSEX COUNTYDISTRICT SCHOOL BOARD

Regulation: Gender Identity and Expression – In Schools

Reference No: R-AD-65

This Regulation sets out the board's practices in respect, to establishing and protecting accessible and inclusive education related to gender identity and gender expression.

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

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

Every board shall,

(a.1) 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.

(a.2) promote the prevention of bullying...

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

- Dignity of the student
- Individualized planning
- Full participation at school (including sport activities, field trips/excursions and HPE classes)
- Barrier free inclusive design
- Health and safety (including washrooms and changerooms)
- Confidentiality

All students have a right to be free from reprisal of any kind for seeking an accommodation, requesting that their gender identity or gender expression 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.

Under the *Human Rights Code*, the board has an obligation to address discrimination and harassment based on gender identity and gender expression as well reprisal, and to ensure that all individuals are treated with dignity and respect.

1.0 Request and Responding to a Gender Identity or Gender Expression Accommodation (process and development of Gender Identity or Gender Expression Plan)

The board will take reasonable steps to provide accommodations to students related to gender expression and/or gender identity. The board will accommodate students, to the point of undo

hardship, considering the cost of the accommodation to the Board and health and safety risks to the person requesting and to others.

Students and/or their parent/guardian are to request an accommodation in respect to a student's gender identity and/or gender expression. This may include the change of gender, name and/or pronouns.

Accommodation request must be made in writing (except for circumstances when this is not possible) and shall be addressed to the school principal.

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

Upon receiving an accommodation request, the principal shall create an Accommodation Plan for the student in consultation with school Superintendent.

When the student is working with the school principal as to their accommodation, additional staff support (guidance teacher, CYW, social work) may be included in the process of the development of the accommodation plan. The school staff will work with the family to the greatest extent possible to best support the student.

Although the support of the parent/guardian is *not* required for a school accommodation request or accommodation development and implementation, parent/guardian support is encouraged.

All written accommodations must be kept confidential and stored in the student's Ontario Student Record, subject to limited exceptions. In addition, if an accommodation plan is developed it must be kept confidential and stored in the student's Ontario Student Record, subject to limited exceptions.

2.0 Privacy

All students have a right to privacy. School staff must keep a student's gender identity confidential and not disclose it to others without consent or unless there is a specific necessity to do so consistent with the accommodation process and/or plan. Consent must be sought from the student and their parents/guardians, as appropriate, prior to the further sharing of information in fulfilling accommodations.

In circumstances in which this student seeking accommodation is not open about their gender identity or gender expression at home, the school will respect the student's privacy and not disclose the information. In all cases, when contacting home, the student should be consulted first to determine an appropriate way to reference the student's gender identity, chosen name, and/or pronouns.

This is true regardless of the age of the student.

3.0 Standardized Forms and Documentation

In respect to gender identity, the board will include non-binary and "prefer to not answer" as options when requesting individuals to self-identify. The board has a goal to undertake steps to have standardized forms use gender-neutral/inclusive language when forms are being reviewed or amended.

4.0 School 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.

As a component of the student's accommodation plan, school records, such as class lists, student information systems, and timetables, may be changed to reflect a student's gender identity, pronouns, and/or preferred name, upon request of the student. 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 documentation that such legal name has been changed. This may include amendments to courses on transcripts, as appropriate in consultation with the Superintendent.

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

5.0 Dress and Personal Grooming

Every student has the right to dress and groom in alignment with their gender expression. Schools are gender neutral regarding expectations of student attire as per the dress code protocol.

6.0 Washroom Access, Change Rooms and Sport Activities

All students have the 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 easily accessible all-gender single staff washroom for use by anyone.

All students have the right to enjoy full participation in physical education classes and in team sports. A student must not be denied the equitable opportunity to participate in physical education or athletics because of their gender identity and/or gender expression.