

Gender Identity and Gender Expression Procedure: Students

RATIONALE:

Hamilton-Wentworth District School Board (HWDSB) is committed to the principles of equity through inclusive programs, curriculum, services, and operations, in accordance with the [Canadian Charter of Rights and Freedoms](#), the [Ontario Human Rights Code](#) and the [Education Act](#).

HWDSB recognizes that people who are Two Spirit, transgender, non-binary, intersex, gender non-conforming and/or gender questioning experience discrimination, both individual and systemic, and harassment. HWDSB is committed to helping students and employees of all gender expressions and gender identities to feel safe, supported and accepted. Under the *Ontario Human Rights Code*, the Board has an obligation to address discrimination and harassment because of gender identity and gender expression and to ensure that all individuals are treated with dignity and respect.

PURPOSE:

In support of [HWDSB Policy 5.4, Equity and Inclusion](#), this procedure specifies roles and responsibilities of the Board, employee and school communities in promoting and safeguarding the well-being of all Two Spirit, transgender, non-binary, intersex, gender non-conforming and/or gender questioning students.

This procedure outlines the Board's commitment and accountability in ensuring that all policies, guidelines, procedures, and practices including, but not limited to, classroom practices, day-to-day operations and communication practices, are free from transphobic and cisnormative biases, stereotypes and prejudices.

The procedure also outlines specific steps that the Board and schools must take to provide reasonable accommodations that are essential to ensure that gender diverse students and employee feel safe, supported and accepted. Accommodations foster an environment that is inclusive and free of barriers for students and employee of all gender expressions and gender identities. The principles of dignity and inclusion along with individual situation will guide reasonable accommodation requirements. Accommodation is a shared responsibility, and the Board will work cooperatively, and in a spirit of respect and in good faith, with those involved in the accommodation process. The Board will inform its decision to accommodate by applying the Ontario Human Rights Code's criteria of undue hardship, applicable Board policies, the Education Act and other relevant statutory requirements. Accommodations are made by request.

TERMINOLOGY:

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These terms and definitions are not universal and may be used differently by different people. Language is constantly evolving and so this glossary will be updated regularly to reflect current best thinking and use of terminology.

Agender: A person who does not identify with having a gender.

Ally: A person who works to end a form of oppression that gives them privilege(s). Allies listen to, and are guided by, Two Spirit and LGBTQIA+ communities and individuals affected by oppression. Forms of oppression within Two Spirit and LGBTQIA + communities include: ableism, ageism, classism, biphobia, homophobia, transphobia, cisnormativity, heteronormativity, racism, sexism, and others.

Cisgender (“cis” meaning “the same as”): A gender identity where a person's gender identity is in line with or "matches" the sex they were assigned at birth. Cis can also be used as a prefix to an assortment of words to refer to the alignment of gender identity and sex assigned at birth including cisnormativity, cissexism, etc.

Cisnormativity: The commonplace assumption that all people are cisgender and that everyone accepts this as normal. The term cisnormativity is used to describe systemic prejudice against transgender people. This form of systemic prejudice may go unrecognized by the people or organizations responsible.

Cissexism: A system of oppression that considers cisgender people to be superior to transgender people. It includes harmful beliefs that it is “normal” to be cisgender and “abnormal” to be transgender. Examples include scrutinizing the genders of transgender people more than those of cisgender people or defining beauty based on how cisgender people look.

Duty to accommodate: Under the Ontario Human Rights Code, people identified by Code grounds are entitled to the same opportunities and benefits as everybody else. In some cases, they may need special arrangements or “accommodations” to take part equally in the social areas the Code covers, such as employment, housing and education. Employers, housing providers, and education providers have a legal obligation to accommodate Code-identified needs, unless they can prove it would cause them undue hardship.

Equity: A condition or state in which access to opportunities and resources are distributed fairly, justly and equitably. Equity involves treating some people differently or giving them what they need so they may meet the same outcomes as others.

Gender: The individual and/or social experience of being a man, a woman, or neither. Social norms, expectations and roles related to gender vary across time, space, culture, and individuals.

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Gender Binary: A social system whereby people are thought to have either one of two genders: “man” or “woman.” These genders are expected to correspond to one’s sex assigned at birth. In the gender binary system, there is no room for living between genders or for transcending the gender binary. The gender binary system is rigid and restrictive for many people whose sex assigned at birth does not match up with their gender, or whose gender is fluid and not fixed.

Gender Expression: How a person publicly expresses or 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. All people, regardless of their gender identity, have a gender expression and they may express it in any number of ways.

Genderfluid: Individuals who do not follow gender stereotypes based on the sex they were assigned at birth. A person who does not identify themselves as having a fixed gender, but rather a gender that moves along the gender spectrum throughout time. People who are genderfluid may or may not identify as transgender and/or nonbinary.

Gender Identity: A person's internal and individual experience of gender. It is a person's sense of being a woman, a man, both, neither, or anywhere along the gender spectrum. A person's gender identity may be the same as or different from their sex assigned at birth. A person's gender identity is fundamentally different from and not related to their sexual orientation.

Gender Inclusive Pronoun: The pronoun a person uses when they do not know a person’s name or do not want to make an assumption about the gender of a person they are referring to. They/Their/Them.

Gender Non-conforming: Individuals who do not follow gender stereotypes based on the sex they were assigned at birth. They do not adhere to notions of a fixed gender binary, but rather a gender that moves along the gender spectrum throughout their life. People who are gender nonconforming may or may not identify as transgender and/or nonbinary.

Genderqueer: Individuals who do not follow gender stereotypes based on the sex they were assigned at birth. They see gender as something that moves along the gender spectrum throughout their life or goes beyond the gender binary. People who are genderqueer may or may not identify as transgender and/or nonbinary.

Gender Spectrum: The representation of gender as a continuum, as opposed to a binary concept of being either fixed in one of two genders - female or male. It allows for gender to be thought of as fluid or having the ability to change or move throughout a person’s lifetime. It allows gender diverse people to go beyond the binary.

Hate Crime: Criminal acts which promote hatred against identifiable groups of people, motivated by bias, prejudice, or hate. Although individuals and groups that promote this destructive form of human

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rights-based discrimination often defend their right to “free speech,” it is a criminal offense to disseminate hate propaganda and/or to commit hate crimes. Ex. Transmisogyny or Transphobia.

Human Rights: The universal entitlement that all people should have access to freedom, justice and protection from discrimination and harassment, and that people should have equal access to a climate that preserves the dignity and worth of individuals and groups.

HWDSB's student information system – PowerSchool.

Intersex: A term used to describe a person born with reproductive systems, chromosomes and/or hormones that are not easily characterized as male or female. Typically, intersex people are assigned one of the binary sexes, male or female, at birth. Some intersex people identify with their sex assigned at birth, while others do not, and some choose to identify as intersex. Intersex people may or may not identify as transgender or nonbinary.

Legal Name: The name that appears in the “Legal Name Field” within PowerSchool, usually the name appearing on a birth certificate.

Lived Name: The name that a student identifies with and would like to be referred to at school as it affirms their gender identity.

Non-binary: An umbrella term for gender identities that fall outside of the male-female binary. They see gender as something that moves along the gender spectrum throughout their life or goes beyond the gender binary. People who are non-binary may or may not identify as transgender.

Preferred Name: The name that is entered into the “Preferred Name Field” within PowerSchool.

Questioning: A period where a person explores their own sexual orientation, and/or gender identity and gender expression.

Sex: Biological classification of a person’s physical anatomy and genetic characteristics of being male, female, or intersex.

Sex Assigned at Birth: Sex is usually assigned at birth and is based on an assessment of a person’s visible reproductive anatomy. Most newborns are given either a male or female sex designation based on one sex characteristic.

Transgender: Transgender identities include people whose gender identity is different from their sex assigned at birth. Transgender can mean transcending beyond, existing between, or crossing over the gender spectrum. It includes but is not limited to people who identify as transgender, non-binary, gender nonconforming, genderqueer, genderfluid, and other diverse gender identities.

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Transition: A host of activities that some transgender people may pursue to affirm their gender identity. This may include changes to their name, sex designation, dress, the use of specific pronouns, and possibly medically supportive treatments such as hormone therapy, or other medical procedures. There is no checklist or average time for a transition process, and no universal goal or endpoint. Each person will decide what meets their needs.

Transmisogyny: Negative attitudes, expressed through cultural hate, individual and systemic violence, and discrimination directed toward transgender women and people with diverse gender identities that are expressed on the feminine end of the gender spectrum.

Transphobia: Negative attitudes and feelings and the aversion to, fear or hatred or intolerance of transgender people and communities. Like other prejudices, it is based on stereotypes and misconceptions that are used to justify discrimination, harassment and violence toward transgender people, or those perceived to be transgender. This term for hate is often applied to all diverse gender identities.

Two Spirit: An identifier used by some Indigenous peoples 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 as well. This is a term only to be used by Indigenous peoples as it is usually found in traditional teachings and varies from community to community.

PROCEDURES:

1.0 Key Roles and Responsibilities

All members of the school community have a responsibility to uphold the HWDSB Gender Identity & Gender Expression Procedure. All students, employees, parents/guardians/caregivers, contractors and visitors have the responsibility to treat Two Spirit, transgender, non-binary, intersex, gender non-conforming and/or gender questioning students and employees with dignity and respect.

1.1. All employees:

- a) Respect the rights of students, families and employees of all gender identities and gender expressions in accordance with the Ontario Human Rights Code.
- b) When provided, employees will participate in professional development and learning about their rights and responsibilities in treating transgender and gender diverse students and employees with dignity and respect.
- c) Uphold the HWDSB Code of Conduct, and the related policies and procedures.

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1.2. Board Executive Council, System Leaders, Principals and Vice Principals:

- a) Respect the rights of students, families and employees of all gender identities and gender expressions in accordance with the Ontario Human Rights Code.
- b) Provide leadership at all levels that foster an environment of respect for all people regardless of gender identity and gender expression; and endeavor to raise awareness of the needs of transgender and gender diverse students and employees.
- c) Provide opportunities and support implementation of equity education, professional development, and initiatives to increase understanding and awareness about gender identity and gender expression, and the needs of transgender and gender diverse students and employees.
- d) Ensure that educational practices are inclusive and reflect the contributions of transgender and gender diverse people and that all forms of biases, stereotypes, prejudice, discrimination (including transphobia, cisnormativity and gender stereotypes) are identified, challenged, and eliminated.
- e) Collaborate, communicate, and work in partnership with local Two Spirit, transgender, non-binary, intersex, gender non-conforming and/or gender questioning students, employees and communities in the development and implementation of the Equity and Inclusion policy and procedure on gender identity and gender expression, as well as the application and review.
- f) Provide reasonable accommodations to transgender and gender diverse students and employees based on individual requests in accordance with the Ontario Human Rights Code and Ontario Human Rights Commission's guidelines on the duty to accommodate.
- g) Provide leadership in minimizing the need for individual accommodations by using inclusive design and anti-oppressive approaches when designing and planning services and facilities, policies, procedures and programs.
- h) Ensure confidentiality and privacy with respect to disclosure of student and employee gender identity.
- i) Establish a transparent review process and timeframe to monitor and assess the effectiveness of the Policy 5.4 Equity and Inclusion, and the corresponding Gender Identity & Gender Expression Procedure.
- j) Uphold the HWDSB Code of Conduct, Human Rights Policy and other related policies and procedures.

1.3. Students, Parents/Guardians/Caregivers, Community Partners, Facility Renters, and Visitors

- a) Respect the rights of students, families, and employees of all gender identities and gender expressions in accordance with the Ontario Human Rights Code.
- b) Uphold the HWDSB Code of Conduct, Human Rights Policy and related policies and procedures.

1.4. Transgender and Gender Diverse Students Seeking Accommodation

- a) Inform the Board or school, through written or verbal request, when they have Human Rights Code-related needs that require accommodation.
- b) Cooperate in the accommodation process to the best of their ability.

2.0. Areas of Accommodation

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Areas of accommodation for students in HWDSB related to gender identity and/or gender expression, may include, but are not limited to, the following sections.

2.1 Addressing Students and Management of Student Records (Names/Pronouns)

Everyone has a gender identity and gender expression, and the goal of this procedure is to ensure that everyone's names and pronouns are respected and that they are used and recorded in ways that affirm their identity.

2.1.1 Addressing Students

When addressing students, the following considerations are crucial to ensuring that their gender identity and gender expression are respected and supported:

- i) It is the right of all students to be referred to by the name and pronouns that correspond to the gender with which they identify. This standard is applicable for any student, regardless of age, and is true regardless of whether they have obtained a legal name change or legal change to their official sex designation.
- ii) Intentionally addressing a student by the incorrect name or pronouns will be considered a form of discrimination and harassment and will not be tolerated. 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 lived name is unacceptable.
- iii) Where a student's legal name does not match their lived name, where requested by the student, the lived name will be used. The Human Rights Policy A.0 will be upheld when student requests are made. Safety is always a key consideration when accommodating a student request. In cases in which students aged 4 – 12 years of age have requested a name and pronouns be used that correspond to the gender with which they identify and do not have parent/guardian consent, the principal will discuss a safety plan and next steps with the Superintendent of Student Achievement.
- iv) Employees will familiarize themselves with their students' gender identities and the pronouns which they use, and will, whenever possible and safe to do so, use the affirming pronouns on report cards (see below for details on names in databases/records). Educators should not use they/them pronouns for ALL students, as this is exclusionary of all students' genders and is not an inclusionary or affirming practice. Employees should seek clarity from the principal if there are any questions regarding names and pronouns to use in the classroom and/or report cards.

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v) Student safety is always the priority, and educators must be cautious that they do not inadvertently communicate something to a parent/guardian/caregiver that may “out” a student and put the student at risk. Report cards should not be the first time a parent/guardian/caregiver encounters the use of a name or pronoun that does not align with the student's birth name or the gender they were assigned at birth.

vi) The teacher is to ensure that any occasional teacher is aware of the lived names of all students in their classroom. In addition, affirming pronouns should be reflected on the class lists for all students, and those lists must be updated to accurately reflect students' gender identities.

vii) When a student changes schools due to a change of address, progression to another grade (e.g., elementary to secondary), or other school move, information as to the lived name and pronouns must be shared (with the consent of the student and/or parent/guardian) with appropriate employees in the receiving school (e.g., classroom teachers, principal, vice principal, office administrator etc.) to ensure that the student's gender identity is affirmed.

2.1.2 Names Appearing in Databases/Records

Student names on various platforms used by the HWDSB pull from the Preferred Name or Legal Name field in HWDSB student information system (PowerSchool). Many platforms pull from Preferred Name. However, platforms such as School Cash Online pull from Legal Name. Unless a student has a legal name change or has completed the NAME CHANGE Form (Appendix A, see vi) below), the Legal Name field within HWDSB student information system (PowerSchool) should not be changed. Following are the parameters for making changes to names appearing within HWDSB databases and records.

In the cases of students (under 18 year of age) whose parents/guardians are aware and supportive of the student whose lived gender identity differs from their sex assigned at birth:

i) Upon request by the student and/or parent/guardian, the school will make a change to the Preferred Name field and/or gender pronouns in the HWDSB student information system (PowerSchool), and other electronic systems in which the previous preferred name appears (employees will be provided with a resource to support them in ensuring these changes can occur in all relevant systems) to reflect the student's lived name.

ii) A log entry will be made in HWDSB student information system (PowerSchool) to safely house the student's request.

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iii) The lived name will be written manually on the OSR label, and reflected on attendance sheets, timetables, class lists, etc.

iv) Employees must also consider the appearance of middle names on report cards and other documents which might out the student or cause them distress. In these situations, middle names will be removed from HWDSB student information system (PowerSchool).

v) A student's lived name and pronouns will be used in report card comments. In situations in which the educator is using names/pronouns other than the legal name on the report card, they should have already been communicating with parents/guardians/caregivers using the affirming names/pronouns prior to the reporting period. Report cards must not be the first time that parents/guardians/caregivers experience the use of the affirming name/pronouns.

vi) The student's legal name appearing at the top of the report card can be harmful for students whose lived gender identity is different from their sex assigned at birth. School employees should engage in discussion with the student and/or parents/guardians/caregivers to discuss strategies that would allow the student to have a copy of the report card in which their lived name appears throughout the document. The NAME CHANGE Form (Appendix A) can be completed by legal guardians or students 18 years or older to have the student's lived/preferred name changed in ONSIS to affirm their identity. Employees may also reach out to system supports (Equity Department and/or System Social Worker for Two Spirit and LGBTQIA+) to consult.

vii) Similarly, the student's legal name appearing on transcripts can be harmful, as well as outing a student's gender identity to those to whom transcripts may be provided for the purpose of application processes or when changing schools. School employees should engage in discussion with the student and/or parent/guardians/caregivers to discuss strategies to reduce the risk of outing them and the potential harm of their legal name appearing on transcripts.

In the cases of students whose parents/guardians/caregivers are not aware of the student's lived gender identity differing from their sex assigned at birth, and the student expresses that they do not wish their parents/guardians/caregivers to be made aware:

i) Student safety and respecting their privacy and confidentiality will be the primary consideration.

ii) We do not currently have a mechanism for changing the Preferred Name field and/or gender pronouns in the HWDSB student information system (PowerSchool) to reflect their lived name without this information being accessible to parents/guardians/caregivers and potentially violating their privacy and confidentiality.

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iii) In these cases, the name and pronouns in the student database will continue to reflect their legal name/sex assigned at birth. School employees will use the name and pronouns that affirm the student's lived gender identity verbally at the student's request while at school. When communicating with home, the legal name and the pronouns relating to the sex assigned at birth will continue to be used.

2.1.3 Confidentiality and Dignity

These accommodations should be implemented in a manner that respects and protects the student's confidentiality and dignity; by not disclosing their gender identity or transition to anyone with whom they do not wish to share it. Each individual student's needs will be different, so they will need to be directly involved in discussions around accommodations. Some key considerations/steps to follow for maintaining a student's confidentiality and dignity include:

- i) This information would not be disclosed to parent/guardian/caregiver(s) unless the student gave explicit consent for it to be shared and/or the student safety and well-being are at risk.
- ii) If employee receive a request for access to the student's records/information, the principal A must contact the Superintendent of Student Achievement prior to any records release or information sharing. A further review of the requested records/information may be required to ensure the student's privacy, confidentiality and safety.
- iii) The information is to be disseminated only to those employees who would require this knowledge in order to affirm the student's gender identity by using the correct name and pronouns.
- iv) This information must never be disseminated via a staff-wide email or at a staff meeting. Confidentiality and dignity can best be maintained by limiting the employees who are responsible for making changes to students' names and genders in all information systems.
- v) When this information is entered in HWDSB student information system (PowerSchool), there must be a note added with an alert symbol* indicating that the lived name does not match with their legal name.
- vi) Employees must show discretion when distributing documents or other items (e.g., school iPads) that may contain a student's legal name and/or gender marker, to ensure their privacy and well-being.

2.1.4 Supporting Student Disclosure

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In the event the student wishes to disclose aspects of their gender identity or transition:

- i) School employees will meet with student (and/or family/caregivers where appropriate) to engage in discussion around who should be told about the transition, change of name, pronouns, gender marker, etc. This could include parents/guardians/caregivers, employees, students, and anyone else who could potentially learn about the transition.
- ii) Following discussion with the student, it is then the responsibility of employees to convey the information as indicated by the student and/or family to the agreed upon school educators and other employees.
- iii) Employees must also take all necessary steps to ensure this information is not shared with anyone else, particularly those the student has determined to be a safety risk. For example, when a Board employee contacts the home of a student who has requested to use a name, pronouns and/or gender marker different than their legal designations, they should adhere to what the student requested when consulted. Not doing so could potentially put a student's well-being and safety at risk.
- iv) Employees may provide support around sharing information pertaining to their lived name, pronouns and gender markers to other students as decided in discussion with the student and/or family.

2.1.5 Legal Name Change

If the student/parent/guardian acquires proper source documentation indicating a legal name change, then that information will be recorded in HWDSB student information system (PowerSchool), the OEN and a new OSR label will be printed.

Board employees should take steps to support students/families in completing a legal name change if they indicate that this is something that they would like to do. Support can consist of:

- i) Helping to complete the paperwork which can be overwhelming.
- ii) Referring to legal services in the community that offer support, providing facilities such as printing, photocopying, etc., as required.
- iii) Helping students/families who are in financial need access funds through sources such as the HWDSB Foundation or community funds.

2.2 Access to Washrooms and/or Changerooms

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Everyone has a gender identity and gender expression, and the goal of this area of accommodation is to ensure safe and inclusive access to facilities such as washrooms and changerooms for everyone, regardless of their gender identity and/or gender expression. An individual's self-identification is the sole measure of their gender identity; as such they may choose to use one, or both, gendered washrooms or changerooms, or the use of a private single stall facility.

2.2.1 Safe and Inclusive Washroom and/or Changeroom Facilities

Under the Ontario Human Rights Code, it is the right of students to use a washroom and changerroom that corresponds to their gender identity and gender expression. Each individual student's needs will be different, so they will need to be directly involved in discussions around accommodations. Some key considerations/steps to follow to ensure that a student can access a washroom that is inclusive and safe include:

- i) All of the available options are to be presented to a student, beginning with that which best corresponds to the student's gender identity, rather than immediately being directed to a single occupancy (formerly referred to as gender neutral) washroom and/or changerroom.
- ii) Sometimes a student may not feel safe or welcome in using the washroom or changerroom that corresponds to their lived gender, and/or may identify outside of the gender binary, i.e., they identify as non-binary, gender non-conforming, gender questioning, etc. Regardless of the underlying reason, all gender options should be available to them to help them to feel safe and included. **Such facilities must be available within the school or school building, regardless of whether any individual has indicated the need for them.** If due to building limitations this is not practical, then the school must take other steps to provide suitable facilities, as discussed in sections 2.2.2.
- iii) Information about the availability of, and access to, these facilities must be widely available and relayed to all students, employees and visitors using appropriate signage and maps which include the location of all such facilities.
- iv) Some students and/or parents/caregivers may be uncomfortable with the idea of sharing a washroom or changerroom with others based on their gender identity and/or gender expression. The complaint may be for reasons related to their religious beliefs or for other reasons; however, this is not grounds for citing a competing human right violation. The school will, in these circumstances, remind a family/student who is uncomfortable accessing the gendered washroom that there is a single occupant student washroom option available to them.
- v) Employees will not monitor the use of the washrooms and/or changerooms by allowing or barring entry based on, for example, their current perceptions of an individual's gender identity and/or gender expression. Gender is an invisible identity, often incongruent with our

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understanding of aspects of gender expression and how they correspond to particular genders, and the facility a person uses can change, so one does not have to justify their use of a particular washroom or changeroom.

vi) Concerns over possible behavioural issues which might take place if access is granted to a particular facility (e.g., students may engage in inappropriate behaviours if they can access a single occupancy washroom within the school) do not supersede human rights, and behavioural issues must be dealt with through behavioural strategies, not building/facility solutions. It is a form of discrimination to assume that there is inappropriate or unacceptable behaviour when someone opts to use a particular facility; in fact, this has historically been used to deny people their human right of accessing a facility that corresponds to their gender identity and/or gender expression.

vii) When situations arise which necessitate the closing of a single occupant student washroom and/or changeroom space (e.g., incidents of vandalism, clogs or other technical issues requiring repairs, etc.), it must be made a priority to resolve the issue with all due haste, especially if the facility in question is the only one available in the school or building. Single occupant student washroom and changeroom facilities must not be left unavailable for use by those who require them for reasons of safety and inclusion.

2.2.2 Facilities in Pre-Existing Schools and Board Buildings

Where there is not a single occupant student washroom available within the school, there are certain steps that can be taken to ensure the safety and inclusion of all students, employees and visitors regardless of gender identity and/or gender expression. In current schools and Board buildings, this would mean facilitating the conversion of existing washroom and changeroom spaces to provide adequate single occupant options through the following actions:

i) The principal can and should connect with their Facility Operations Supervisor to assist in reviewing the Building Code requirements to determine which facilities are able to be converted (there are often more single gender washrooms allocated within a school or on a particular floor than are required by the Building Code, which would allow for the option of converting some of these facilities to accommodate single occupant spaces).

ii) Single occupancy washroom and changeroom spaces that are created within current buildings should be located in close proximity to other student washrooms. They should not be hidden or difficult to access. Consideration should be given to designs that employees do not need to routinely access student washroom/changeroom space to access other areas in the building. For example, employee offices and/or storage rooms should not be located within student changerooms, wherever possible. The Facility Operations Supervisor can assist with the

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selection, and if required, reach out to the Capital Department to discuss the requested changes as an additional resource.

iii) In order to ensure that facilities that are converted from pre-existing washrooms/changerooms, are safe, inclusive, and accessible to all students, employees and visitors who may utilize them, schools may consult with Facilities Management, the Superintendent of Student Achievement and the Equity Department, prior to decision making.

2.2.3 Facilities in New Builds and Renovations

It is the responsibility of Board leadership to address the need for suitable single occupant student washroom and changeroom facilities within all new builds and renovations at the planning stages and throughout the process. The following steps are necessary in ensuring the safety and inclusion of all students, employee, and visitors regardless of gender identity and/or gender expression:

- i) Single occupancy washrooms and/or changerooms that are included in new builds and/or renovations should be in close proximity to other student washrooms. They should not be hidden or difficult to access.
- ii) In addition, designs should be such that employees do not need to routinely access student washroom/changeroom space to access other areas in the building. For example, employee offices and/or storage rooms should not be located within student changerooms.
- iii) In order to ensure that facilities within new builds or renovations are safe, inclusive, and accessible to all students, employees and visitors who may utilize them, Board leadership should consult with Facilities Management, and the Superintendent for the school and the Equity Department, prior to decision making.

2.3 Sports and Other Segregated Activities

School employees must ensure students can exercise their right to participate in gender segregated sports, Health and Physical Education classes, and other activities in accordance with each student's gender identity and gender expression.

2.3.1 Competitive Sports

Following are key considerations/steps to follow to ensure that students do not have barriers in accessing and competing in sports in accordance with their lived gender identity:

- i) For students who do not identify as either male or female exclusively, i.e., who are non-binary, gender fluid, etc., they will be given the choice of which gendered option they want to join.

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Note: A student deciding to align with a particular gender for the purpose of competing in sports activities does not mean that that student is “choosing” that gender identity for any other contexts.

ii) Gender is fluid, so in cases where the options are gendered and binary, students may at different times throughout the school year, or in different school years, change the gendered team with which they choose to participate. This does not mean that students will join and exit a single team, as they must still follow the established try-out process, and cannot necessarily join a team mid-season (e.g., SOSSA & OFSSA rules). Rather, it means that a student might identify as one gender in basketball season at one point in the school year but identify as a different gender during soccer season later in the same school year.

iii) For intramural sports, all-gender options should be provided in addition to or in lieu of gendered options, particularly in lower elementary grades.

iv) For inter-school competition, students must, as noted above, be able to compete in accordance with their lived gender identity, and students who do not identify as either male or female exclusively, i.e., who are non-binary, gender fluid, etc., will be given the choice of which gendered option they want to join. (Note: students are not able to change a gendered team mid-season or participate in both competitive gendered sports teams.)

v) Two spirit, transgender, non-binary, intersex, gender non-conforming and/or gender questioning student-athletes should be assigned to share hotel rooms based on their gender identity if they feel safe doing so. School employees should engage in conversations with the student to determine their level of safety and plan collaboratively.

vi) Two spirit, transgender, non-binary, intersex, gender non-conforming and/or gender questioning student-athletes will be permitted to dress consistently with their gender identities. Dress codes for athletic teams when traveling or during a game day at school must be gender neutral.

vii) All team members must 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. If a concern is raised that the student's uniform conflicts with OFSAA eligibility standards, it is the responsibility of the school and school board employees to advocate for the rights of the student athletes (see Eligibility Standards below).

viii) When taking part in a competition at another school, a Two Spirit, transgender, non-binary, intersex, gender non-conforming, and/or gender questioning student-athlete may require a particular accommodation to ensure access to appropriate changing, showering, or bathroom facilities. School leaders, athletic employees, and coaches, in consultation with the student-

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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 must maintain the student's confidentiality. Under no circumstances will a student-athlete's gender identity be disclosed without the student's expressed permission.

2.3.2 Eligibility Standards

If a concern is raised that a student's participation in accordance with their lived gender identity comes into conflict with eligibility standards (OFSAA or other governing bodies), it is the responsibility of the school and school board employees to advocate for the rights of the student athlete. They would do this by bringing to the attention of the complainant and/or officials the rights of the student as per:

- i) The Ontario Human Rights Code which includes Gender Identity and Gender Expression as protected grounds.
- ii) OFSAA By-Laws, Appendix VIII, Gender Equity Policy, Procedures: C. Student-athlete Participation, that states "OFSAA supports student-athlete participation on a team of their lived gender."
- iii) While OFSAA previously had a Transgender Participation Policy as part of their By-Laws (previously Appendix IX), no such policy currently exists. Other relevant associations such as HWIAC, HWMSSA, OPHEA, SOSSA, do not currently have policies for transgender student-athlete participation (some may follow OFSAA rules).

2.3.3 Health and Physical Education Classes – Elementary

At the elementary level, where Health and Physical Education classes are not segregated by gender, individual activities should likewise not be gender segregated, allowing all students to participate fully. In rare circumstances where students are still separated by gender, students shall be permitted to participate in accordance with their gender identity.

2.3.4 Health and Physical Education Classes – Secondary

At the secondary level, some schools only offer gender segregated Health and Physical Education (HPE) in grades 9 and 10, which can be very harmful for Two Spirit, transgender, non-binary, intersex, gender non-conforming and/or gender questioning students. It is not an acceptable accommodation to deny a student the opportunity for physical education. For example, not allowing the student to take HPE, or forcing the student to choose independent study.

Schools will provide more inclusive HPE courses, in accordance with Program expectations. All schools will provide:

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- i) Alternatives to taking HPE in grade 9, such as the option to complete the mandatory credit at a later time, or to offer a credit substitution for the compulsory HPE credit.
- ii) Inclusive, all-gender HPE options available in grades (9-12).
- iii) The option for any student who identifies as female or identifies as male to enrol in a gender-based course in accordance with their lived gender identity.
- iv) An additional option for creating inclusivity, but not an expectation, is offering HPE classes that focus on a particular activity, e.g., basketball, fitness, etc., which would allow students of all genders to participate equally.

2.3.5 Binary Facilities

Facilities within schools and school buildings that are designated according to the gender binary are not inclusive and are frequently unsafe for Two Spirit, transgender, non-binary, intersex, gender non-conforming and/or gender questioning students. Some steps to be taken to increase safety and inclusion are:

- i) Schools with multiple gymnasiums should not refer to one as a “Boys’ Gym” and another as a “Girls’ Gym”, or as Male and Female Gyms. These facilities should be identified by numbers or letters, and their use should be based on numbers of occupants or rotated.
- ii) Two Spirit, transgender, non-binary, intersex, gender non-conforming and/or gender questioning students have a right to a change room that corresponds to their gender identity (see 2.2 Access to Washrooms and/or Changerooms).

2.3.6 Gender Segregation in Other Areas

Gender segregation is to be avoided. This means:

- i) Students should not be divided by gender for the purpose of discussions in Health Education classes, balancing classes in timetables, etc.
- ii) In rare circumstances where students are still separated by gender in school activities, students shall be permitted to participate in accordance with their gender identity.
- iii) As with sports and HPE activities above, non-binary and/or gender fluid students should be given a choice of which gender group they will join, with the understanding by employees that a student’s choice may not be static.

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2.3.7 Overnight Housing Accommodations

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, following are some key considerations/steps to follow:

- i) Employees shall make every reasonable effort to provide an accommodation that is acceptable to the student, including assignment of rooms based on their gender identity.
- ii) Decision making must be done in consultation with and in the best interest of the student, with employees helping the student to make informed decisions. Employees should help the student consider all of the potential impacts of whatever decision they make, but the plan that is developed is to be student driven.
- iii) Options that can be considered for the student include: a) being placed according to either their gender identity or their sex assigned at birth; or b) being provided individual accommodations if neither of these binary options are safe.
- iv) If a student requires an individual accommodation for reasons of safety, the cost of these accommodations must not be transferred onto the student or the student's family.

2.4 Curriculum and Gender Neutral & Inclusive Language

2.4.1 Curriculum

Curriculum must be inclusive of diverse gender identities and gender expressions so that all students see themselves represented. The following are some examples of how to create inclusive spaces within the curriculum. However, we are not limited to just these subject areas. All curriculum areas need to be inclusive of gender identities and expressions.

- i) Incorporating the history of Two Spirit, transgender, non-binary, intersex, gender non-conforming and/or gender questioning people in the periods of history classes are studying, and diversifying the examples given to all those people who were part of that period or event.
- ii) Not making assumptions about the gender of characters in literature, historical figures, etc., based solely on gender expression, name, etc.
- iii) Incorporating diverse gender identities and gender expressions into math word problems by using they/them examples, gender neutral names, etc.

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iv) In visual arts, studying works from diverse artists, representative of diverse gender identities and expressions.

v) In dramatic arts, using terms such as “actors” or “performers”, instead of “actors and actresses.” And when casting, using the approach and terminology of “casting for the role of...”, instead of casting for a “male role” or “female role”, and then casting whoever is best for the role.

vi) In students’ writing, giving permission for the use of gender neutral and inclusive language, such as they/them pronouns used in singular connotations.

2.4.2 Learning Commons Materials

Learning Commons materials must be inclusive of diverse gender identities and gender expressions so that all students see themselves represented.

i) Learning Commons employees must acquire fiction and non-fiction books that are representative of a variety of gender identities and gender expressions, including Two Spirit, transgender, non-binary, intersex, gender non-conforming, and/or gender questioning identities.

ii) When reviewing materials to discard, special consideration must be given to materials that promote inclusion and representation of diverse identities regardless of circulation status or frequency so that these materials are retained as resources.

2.4.3 Gender Neutral and Inclusive Language

Ensuring that language utilized in classrooms, schools and HWDSB buildings, both verbal and written, is gender neutral helps to recognize diversity and allow people of all gender identities and gender expressions feel safe and included. Some key considerations/steps to follow to do this are:

i) When addressing groups of people, use gender inclusive language, e.g., “everyone”, “class”, “people”, “folks”, “grade _’s”, etc., rather than “boys and girls” or “ladies and gentlemen.”

ii) In conversation, use gender neutral and inclusive language, such as they/them pronouns used in singular connotations when unaware of the gender identity of the person you are speaking about.

2.4.4 French Language

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Currently there is a lack of gender-neutral alternatives in French, with the exception of a gender-neutral pronoun, “iel”, which should be introduced to students and utilized where appropriate.

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Appendix A

Change of Legal Name or Dead Name

An adult student or the parent(s)/legal guardian(s) of a non-adult student (in each case, the “Student”) may request to have the Student identified by a Living Name¹ other than their Legal Name² and/or Dead Name³ by submitting a form prescribed by HWDSB (the “Form” in Schedule “A”). HWDSB shall consider such requests in good faith and, subject to applicable law (including the *Education Act*, R.S.O. 1990), facilitate the use of the Living Name in place of the Legal Name and/or Dead Name of the Student, including in students report cards. If use of the Living Name is approved, the Form shall be retained within the Ontario Student Record (“OSR”).

Documentation File

When a written request is received, this will precipitate a documentation file in form prescribed by law, regulation and/or Board policy being created within the OSR.

Acknowledgement

By signing the below form, I acknowledge that I have reviewed and fully understand the purpose of this document and the changes which will affect both the report card and OSR file as well as most documents contained therein.

Should the Student undergo any future Living Name, Legal Name or Surname change, a new form is required to be submitted and will supersede any previous versions completed.

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SCHEDULE "A" NAME CHANGE FORM

Request for Change

Change of Name:

- Dead Name/Legal First Name: _____

New Name Preferred Name:

- Preferred Name: _____

Additional Student Details:

Date of Birth: _____

Legal Address: _____

Ontario Education Number: _____

The undersigned requests that the new Living and/or Surnames described above be used in respect of the Student, including on report cards.

The undersigned acknowledges and confirms that HWDSB is subject to the Education Act, R.S.O., 1990, along with other applicable legislation which governs both the operations of HWDSB, the maintenance of the Student's Ontario Student Record and other aspects of education. HWDSB is bound to follow the laws and regulations contained therein does not have the authority to alter or otherwise contravene any legally binding statute, regulation, act, law, by-law, ordinance, or any other legally binding requirement.

Signature of Adult Student or Parent/Legal Guardian:

Signature: _____

Date:

Name of Parent/ Guardian (if applicable): _____