



# TVDSB GUIDELINES FOR THE ACCOMMODATION OF GENDER DIVERSE AND TRANS STUDENTS & STAFF

The TVDSB guidelines have been designed to raise awareness and help protect against discrimination and harassment. It is intended that this document will support members of the wider TVDSB community to fulfill our shared obligation to promote the dignity and equality of gender diverse and trans students and staff.

*We build each  
student's tomorrow,  
every day.*



## **CONTENTS**

1. Introduction.....	2
2. Purposes and Application of the Guidelines.....	3
3. Definitions.....	3
4. Guidelines for Students.....	5
5. Guidelines for Employees.....	8
6. Recommendations for Supporting a Transitioning Employee.....	10
7. Appendix A: Human Rights in Ontario – Gender Identity.....	11
8. Appendix B: Ways in which schools and work places can be made safer and gender-affirming places for gender diverse and trans individuals.....	13
9. Appendix C: Resources.....	14
• TVDSB Resources	
• Telephone/Support Lines	
• Websites	
• Publications	
• Community Resources	

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## **TVDSB Guidelines for the Accommodation of Gender Diverse and Trans Students and Staff**

### **1. INTRODUCTION**

All school boards exist within a broader context of law and public policy that protects and defends human rights.

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 and gender expression are legally protected. 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-assigned sex (Refer to Appendix A).

*Adapted from the Ontario Human Rights Code*

At the Thames Valley District School Board (TVDSB), a number of policy statements have been developed that reinforce human rights legislation, and help ensure those rights are protected within the school system. The TVDSB – through its Safe Schools Policy, Harassment Policy, Bullying Prevention and Intervention Policy and Procedures, Violence in the Workplace Policy, and Equity & Inclusive Education Policy — makes clear both its commitment to upholding the dignity and worth of all persons, and the high value it places on protecting all members of its community from discrimination and harassment.

**Related Policy Documents:**

Policy No. 4008 - Safe Schools

Policy No. 3004 - Harassment

Policy No. 4016 - Bullying Prevention and Intervention

Policy No. 3011 - Violence in the Workplace

Policy No. 2022 - Equity & Inclusive Education

## **2. PURPOSES AND APPLICATION OF THE GUIDELINES**

The TVDSB guidelines have been designed to raise awareness and help protect against discrimination and harassment. It is intended that this document will support members of the wider TVDSB community to fulfill our shared obligation to promote the dignity and equality of gender diverse and trans students and staff.

It is also recognized that specific accommodations sought are to be fulfilled on a case-by-case basis and individualized to best meet the needs of a student or employee who is making an accommodation request.

***Accommodation Based on Request.*** Upon request, the TVDSB will take reasonable steps to provide accommodation to staff or students who state that the Board's operations or requirements do not coincide with their right to free gender expression and/or gender identity. The Board will balance its decision on how to best accommodate the staff member or student with several factors including: the dignity of the person making the request; the goal of inclusiveness; health and safety concerns; the cost of the accommodation to the Board and the effect of the accommodation on the Board's ability to fulfill its duties under Board policies, the Education Act and the Ontario Human Rights Code.

***Unresolved Requests.*** The TVDSB will take reasonable and timely steps to address the request for an accommodation. Students and their families, who feel that their accommodation needs remain unmet, may seek recourse through the appropriate Superintendent. Employees who feel that their accommodation needs remain unmet may seek recourse through the Associate Director, Organizational Support Services.

## **3. DEFINITIONS**

*The definitions provided below are not meant to label an individual but are intended as sometimes helpful functional descriptors. These words, like all words, are social constructs developed over time. New language is constantly formed both to unite community members as well as define groups by experience, politics, and other group memberships.*

*These terms and definitions are NOT standardized and may be used differently by different people, and in different regions. Labels and identities should only be self-selected by individuals, not assumed by others. Biology does not imply identity. Nor do behaviour and expression alone constitute identity.*

**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.

**Cisgender:** refers to individuals having a gender identity that is congruent with one's assigned biological sex (e.g. both assigned biological sex and gender identity are 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.

**Gender Diverse:** refers to a person who either by nature or by choice does not conform to stereotypical gender-based expectations of society (e.g. transgender, transsexual, intersex, gender queer, cross-dresser, etc).

**Gender Expression:** 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 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.

**Genderqueer:** refers to people who "blur" gender norms. Genderqueer people may identify as either male, female, both, neither or may reject gender altogether.

**Intersex:** a person who has male and female genetic and/or physical sex characteristics.

**Sexual Orientation:** A person's affection and sexual attraction to other persons. Sexual orientation is independent of one's gender identity.

**Trans:** an adjective relating to gender diverse individuals, groups or interests. This inclusive category is used by many who also identify as transgender, transsexual, cross-dressers, genderqueer, two-spirit, intersex, etc.

**Transgender/Trans:** an umbrella term that refers to individuals whose gender identity is different from their assigned biological sex at birth, and/or whose gender expression is 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.

**Transsexual:** A person whose gender identity differs from the sex they were assigned at birth. Some transsexual people may physically alter their body (e.g., sex reassignment surgery and/or hormone therapy) and gender expression to correspond with their gender identity. Many transsexual people identify as transgender, rather than transsexual, because they are uncomfortable with the psychiatric origins of the term transsexual.

**Two-spirit:** an English language umbrella term for a wide range of diverse gender roles found in some First Nations and Aboriginal cultures. This concept may incorporate sexual orientation, gender identity, and/or gender expression.

#### **4. GUIDELINES FOR STUDENTS**

Gender diverse or trans individuals, have the right to be who they are openly. This includes expressing gender identity without fear of unwanted consequences, as well as the right to be treated with dignity and respect.

**Individual Procedures.** Board and school staff must consider each student's needs and concerns separately. Each gender diverse and trans student is unique with different needs. An accommodation that works for one student cannot simply be assumed to work for another.

**Privacy.** All students have a right to privacy; schools must keep a student's gender diverse/trans status confidential. Therefore, school staff should not disclose a student's gender diverse/trans status to others unless there is a specific "need to know" (e.g., to fulfill a specific accommodation request).

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

When school staff contact the home of a gender diverse or trans student, the student should be consulted first to determine an appropriate way to reference the student's gender identity. If students have first disclosed their gender diverse and/or trans status to staff, it is strongly suggested that staff privately ask gender diverse or trans 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).

**Official Records.** The school will change a student's official records to reflect a change in legal name upon receipt of documentation that such legal name has been changed. The school will change a student's official records to reflect a change in gender upon receipt of documentation from a physician.

**Names/Pronouns.** Gender diverse and trans students have the right to be addressed by a name and pronoun corresponding to their gender identity. This is true regardless of whether the student has obtained a court ordered name or gender change. For example, under the Ontario Trillium school identification system, a student's "preferred or chosen name" and a change of gender can be used on class lists, timetables, etc.

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

NOTE: Students and employees who wish to use gender-neutral and gender inclusive language in TVDSB schools and workplaces should be supported to do so. For example, some people do not feel included in the generic 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.

**Washroom Access.** 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.

Where possible, schools will also 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.

**Dress Codes.** Schools' dress codes should be flexible and gender-neutral. Students should not have to choose between 'male' and 'female' clothing. Some students are most comfortable in clothing that is not clearly male-identified or female-identified, but rather a combination of the two.

**Gym Classes and Change Rooms.** School staff must ensure students can exercise their right to participate in gender-segregated physical education (P.E.) class activities in accordance with each student's gender identity. Students have the right to a safe change-room that corresponds to their gender identity. In addition, gender diverse or trans 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 nurse's 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 gym class.

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 diverse or trans student to use the change room corresponding to the student's sex assigned at birth.

***Gender Segregation in Other Areas.*** As a general rule, in any other 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 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. If gender diverse or trans students object to standard gender-separated housing accommodations or shared accommodations for reasons of privacy or safety, private accommodations should be made available at no additional cost to the student.

***Student Engagement and Student Leadership.*** 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.

According to the TVDSB "Progressive Discipline and Promoting Positive Student Behaviour" Policy & Procedures:

*"...every school shall support students who want to establish and lead activities and organizations that promote a safe and inclusive learning environment, acceptance of and respect for others, and the creation of a positive school climate, including activities or organizations that promote gender equity; antiracism; the awareness and understanding of, and respect for, people with disabilities; or awareness and understanding of, and respect for, people of all sexual orientations and gender identities, including organizations with the name "gay-straight alliance" or another similar name..."*



## **5. GUIDELINES FOR EMPLOYEES**

Gender diverse or trans individuals have the right to be who they are openly. This includes expressing gender identity without fear of unwanted consequences, as well as, the right to be treated with dignity and respect.

A lack of knowledge about gender diverse and trans issues has the potential for creating misunderstanding in the workplace. Supervisors/school administrators should remind all individuals that they are expected to conduct themselves in accordance with relevant TVDSB Policies and Procedures and the Ontario Human Rights Code.

***Statement of Confidentiality.*** The gender diverse or trans status of an employee is considered confidential and should only be disclosed on a need-to-know basis, and only with the consent of the employee.

***Notification of Transition.*** An employee beginning the transition process is encouraged to contact their immediate supervisor and/or Associate Director, Organizational Support Services or designate to discuss their plans, needs, and concerns. Transitioning individuals should be ready to express their needs should accommodations be necessary.

Human Resources will provide advice and assistance for supervisors/school administrators working with an employee who is transitioning. The "***Recommendations for Supporting a Transitioning Employee***" that follow on page 10, are intended to guide immediate supervisors and Human Resources staff who are supporting employees through the transition process.

***Gender Expression/Gender Identity.*** All employees have the right to dress consistently with their gender expression. The process of transitioning is individual and looks different from person to person. The decision as to when and how to begin the process of transitioning shall be defined by the given individual.

***Washroom Access.*** Employees have the right to use a washroom that corresponds to their gender identity, regardless of their 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.

Where possible, workplaces will also provide an easily accessible all-gender single stall washroom for use by any employee 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 an employee.

***Pronouns and Name Changes.*** Employee records and work-related documents should be retained under the individual's legal name (as reflected on identification documents verified at the start of employment) unless and/or until the individual makes a legal change. Where a person's legal name does not match their new name, the new name should be used on all documentation, such as e-mail, phone directory, company identification card or access badge, name plate, class lists etc., except where records must match the legal name, such as insurance documents.

In everyday written and oral speech, the new name and pronouns should be used when the employee indicates they are ready.

NOTE: Students and employees who wish to use gender-neutral and gender inclusive language in TVDSB schools and workplaces should be supported to do so. For example, some people do not feel included in the generic 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.

## **RECOMMENDATIONS FOR SUPPORTING A TRANSITIONING EMPLOYEE**

### **Supervisors/School Administrators**

- Reassure the employee that they will be supported through the process of transition.
- Confirm that the conversation will be held in confidence.
- Advise the employee that Human Resources can assist them during their transition by contacting the office of the Associate Director, Organizational Support Services.
- With the agreement of the transitioning employee, determine whether other staff in the location require training or briefing sessions on gender diverse and trans issues. Contact the office of the Associate Director, Organizational Support Services for resources.

### **Human Resources**

- Schedule a meeting with the employee to develop a plan to assist the employee in their transition.
- Ask the employee if they wish to inform their co-workers (and students, if applicable) about their transition, or if they prefer it be done for them.
- Determine with the employee the best timing for providing information to others.
- Document the plans regarding how information will be shared.
- Ask the employee if they expect to change their name, and if so, what name and pronoun the employee will use and when the name change will be implemented.
- Document the name change information in the plan.
- Discuss and document the expected timeline and anticipated time off required for potential medical treatment.
- Explain that normal sick pay and leave policies will apply if the employee requires medical treatment.
- Subject to feasibility, discuss whether the employee would prefer to work in a different position/location during and/or after their transition.

## **APPENDIX A: 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, trans 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 trans 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 B:**

### **Ways in which schools and work places can be made safer and gender-affirming places for gender diverse and trans individuals**

**If students or staff talk to you about their gender identity, listen in a respectful and non-judgmental way.** Do not brush them off, react with skepticism or disapproval, or pressure them into any particular category. Support them in developing their own understanding of their gender and direct them to resources for gender diverse, questioning and trans individuals. Do not “out” an individual or disclose their gender identity to another without permission.

**Avoid perpetuating gender stereotypes.** Many of us enforce gender norms without even realizing it. Think carefully about the messages in everything you say, do, teach, or communicate about gender. Are you complimenting girls more often on their appearance but boys more often on their athleticism? Do you ever imply there is something wrong with men who behave in stereotypically feminine ways or women who behave in stereotypically masculine ways? Gender neutral language is not always perceived as neutral by a gender diverse or trans individual (eg. calling a group of students “guys” regardless of their gender).

**Intervene and take action when students use gender-specific terminology to make fun of each other.** When students use terms like “sissy,” “fag,” “dyke,” “homo,” “freak,” “it,” “he-she,” or “gay” and staff fail to intervene, these words are perceived as acceptable. The use of such language further alienates gender diverse and trans students in schools and perpetuates discriminatory stereotypes about gender, gender identity and sexual orientation.

**Create gender-neutral and / or mixed gender spaces.** Be mindful about the ways in which single-gender groups or clubs can alienate gender diverse and trans students and ensure everyone is made to feel welcome.

**Ensure that employment opportunities at your school are open to gender diverse and trans people.** Ensure that current and prospective employees are not discriminated against or harassed on the basis of gender identity or any other non-job related characteristic.

**Listen to concerns from gender diverse, questioning and trans individuals.** Take such concerns seriously without becoming defensive; such feedback is an important opportunity to learn and grow.

## **APPENDIX C: Resources**

### **TVDSB Resources**

- ***TVDSB Safe Schools***

Contact: Safe Schools Learning Coordinators

Phone: 519-452-2000 ext. 20047 / 20048

Website: [www.tvdsb.ca/safeschools](http://www.tvdsb.ca/safeschools)

- ***TVDSB Human Resources***

1250 Dundas Street, London, ON N6A 5L1

Contact: Associate Director, Organizational Support Services

Phone: 519-452-2000

- ***Diversity: Embracing Who We Are***

To validate and honour our diverse and ever changing population, TVDSB is committed to ensuring that all students see themselves represented and reflected in text. As a result, this resource includes mentor texts and supporting teacher resources that address the nine dimensions of diversity. Sexual Orientation/Gender Identity was chosen as the first dimension to be addressed in the resource, and texts have been purchased for all schools to be part of school library collections. A list of the available texts can be viewed at the following website: [www.tvdsb.ca/diversity](http://www.tvdsb.ca/diversity)

### **Telephone / Support Lines**

- ***Lesbian Gay Bi Trans Youth Line:***

**1-800-268-9688**

[www.youthline.ca](http://www.youthline.ca)

A free peer support phone line for lesbian, gay, bisexual, transgender, transsexual, two-spirit, queer and questioning youth. They are available to offer support, information and referrals. The phone line is confidential, free and non-judgemental. Sunday to Friday, 4:00 to 9:30 p.m. The website also provides online peer support through the online forum and e-mail response.

- ***Kids Help Phone:***

**1-800-268-6868**

[www.kidshelpphone.ca](http://www.kidshelpphone.ca)

Canada's only toll-free, national, bilingual, phone and web counseling, referral and information service for children and youth. They provide immediate anonymous and confidential support, 24 hours a day, 365 days a year.

## **Websites**

- **Egale Canada:** [www.egale.ca](http://www.egale.ca)      [www.mygsa.ca](http://www.mygsa.ca)

This is a national lesbian, gay, bisexual, and trans (LGBT) human rights organization, advancing equality, diversity, education and justice. Their National Climate Survey on Homophobia, Biphobia, and Transphobia in Canadian Schools has led to the publication of the “Every Class in Every School” report. Their findings have revealed shockingly high levels of bullying, violence, and harassment directed towards LGBTQ individuals, and have informed recommendations to create a brighter future.

- **Rainbow Health Ontario:** [www.rainbowhealthontario.ca](http://www.rainbowhealthontario.ca)

Rainbow Health Ontario (RHO) is a province-wide program that works to improve the health and well-being of lesbian, gay, bisexual, and trans people in Ontario through education, research, outreach and public policy advocacy.

## **Publications**

- ***Human Rights in Ontario: Gender Identity***  
Ontario Human Rights Commission, 2011
- ***Supporting Transgender and Transsexual Students in K-12 Schools  
A Guide for Educators*** Canadian Teachers’ Federation, 2012

This resource is intended to increase professional knowledge, understanding, and sensitivity around transgender and transsexual students whom research indicates are amongst the most at-risk groups of students for bullying, discrimination, and violence in our schools today.

- ***Questions & Answers: Gender Identity in Schools***  
Public Health Agency of Canada, 2011

This document is intended to address the most commonly asked questions regarding the gender identity of youth in school settings. The goal of this resource is to assist educators, curriculum and program planners, and school administrators in the creation of supportive and healthy school environments for youth struggling with issues of gender identity.



- **Trans Pride Canada: Style Guide**  
Media Reference Guide – Best Practices, 2012

### **Community Resources**

- **Regional HIV/AIDS Connection** [www.hivaidsconnection.ca/open-closet](http://www.hivaidsconnection.ca/open-closet)  
519-434-1601 (or toll free 1-866-920-1601)

**Open Closet Youth Group** [info@hivaidsconnection.ca](mailto:info@hivaidsconnection.ca)

A group for youth who identify as either gay, lesbian, bisexual, transgender (LGBT), or who may be questioning their sexual orientation. Ages 14-18 Friday 7-9pm  
Regional HIV/AIDS Connection  
#30-186 King Street  
London, ON

- **Alphabet Community Centre** [www.acclondon.ca](http://www.acclondon.ca)

**24 hr Crisis and Support Line**  
519-765-5000

**Trans Youth London**  
Thursdays 6-8 pm  
London Public Library Downtown  
Tonda Room  
Ages 12-20

**Trans Support Group**  
1<sup>st</sup> Thursday, 3<sup>rd</sup> Tuesday  
Intercommunity Health Ctr  
659 Dundas Street E  
London (back door)