

Supporting & Protecting LDSB Transgender-Spectrum and/or Gender Non-Conforming Students

The following guidelines preserve and protect the rights, privacy, confidentiality, safety, health, and dignity of transgender and/or gender non-conforming students at all times – in all Limestone District School Board schools, related events and activities – both inside and outside of school hours.

Key Terms

Additional definitions are included at the end of this document.

Gender identity: (n.) Each person's internal and individual experience of gender, including their sense of being a woman, man, both, neither or anywhere along the gender spectrum. A person's gender identity may be the same or different from their birth-assigned sex. Gender identity is fundamentally different from a person's sexual orientation (Source: Ontario Human Rights Commission). Everyone has a gender identity, whether they are cisgender or transgender. Man/boy, woman/girl, and nonbinary are some gender identity terms.

Gender expression: (n.) How a person publicly presents their gender. Can include behaviour and outward appearance such as hair, make-up, body language and voice. A person's chosen name and pronoun are also common ways of expressing gender (Source: Ontario Human Rights Commission). Everyone has a gender expression, whether they are cisgender or transgender. Masculine, feminine, and androgynous are some gender expression terms.

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 a masculine woman (whether transgender or no), and a feminine man (whether transgender or no). People who are gender non-conforming are at risk of gender expression discrimination, including if they are cisgender.

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 to include the diverse range 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 transgender girls and women (trans girls, trans women), transgender men (trans guys, trans boys, trans men), nonbinary people, and gender-fluid people.

Guiding Principles of this Document

These guidelines...

- . Arise from legal responsibilities enshrined in current public policy and human rights laws – included in amendments to the Ontario Human Rights Code, Bill 13 (2012) and Bill 33 Toby's Act
- . Apply at all times to every person in, or connected to the Limestone District School Board and LDSB schools in any capacity
- . Supplement related Board policies and codes of conduct (listed at the end)
- . Will be updated according to legal amendments and to maximize protection of transgender-spectrum and/or gender non-conforming students

The Limestone District School Board recognizes and acknowledges ...

- . Every Limestone student, whether transgender or not, has the right to equitable access and full participation in all aspects of school life (academic, extracurricular, social), with free and full expression of their gender.
- . Each transgender and/or gender non-conforming student is unique and has different needs. Supporting individual process is best; what works for one may not work for another and may change over time.
- . Transgender-spectrum voices need to be included in Board policy and procedure reviews.
- . The need for Board- and school-wide action plans that build capacity, understanding and awareness of gender identity and gender expression human rights protections as well as related issues, concerns and needs.

Self-Identification, Names, Pronouns, Dress and Grooming

Key Message

Regardless of age or grade, a student is the authority on their gender, name, pronouns, dress or grooming. Intentional or persistent refusal to use a student's chosen name and/or pronouns is a violation of these guidelines and may constitute discrimination or harassment on the ground of gender expression. Advising a student to alter their dress or grooming in ways related to gender is a violation of these guidelines and constitutes discrimination or harassment on the ground of expression.

Guidelines

- . Every Limestone student – whether transgender or cisgender – has the right to dress and groom in a manner consistent with their gender identity or gender expression, within existing dress codes (AP 352). . Legal documentation is not required for a name or gender marker change in the computer system at school. Requesting further 'proof' of gender identity, such as medical records, is not permitted and may constitute discrimination or harassment on the ground of gender identity.
- . Transgender-spectrum students have a right to *change* their name and/or pronouns as needed, to make such a change known to staff and other students, and to have this change respected.

What Schools Will Do to Prevent Discrimination

- . Ensure that school dress codes (general and specific to a particular program or activity) are not gendered in any way (e.g., do not have separate requirements for girls or boys).
- . Review curricular and extra-curricular programming to remove instances where students are segregated by gender identity, to the extent possible. Where this is not possible (e.g., competitive athletics), ensure staff understand the key message above so that all students can participate in a way that is the best fit for them.

. Build staff capacity to support and respond to the needs of transgender-spectrum students who are not boys or girls (e.g., who are nonbinary), whether they are out at school or no; this includes increasing fluency with singular they as a gender-neutral personal pronoun of reference.

Example of an Individual Accommodation

. Reviewing a transgender-spectrum student's timetable to ensure that assigned staff are ready with the capacity to support them, providing training or resources to staff as needed, and scheduling regular check-ins with staff.

. Maintaining open lines of communication with transgender-spectrum and/or gender non-conforming students to ensure that their name and pronouns are being used in the school community, and that they are being referred to with correct gendered and/or gender-neutral language, as needed.

Communications, Privacy and Official Records

Key Message

While the mandatory Ontario Student Record (OSR)/LDSB Student Record likely includes a transgender-spectrum student's legal name and assigned sex, 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.

Guidelines

. Class lists or other such records do not require a student's legal name or assigned sex, and the latter should be replaced with chosen name and/or corrected gender marker immediately upon request.

. Students have the right to choose how they want to be addressed in correspondence sent to their home or at meetings with their parent(s)/guardian(s) or other supportive adults.

. Regardless of age or grade, schools must keep a student's transgender status confidential unless the student gives explicit consent to inform parent(s)/guardian(s), or there is a specific 'need to know' (e.g. to fulfill a specific accommodation request). The school administrator will determine this based on information available.

. The Board will change a student's OSR/LDSB Student Record to reflect a legal change of name and assigned sex if requested by student or parent/guardian, and upon receipt of either legal (i.e., birth certificate or official change of name documentation) or medical documentation.

What Schools Will Do to Prevent Discrimination

. Review how staff routinely administer attendance – e.g., discourage 'reading the list' on the first day of school in favour of having students introduce themselves to each other with chosen names.

. Ensure that administrative staff are operationally familiar with procedures for changing student name and gender marker on all internal school records and in the OSR/LDSB Student Record, and that they are prepared to support a transgender-spectrum student in doing so.

. Ensure a school plan is in place to avoid inadvertent disclosure when staff are required by law to use or to report a student's legal name, or sex – e.g., in standardized testing or in attendance records.

Example of an Individual Accommodation

. Calling a meeting with a transgender-spectrum student's teachers – with the student's cooperation if possible, but at least with their consent – to inform them of a student's changed name and pronouns, and supporting staff in making changes to existing written or electronic records

Athletics

Key Message

Schools must ensure transgender-spectrum students, including students who are nonbinary, enjoy full participation in physical education classes and in team sports of their choice. This includes ensuring a safe, inclusive, welcoming, affirming and respectful athletic environments and changing facilities.

Guidelines

- . All students will have access to privacy in the locker room that corresponds to their gender identity (e.g. use of a private change room, washroom, staffroom or gym office) - or if need be, develop a separate or modified schedule for changing – e.g. use locker room before or after other students
- . Transgender girls and transgender boys, regardless of whether they have or will pursue medical transition, are entitled to play on girls’ and boys’ teams, respectively.
- . Nonbinary student athletes may play on the team of their choice, and on one team per sport. They may opt for differently gendered teams for different sports, which is their right.
- . Transgender-spectrum students may experience discrimination or harassment when participating in competitions, meets or away games. Staff will be aware that this is possible and likely, and foster an environment of acceptance and mutual respect so that these athletes are shielded as much as possible by the support of their team.

What Schools Will Do to Prevent Discrimination

- . Offer gender diversity training to all athletics staff
- . Create a plan that anticipates the participation of student-athletes whose gender identity is not boy or girl, and ensure staff are able to act on this plan as needed.
- . Discourage the use of gendered language in athletics (ladies, gentlemen, etc.)

Example of an Individual Accommodation

- . Proactively engaging a nonbinary student in a conversation about athletics, and letting them know that this is possible and that they are welcome to participate.

Washrooms, Changing Facilities and Overnight Field Trips

Key Message

A transgender-spectrum and/or gender non-conforming student is the authority on which washroom, changing facility or shared accommodation is the best fit for them.

Guidelines

- . At least one easily accessible all-gender, single-stall washroom will be available for use by any student desiring privacy, with no questions asked. This washroom should not require a key.
- . No student will be requested to use an all-gender washroom or changing facility, or to use a particular (gender-neutral or gendered) accommodation; this is a matter for their judgment.
- . A student who objects to sharing a gendered space with a transgender-spectrum student is to be accommodated in a private, all-gender, single-stall or other similar space as required. A transgender-spectrum student will not be re-assigned (etc.) in such instances.

. New construction or significant renovation to Limestone buildings should include the addition of all-gender washroom(s).

What Schools Will Do to Prevent Discrimination

- . Include information on the location of single-stall and/or all-gender washroom and changing facilities in all student- and family-facing communications (e.g., handbooks, orientation materials), including in invitations to special events (e.g., parent/guardian-teacher interview, plays, assemblies, games or tournaments).
- . Consult with any out transgender-spectrum students on their experiences accessing washrooms and changing facilities in the school (whether all-gender or gendered), and make proactive changes based on this feedback. Engage staff in this process who have pre-existing relationships with these students.
- . Create a plan for students to access private and/or all-gender changing facilities in relation or proximity to the school gymnasium, and ensure all relevant staff carry out this plan as needed.

Example of an Individual Accommodation

- . Ensuring that nonbinary students who require extra time to travel to an all-gender washroom (if applicable) are not penalized by staff.

Harassment or Violence for Gender Identity or Gender Expression

Key Message

Any form of harassment or violence based on a student's actual or perceived gender identity, or gender expression, must be given immediate attention and action by school staff, regardless of whether that student is transgender.

Guidelines

- . Use existing related Board procedures for resolving issues (e.g., code of conduct, discipline, harassment)
- . Involve the targeted student in any decision-making process to resolve conflicts
- . Apply principles of safety and accommodation to maximize inclusion and the student's best interests
- . Be aware that transgender-spectrum and/or gender non-conforming students are likely experiencing harassment or violence at school, regardless of whether this is reported to school staff, and that an 'initial' incident is likely not the first time this has occurred.

What Schools Will Do to Prevent Harassment or Violence

- . Ensure that school staff know what gender expression harassment and gender identity harassment look like in the school context, as these are different. The latter is generally only experienced by transgender-spectrum people, whereas cisgender people can and do experience gender expression discrimination.
- . Develop a school-wide action plan to immediately address harassment or violence due to gender identity and gender expression.
- . Administrators and staff develop a practice of regularly checking in with staff who have trusting relationships with transgender-spectrum and/or gender non-conforming students to become aware of emerging or ongoing issues
- . Administrators and staff intentionally build trust with transgender-spectrum and/or gender non-conforming students by attending relevant events, publicly using their chosen names and pronouns, and asking after their well-being.

Example of an Individual Accommodation

. Ensuring that a targeted student has free access to safe spaces within the school during breaks and after school (e.g., a trusted teacher’s classroom, drama room, counselor’s office).

Teaching and Learning

Key Message

Limestone staff are expected to increase their personal awareness and understanding of human gender diversity, including but not limited to gender identity and gender expression human rights protections, and to engage with students in ways that reflect a respect for and anticipation of human gender diversity in all Limestone facilities.

Guidelines

- . Hold annual professional development opportunities for staff, ideally separated by areas of responsibility (i.e., teachers have different learning needs than administrative or coaching staff)
- . Do not refer to a class using gender binary phrases like “boys and girls” or “ladies and gentlemen,” or to gendered groups of students as boys, ladies, etc.
- . Do not separate students by (binary) gender for any reason in the course of the school day
- . Avoid creating assignments or activities in which students must select an option based on their gender

What Schools Will Do to Prevent Discrimination

- . Teach students to identify, and to report any form of harassment or violence on the grounds of gender identity or gender expression, and teach all students about their human right to be free from discrimination on these grounds regardless of whether they are transgender
- . Use and develop curriculum activities, resources, materials that model and affirm respect for the contributions and achievements of transgender-spectrum and/or gender non-conforming people
- . Include a range of gender representations in the curriculum, including of different ways that people express themselves as men, women, boys and girls.

For Students and Parents/Guardians: Making an Accommodation Request Regarding Gender Identity or Gender Expression

A written request is required from the student or parent/guardian requesting accommodation. School administrators fulfill specific requests on a case-by-case basis, individualized to best meet the needs of student. All efforts will be made to accommodate the student to the point of undue hardship. Please contact your school administrator.

Definitions

Assigned Sex: (n.) A person's sex assigned at or before birth, usually based on external genitalia.

Cisgender: (adj.) A person with a gender identity that aligns with expectations for people of their assigned sex (e.g. a cisgender woman was assigned female at birth [sex] and identifies as a woman today [gender identity]).

Gender binary: (n.) A socially constructed system in which the spectrum of human gender diversity across cultures and throughout history is represented as a binary of either male/men/masculine or female/women/feminine. The gender binary excludes and obscures the existence of intersex, transgender, nonbinary and/or gender non-conforming people.

Gender identity: (n.) Each person's internal and individual experience of gender, including their sense of being a woman, man, both, neither or anywhere along the gender spectrum. A person's gender identity may be the same or different from their birth-assigned sex. Gender identity is fundamentally different from a person's sexual orientation (Source: Ontario Human Rights Commission). Everyone has a gender identity, whether they are cisgender or transgender. Man, woman, and nonbinary are some gender identity terms.

Gender expression: (n.) How a person publicly presents their gender. Can include behaviour and outward appearance such as hair, make-up, body language and voice. A person's chosen name and pronoun are also common ways of expressing gender (Source: Ontario Human Rights Commission). Everyone has a gender expression, whether they are cisgender or transgender. Masculine, feminine, and androgynous are some gender expression terms.

Gender-conforming: (adj.) A person whose gender expression aligns with expectations for people of their gender identity. Some examples of gender-conforming people are: a feminine woman (whether cisgender or transgender), or a masculine man (whether cisgender or transgender). Some behaviours, characteristics or preferences can also be described as 'gender-conforming,' such as typically masculine behaviours exhibited by a man.

Gender-fluid: (adj.) A person whose gender identity (e.g., man, woman, nonbinary) and/or gender expression (e.g., masculine, feminine, androgynous) vary consistently. For example, a cisgender man may have a gender-fluid gender expression if he sometimes dresses in a feminine way and sometimes in a masculine way.

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 a masculine woman (whether cisgender or transgender), and a feminine man (whether cisgender or transgender). People who are gender non-conforming are at risk of gender expression discrimination, including if they are cisgender. Nonbinary and gender-fluid people are often perceived to be gender non-conforming.

Intersex: (adj.) A person whose body has mixture of typically 'male or female' characteristics; some describe themselves as having a disorder of sex development instead of as an intersex person.

Nonbinary: (adj.) A person with a gender identity that is not neatly either man/boy or woman/girl. Nonbinary people have a variety of gender expressions, and may or may not be out, or pursue transition. Many nonbinary people have pronouns that are gender-neutral, with singular they/them being the most common (e.g., saying 'they are' for one person). Like the term 'transgender,' 'nonbinary' is sometimes used as an umbrella term for gender identities that are similar to nonbinary in that they are not neatly either man/boy or woman/girl, such as genderqueer or agender. Nonbinary is not the same as gender-fluid, in that a person may be nonbinary for their entire life and have a consistent gender expression.

Pronouns: (n.) Grammatical features of English that refer to people or objects. In English, personal pronouns of reference are gendered, which sets English apart from other major languages across the world. She/her, he/him and they/them are

gendered personal pronouns of reference. Under the transgender umbrella, most transgender women have she/her pronouns, most transgender men have he/him pronouns, and many nonbinary people have they/them pronouns. Pronouns are a component of one's gender expression, and not having one's correct pronouns used can constitute gender expression discrimination under the Ontario Human Rights Code.

Sex: (n.) A biological classification that brings together genetic, chromosomal, gonadal, hormonal and other physiological characteristics, but is often reduced to external genitalia. The terms 'male' and 'female' designate sex, with considerable variation among males and females.

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 to include the diverse range 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 transgender girls and women (trans girls, trans women), transgender men (trans guys, trans boys, trans men), nonbinary people, and gender-fluid people.

Transition: (n./vb.) A process in which a transgender person seeks greater alignment among their gender expression (including but not limited to name and pronouns), reception by others, and/or their physiology. Every transgender person's transition is unique, and not all transgender people seek out medical transition (i.e., hormone replacement or suppression therapy, or gender-affirming surgeries).

Two-Spirit: Two-Spirit is a term often used by Indigenous people on Turtle Island (North America) whose gender and/or sexuality do not follow the path of most other people in their communities. Two-Spirit is a literal English translation of the Anishinaabemowin term *niizh manidoowag* and was proposed for this purpose by Indigenous people attending the third annual intertribal Native American/First Nations gay and lesbian conference held near Beausejour, Manitoba in 1990. Two-Spirit has a meaning both like and unlike settler terms such as 'queer' or 'transgender.' Some Indigenous queer and/or transgender people use the term 'Two-Spirit' and some do not (Source: *Supporting Transgender & Gender-Creative Youth: Schools, Families and Communities in Action*).

Relevant Laws and Policies

Ontario

- . Ontario Accepting Schools Act, Bill 13 – 2012
- . Bill 33 Toby's Act
- . Ontario Human Rights Commission, *Policy on Preventing Discrimination Due to Gender Identity & Gender Expression 2014*

Limestone District School Board

- . LDSB AP 105 –Equity and Inclusive Education
- . LDSB AP 350 – Codes of Conduct
- . LDSB AP 351 – Safe Schools: Use of Internet & Electronic Devices by Students
- . LDSB AP 352—Safe Schools: Appropriate Dress Code
- . LDSB AP 353 – Progressive Discipline
- . LDSB AP 356 – Bullying Prevention and Intervention
- . LDSB AP 405 – AP 408 Workplace Violence and Workplace Harassment, & Reporting Procedures

Local Resources

Kingston Community Health Centres (KCHC) Transgender Health Clinic

<https://kchc.ca/weller-avenue/transgender-health-care/transhealth@kchc.ca>

613-542-2949 ext 1166 (or press 4 for clinic)

TransFamily Kingston (TFAM)

<http://www.transfamilykingston.com> and <https://www.facebook.com/groups/TFamYGK/transfamilykingston@gmail.com>

HARS & HARS FUSE Youth Group

<http://hars.ca/> or <https://www.facebook.com/harskingston/whai@kingston.net> (youth group) and hars@kingston.net (general)
(613) 545-3698

KTown Youth Pride

<https://www.kingstonpride.ca/youth-council/Amber@kingstonpride.ca>

Parents and Friends of Lesbians and Gays, Kingston (PFLAG)

<https://www.facebook.com/pflagkingston/kingstonon@pflagcanada.ca>

Other Resources

- . *Gender Identity in Schools: Public Health Agency of Canada* - <https://www.canada.ca/en/public-health/services/infectious-diseases/sexual-health-sexually-transmitted-infections/reports-publications/questions-answers-gender-identity-schools.html>
- . EGALE – Canada Human Rights Trust - <http://egale.ca/every-class>
- . Rainbow Health Ontario - www.rainbowhealthontario.ca
- . Families in Transition - <http://www.ctys.org/families-in-transition-guide-pdf-now-online/>
- . Canadian Centre for Gender and Sexual Diversity – www.ccgds.org-ccdgs.org