

ADMINISTRATIVE GUIDELINE

Title: Gender Identity and Gender Expression

Effective Date: January 2023

Responsibility: Superintendent of Equity/Safe Schools

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

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

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

Background

The Near North District School Board strives to provide safety and respect for all students. NNDSB Schools are welcoming of all our students and dedicated to improving student achievement and well-being for all.

It is recognized that all school boards exist within a broader context of law and public policy that protects and defends human rights. There is a growing awareness that recognizes the lived experiences of gender diverse people and the need to raise awareness and help protect against discrimination and harassment.

The Near North District School Board is committed to ensuring a learning and working environment in which everyone is treated with respect, and no one is subject to discrimination. The Ontario *Human Rights Code* (the *Code*) provides for equal rights and opportunities, and freedom from discrimination.

Every person has a right to an education and environment free from harassment and discrimination on any of the enumerated grounds in the *Code*. This document deals specifically with the enumerated grounds of gender, gender identity, gender expression and sexual orientation.

These guidelines are aligned

- [Administrative Guideline: Human Rights \(2009\)](#)
- [Administrative Guideline: Religious Accommodation \(2010\)](#)
- [Administrative Guideline: Equity and Inclusive Education \(2019\)](#)
- [Supporting Inclusive, Safe and Caring Spaces for Diverse Gender Identities Guidelines and Best Practices \(2019\)](#)

Our mission is to educate learners to their fullest potential is preparation for life-long learning.

Responsibilities of Principals and Managers

The Ontario *Human Rights Code* provides for the equal rights and opportunities and freedom from discrimination for all persons in the delivery of educational services. The *Code* protects people from discrimination and harassment because of their gender identity or expression. These administrative procedures explain NNDSB's best practices related to accommodation based on gender identity and gender expression. They have been designed to raise awareness and help protect people who identify as transgender from discrimination and harassment.

Gender Identity and Gender Expression may give rise to the duty to accommodate on the part of NNDSB.

Glossary for Understanding Gender Identity and Gender Expression

The words people use to describe themselves and others are very important. The right terms can affirm identities and challenge discriminatory attitudes. The wrong ones can disempower, demean and reinforce exclusion. While these terms and explanations are considered current and appropriate at the publication of this policy, their meaning and use can evolve and change over time. Generally, when in doubt, asking a person how they self-identify is the most respectful approach.

Sex: the classification of people as male, female or intersex. Sex is usually assigned at birth and is based on an assessment of a person's reproductive systems, hormones, chromosomes and other physical characteristics.

Sex and gender: Whereas "sex" is a person's physical characteristics, "gender" is about what it means to be a man or woman in society. It is the expectations and stereotypes about behaviours, actions and roles linked to being a "man" or "woman." Social norms related to gender can vary depending on the culture and can change over time.

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 birth sex: male or female. In the gender binary system, there is no room for interpretations, for living between genders, or for crossing the binary. The gender binary system is rigid and restrictive for many people who feel that their natal sex (sex they were labelled with at birth) does not match up with their gender or that their gender is fluid and not fixed.

Gender norms: the gender binary influences that society considers "normal" or acceptable behaviour, dress, appearances and roles for women and men. Gender norms are a prevailing force in everyday lives. Strength, action and dominance are stereotypically seen as "masculine" traits, while vulnerability, passivity and receptiveness are stereotypically seen as "feminine" traits. A woman expressing masculine traits may be stereotyped as overly "aggressive," while a man expressing "feminine" traits may be labeled as "weak." Gender norms can contribute to power imbalances and gender inequality in the home, at work and in communities.

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 birth-assigned sex. For most people, their sex and gender identity align. For some, it does not. A person may be born male but identify as a woman, or born female but identify as a man. Other people may identify outside the

categories of woman/man, or may see their gender identity as fluid and moving between different genders at different times in their life.

Gender expression: how a person publicly presents or expresses 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 people express their gender. Others perceive a person's gender through these attributes.

All people, regardless of their gender identity, have a gender expression and they may express it in any number of ways. For trans people, their chosen name, preferred pronoun and apparel are common ways they express their gender. People who are trans may also take medically supportive steps to align their body with their gender identity.

Trans or transgender: an umbrella term that describes people with diverse gender identities and gender expressions that do not conform to stereotypical ideas about what it means to be a girl/woman or boy/man in society. "Trans" can mean transcending beyond, existing between, or crossing over the gender spectrum. It includes but is not limited to people who identify as transgender, transsexual, cross dressers or gender non-conforming (gender variant or gender queer).

"Trans" includes people whose gender identity is different from the gender associated with their birth-assigned sex. Trans people may or may not undergo medically supportive treatments, such as hormone therapy and a range of surgical procedures, to align their bodies with their internally felt gender identity.

People who have transitioned from one gender to another may simply identify as female or male. Others may also identify as trans, as a trans woman or a trans man. Some people may identify as trans and not use the labels "female" or "male." Others may identify as existing between male and female or in different ways beyond the binary of male/female.

Trans people may identify their gender in many ways. There is no single or universal experience of what it means to be trans. As a result, different trans people face distinct forms of discrimination in society, and this may relate to whether they identify as male, female, a person with a trans history, a person in the process of transitioning, a trans man, trans woman, transsexual, or gender non-conforming.

Gender non-conforming/gender variant/gender queer: individuals who do not follow gender stereotypes based on the sex they were assigned at birth. They may identify and express themselves as "feminine men" or "masculine women" or as androgynous, outside of the categories "boy/man" and "girl/woman." People who are gender non-conforming may or may not identify as trans.

Trans man and trans woman: a person whose sex assigned at birth is "female" and identifies as a man may also identify as a trans man (female-to-male FTM). A person whose sex assigned at birth is "male" and identifies as a woman may also identify as a trans woman (male-to-female MTF).

Transsexual: a person whose gender identity differs from their sex assigned at birth. They may or may not undergo medically supportive treatments to align their bodies with their gender identity, such as hormone therapy, sex reassignment surgery or other procedures. They may also undertake other changes to align their external attributes and appearance with their gender identity.

Transitioning: refers to a host of activities that some trans 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, sex-reassignment surgery or

other procedures. There is no checklist or average time for a transition process, and no universal goal or endpoint. Each person decides what meets their needs.

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. This might include a woman with XY chromosomes or a man with ovaries instead of testes. Intersex characteristics occur in one out of every 1,500 births. Typically intersex people are assigned one sex, male or female, at birth. Some intersex people identify with their assigned sex, while others do not. Some choose to identify as intersex. Intersex people do not typically identify as transgender or transsexual.

“Lived” gender identity: the gender a person internally feels (“gender identity” along the gender spectrum) and publicly expresses (“gender expression”) in their daily life including at work, while shopping or accessing other services, in their housing environment or in the broader community.

Cross-dresser: a person who, for various reasons, wears gender atypical clothing. They may or may not self-identify as a cross dresser. “Cross-dresser” is a word that tends to refer to men with sometimes strong preferences for clothing often worn by women.

Sexual orientation and gender identity are different: Sexual orientation describes human sexuality, from gay and lesbian to bisexual and heterosexual orientations. A person’s gender identity is fundamentally different from and not related to their sexual orientation. Because a person identifies as trans does not predict or reveal anything about their sexual orientation. A trans person may identify as gay, lesbian, queer, straight or bisexual, just as people who do not identify as trans.

Two-Spirit: a term used by Aboriginal people to describe from a cultural perspective people who are gay, lesbian, bisexual, trans or intersex. It is used to capture a concept that exists in many different Indigenous cultures and languages. For some, the term Two-Spirit describes a societal and spiritual role that people played within traditional societies, such as: mediators, keepers of certain ceremonies, transcending accepted roles of men and women, and filling a role as an established middle gender.

Cisgender and cisnormativity: Most people are “cisgender” (not trans); that is, their gender identity is in line with or “matches” the sex they were assigned at birth. Cisnormativity (“cis” meaning “the same as”) refers to the commonplace assumption that all people are cisgender and that everyone accepts this as “the norm.” The term is used to describe prejudice against trans people that is less overt or direct and more widespread or systemic in society, organizations and institutions. This form of systemic prejudice may even be unintentional and unrecognized by the people or organizations responsible.

Transphobia: the aversion to, fear or hatred or intolerance of trans people and communities. Like other prejudices, it is based on stereotypes and misconceptions that are used to justify discrimination, harassment and violence toward trans people.

GENERAL GUIDELINES FOR ACCOMMODATION

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

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

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

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

Legal Duty to Accommodate

Gender identity and gender expression are protected grounds under the Ontario *Human Rights Code*. The Near North District School Board has a legal duty to accommodate people to the point of undue hardship if their gender identity and /or gender expression are barriers to being provided access to a meaningful access to educational services with NNDSB. The right of accommodation belongs to the student member who seeks the accommodation.

The nature of the accommodation, both requested and required, will vary according to each person's unique needs. These needs of the individual must be considered, assessed, and accommodated on an individual basis.

The goal of the accommodation is to facilitate an inclusive environment that supports and respects the dignity of all. While it is not necessary for a student's parent(s)/guardian(s) to consent in order for the student to be accommodated at school, parent/guardian involvement in the multi-party process of accommodation is preferred.

The school board will balance its decision on how to best accommodate students with several factors including: the dignity of the person making the request; the goal of inclusiveness; health and safety concerns; the accommodation with respect to undue hardship to the board and the effect of the accommodation on the board's ability to fulfill its duties under its policies and guidelines, the *Education Act*, and the Ontario *Human Rights Code*.

Accommodation is a multi-party process with shared responsibility. Everyone must work together cooperatively and respectfully to explore and implement appropriate accommodation solutions. Board and school staff must consider each student's needs and concerns separately. Each individual is unique with different needs.

Confidentiality and Privacy

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

Gender identity and gender expression are self-determined identities. The individual determines when, what and to whom this information should be disclosed. The right to accommodation belongs to the student/ who is to be accommodated.

All individuals have a right to privacy regarding disclosure of information related to their gender identity and gender expression.

Some individuals are not open about their identity for safety or other reasons. The trans status of an individual is considered to be confidential and should only be disclosed to those who require the information for their role in facilitating the accommodation or requested support. It is important to avoid breaches of confidentiality and privacy, as these breaches may compromise the safety of individuals. This is true regardless of the age of the individual. Disclosure regarding gender identity by a student to a staff member must be kept confidential by a staff member from the parent unless or until the student consents to their parent(s)/guardian(s) being informed.

The balance between maintaining a student's privacy and implementing an accommodation plan can be impacted by the age and independence of a student. Because most students are not wholly independent and continue to live with their parent(s)/guardian(s), one of the factors that must be considered when a student seeks accommodation at school, is the student's desire to maintain privacy regarding their preferred gender identity.

In the case of students who have not removed themselves from the care and control of their parent(s)/guardian(s), consideration must be given to the information that is directly communicated to a student's parent(s)/guardian(s) and the information that might be incidentally or unknowingly communicated by staff, other students and other members of the school community.

Depending on the circumstances and the accommodations being sought, it may not be reasonable, or even possible, to expect that a student's accommodations while at school will remain strictly private. It is not reasonable for a student to expect to maintain in a confidential manner a different gender identity while attending school than their gender identity while at home.

Procedural Requirements Regarding Students

The right to accommodation belongs to the student who is seeking accommodation. Therefore, the right of a student to accommodation is not subject to consent or permission from the student's parent(s)/guardian(s).

In the case of students who have not removed themselves from the care and control of their parent(s)/guardian(s), consideration must be given to the appropriateness and extent of parental involvement in the accommodation process. While consent/permission from a student's parent/guardian is not necessary in order to implement an accommodation plan, wherever possible, the accommodation process should include consultation with that student's parent/guardian.

When a student desires to maintain their preferred gender identity confidential from their parent(s)/guardian(s), it may not be possible to implement all of the desired accommodation measures. Issues that should be considered by the school in consultation with the student, include:

- the student's fear for safety;

- the student's fear of exclusion by parent(s)/guardians or other family members; and
- whether or not the student's preferred gender identity has been or will be disclosed to siblings, other family members, friends and/or members of the broader school community.

While a student's disclosure may be kept confidential by school staff, it is not reasonable for a student to expect to maintain in a confidential manner one's gender identity while attending school and a different gender identity while at home. In circumstances where a student seeks to have a different gender identity while attending school and for that identity to be kept confidential from their parent(s)/guardian(s), it will be necessary for the school to explain that, in a school setting, the principal cannot ensure that all students and staff maintain the student's gender identity strictly private.

The procedures related to facilitating gender identity and gender expression are related to individual requests for gender identity support and may include the following logistical considerations:

- ongoing dialogue
- case by case analysis
- primary contact person/support person in the school
- consultation in order to strategize appropriate support
- the involvement of parents/guardians
- the importance of privacy
- context specific

Home Contact. If school staff contact the home of a trans student regarding the student's gender identity, this should only be done with the express permission of the student. In all other circumstances, the student's accommodation plan should identify an agreed and appropriate way to reference the student's gender identity and what personal information may be disclosed. In some cases, a student's preferred gender identity may need to remain confidential, in order to maintain that the student's privacy. However, in a school setting it is not possible for a student to expect that different gender identities at home and at school can be maintained confidentially.

Official Records. The school will change a student's official records (Ontario Student Record, report cards, transcripts and diplomas) to reflect a change in legal name only 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 identity upon request from the student.

Names/Pronouns. All students, including trans students, have the right to be addressed by a preferred name and self-identified pronoun. This is true regardless of whether the student has obtained a legal name or sex designation change. For example, in the Student Information System, a student's "preferred or chosen name" and a change of gender should be used on any non-official record, such as class lists, timetables.

Intentionally addressing a student by other than their preferred name or pronoun is discriminatory and is unacceptable.

Students who wish to use pronouns other than the masculine or the feminine must be accommodated.

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Professional Learning

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

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

Addressing Students and Management of Student Records

Transgender students have the right to be addressed by a name and pronoun corresponding to their gender identity. This is true regardless of whether they have obtained a legal name change or legal change to their official sex designation. Intentionally addressing a student who identifies as transgender by the incorrect name or pronoun will be considered a form of discrimination and harassment. While it is understood that inadvertent slips or honest mistakes may occur, the intentional and/or persistent refusal to acknowledge a student's gender identity or use their preferred/chosen name is unacceptable. Students who wish to use gender-neutral and gender inclusive language in NNDSB schools are to be supported. For example, some people do not feel included in the gender binary of "he or she". Students and staff may wish to write in such a way as to avoid it. An increasingly common and accepted strategy is to use "they" as a gender-neutral singular pronoun, as this document often does. The teacher is to ensure that the supply teacher is aware of the preferred/chosen name of any transgender students in the classroom. Please see **Appendix A** for case examples. Also, teachers must be discreet to ensure the privacy and well-being of transgender students, especially as it pertains to the distribution of report cards that may reflect a student's birth name. The information below is summarized in **Appendix F: Quick Reference Chart**.

Names/Pronouns

Transgender students have the right to be addressed by a name and pronoun corresponding to their gender identity other than that which appears on the student's birth certificate. Where a student's legal name does not match their preferred/chosen name, the preferred/chosen name should be used where possible and included in all printed reports. This change is only prospective, in that updates will be made moving forward; but, changes will not be made to historical records.

Students age 15 and under whose parents do not agree to the use of a preferred or chosen name

School administration will not change the students' name in PowerSchool or OEN databases, nor would the OSR label be changed. However, a classroom teacher should continue to use the student's preferred/chosen name in order to ensure the student's mental health and well-being. This is not unlike calling someone "Jenny" if that is their preferred/chosen name, even though their birth name is "Jennifer". When there is a supply teacher, the preferred/chosen name should also be reflected on attendance sheets, timetables, class lists, etc., except where records must match the legal name. These can be printed and changed manually to reflect the preferred/chosen name.

Students age 15 and whose parents are supportive – Upon completion by the parent/guardian of form (Student Request for Accommodation-Name and Gender), the school can make a change in the student database systems and the OEN to reflect the student's preferred/ chosen name. The form should be placed in the Ontario Student Record (OSR) and the preferred/ chosen name should be written manually on the OSR label. The preferred/chosen name will also be reflected on attendance sheets, timetables, class lists, etc. Report cards and transcripts can be requested and printed with the preferred/chosen name and sent home with the student. A copy of these records will be attached to a copy of the same record printed in the legal name and filed in the OSR.* Please note the student's legal name will be at the top on the first page of the report card as the report card is an official document. However, the student's preferred name will be reflected in the comments sections in the report card.

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

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

Gender Marker

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

NOTE: The NNDSB's current student information system PowerSchool has the ability for additional gender fields.

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

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

Students 16 years and older do not need parental/guardian approval - Upon completion by the student of the form (Student Request for Accommodation - Name and Gender), the school can make a change in the PowerSchool student database to reflect the student's gender identity. The form should be placed in the Ontario Student Record (OSR) and the OSR label should reflect the gender identity.

The gender identity will also be reflected on any reports, where applicable. Any age - legal gender change - if the parent/guardian/student acquires proper source documentation indicating a legal gender change, then that information will be recorded in PowerSchool, and a new OSR label will be printed. Historical documents should also be changed if a written request to do so has been provided by the parent/guardian/student.

Washroom Access

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

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

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

Dress Code

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

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

Sports and Extracurricular Activities, and Physical Education Classes

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

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

Competitive Sports

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

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

with them to ensure that the accommodations are acceptable.

Competition at Another School — If a transgender student-athlete requires a particular accommodation to ensure access to appropriate changing, showering, or bathroom facilities, school leaders, athletic directors, and coaches, in consultation with the transgender student-athlete, should notify their counterparts at other schools prior to competitions to ensure that the student has access to facilities that are comfortable and safe. This notification should maintain the student's confidentiality. Under no circumstances should a student-athlete's identity as a transgender person be disclosed without the student's express permission.

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

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

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

Change Rooms

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

Gender Segregation in Other Areas

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

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

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

Student Support and Student Advocacy

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

APPENDIX A: Privacy Case Examples

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

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

Case Examples

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

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

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

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

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

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

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

APPENDIX B: Human Rights in Ontario – Gender Identity

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

Ontario’s Human Rights Code

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

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

Discrimination and Harassment

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

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

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

Organizations cannot discriminate, must deal with harassment complaints, and must provide a non-discriminatory environment for transgender people. This also applies to “third parties,” such as people doing contract work or who regularly meet 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).

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.

APPENDIX C: Trans Resource List

Local Resources and Provincial Resources

- ❖ Gender Creative Kids: www.GenderCreativeKids.ca
- ❖ North Bay Parry Sound Health Unit Resources: <https://www.myhealthunit.ca/en/health-topics/lgbtq.asp>
- ❖ Rainbow Health Ontario: www.rainbowhealthontario.ca
- ❖ Trans Health: www.trans-health.com
- ❖ Trans Pulse Project: www.transpulseproject.ca
- ❖ Trans Lifeline 1-877-330-6366: www.translifeline.org
- ❖ LGBTQ Youthline 1-800-268-9688: www.youthline.ca
- ❖ Ontario Human Rights Commission: www.ohrc.on.ca

National Resources

- ❖ Egale Canada Human Rights Trust: www.egale.ca
- ❖ PFLAG Canada: www.pflagcanada.ca
- ❖ Trans Parent Canada: www.transparentcanada.ca

Appendix D: STUDENT REQUEST FOR ACCOMMODATION – NAME AND GENDER

Part A to be completed by Student (16 years or older) or Parent/Guardian of students under 16

Student's Given Name	
Date of Birth	
Parent/Guardian Name	
School	

Preferred/chosen name of the student from this point forward: _____

_____ (parent initial) I understand that by selecting this option the student's preferred/chosen name will be reflected in administrative systems, applications and records.

The gender identity of the student is (choose one)

___ Male ___ Female ___ Not disclosed ___ Self-Identified

*If a student identifies as Self-Identified one of the following gender identities must be chosen, please check one:

<input type="checkbox"/>	Two-Spirit	<input type="checkbox"/>	Intersex
<input type="checkbox"/>	Gender Fluid	<input type="checkbox"/>	Non-Binary
<input type="checkbox"/>	Gender Non-conforming	<input type="checkbox"/>	Other
<input type="checkbox"/>	Genderqueer	<input type="checkbox"/>	Trans

_____ (parent initial) I understand that by selecting this option, the student's gender will be reflected in administrative system and records: Power School (student information database), and the Ontario Student Record (OSR) folder label.

I understand the above-noted changes will be applied and updates will be made moving forward; however, changes will not be made to historical records unless proof of a legal name/gender change is provided (e.g., updated birth certificate). I also understand this form will remain in the student's Ontario Student Record, which transfers to each Ontario elementary and secondary school attended by this student.

Signature of Parent/Guardian or Student (16 years of age or older)

What are your accommodation needs (e.g., washroom, changerooms, extra-curricular etc.)?

Part 2 to be completed by the School Administrator

Date Accommodation Request Received from Student/Parent/Guardian: _____

Describe the procedure for determining the most appropriate accommodation that will apply in this case -include timelines, goals, stakeholders and any other relevant information:

Notice of Collection: Personal information contained on this form is collected under the authority of the current Education Act of the Province of Ontario, and in accordance with the Municipal Freedom of Information and Protection of Privacy Act. It will be securely stored and used for registration, administrative, communication, educational and reporting purposes. Questions about the Ontario Student Record should be directed to the school Principal.

Document Management:

Home School

Retention:

OSR – Documentation File

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

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

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

Office of the Registrar General
PO Box 3000

189 Red River Rd, 3rd Floor Thunder Bay, ON P7B 5W0

You can download the link at

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

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

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

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

Office of the Registrar General
PO Box 3000

189 Red River Rd, 3rd Floor Thunder Bay, ON P7B 5W0

You can download the link at

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

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

Changing your sex designation on your birth registration and birth certificate

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

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

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

- your birth to have been registered in Ontario
- to be 16 years of age or older
- an [Application for Change of Sex Designation on a Birth Registration of an Adult](#)
- a [Payment Form](#)
- a [Statutory Declaration for a Change of Sex Designation on a Birth Registration of an Adult](#)
- a letter signed by a practicing physician or psychologist (including a psychological associate) authorized to practice in Canada that includes the statements necessary to support your request ([see application cover sheet for instructions](#)). In some cases, alternatives to the required letter may be acceptable
- all previously issued birth certificates and certified copies of your birth registration
- an [application form for a birth certificate](#) submitted with applicable fees

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

- your birth to have been registered in Ontario
- to be 17 years of age or under
- an [Application for Change of Sex Designation on a Birth Registration of a Child](#) completed by a person with legal custody (e.g., a parent)
- a [Payment Form](#)
- a [Statutory Declaration for a Change of Sex Designation on a Birth Registration of a Child](#) completed by a person with legal custody (e.g., a parent)
- a [consent form](#) providing written consent of the child
- a [consent form](#) providing consent of all persons with legal custody of the child
- [proof of notice](#) to all persons with legal access to the child
- a letter signed by a practising physician or psychologist (including a psychological associate) authorized to practise in Canada that includes the statements necessary to support the child's requested change ([see application cover sheet for instructions](#)). In some circumstances, alternatives to the required letter may be acceptable
- all previously issued birth certificates and certified copies of your birth registration

- an [application form for a birth certificate](#) submitted with applicable fees

Mail your documents to:

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

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

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

Appendix F: Quick Reference Chart

Accommodation Request for
Use of Preferred Names, Pronouns, Gender Marker
–Students Identifying as Transgender

ACCOMMODATION OF PREFERRED/CHOSEN NAME/GENDER MARKER REQUESTS	15 YEARS OLD AND UNDER WITHOUT PARENT GUARDIAN SUPPORT	15 YEARS OLD AND UNDER WITH PARENT/GUARDIAN SUPPORT	16 YEARS OLD AND OLDER
Verbal Use of Preferred/Chosen Names/Pronouns	Staff to use student's preferred/chosen name and pronouns in class and within the school	Staff to use student's preferred/chosen name and pronouns in class and within the school	Staff to use student's preferred/chosen name and pronouns in class and within the school
Reflect Preferred/Chosen in Student Database systems. Add manually, in writing to OSR folder label.	Not Applicable	Appendix A: Student Request for Accommodation, to be completed by parent/guardian	Appendix A: Request for Accommodation, to be completed by student or parent/guardian.
Reflect Gender Marker in PowerSchool and OSR label	Not Applicable	Appendix A: Student Request for Accommodation completed by parent/guardian	Appendix A: Request for Accommodation, to be completed by student or parent/guardian.
Print Report Cards in Preferred/Chosen Name for student; place copy in OSR along with Report Card in Legal Name	Not Applicable	Appendix A: Student Request for Accommodation, completed by parent/guardian	Appendix A: Request for Accommodation, to be completed by student or parent/guardian.
Print Transcript in Preferred/Chosen Name for student; place copy in OSR along with Transcript in Legal Name	Not Applicable	Appendix A: Student Request for Accommodation, completed by parent/guardian	Appendix A: Request for Accommodation, to be completed by student or parent/guardian.
Print Diploma in Preferred/Chosen Name for student; place copy of	Not Applicable	Not Applicable	Request for Accommodation, to be completed by student or parent/guardian.

diploma in OSR (no diploma in legal name is required)			
Enter New Legal Name and Gender Marker in PowerSchool, OEN, OSR and change other systems/records as required	Proof of legal name/gender marker change required (e.g., birth certificate) -submit IT Service Desk Ticket to request assistance with changing historical OSR records, if written request to do so is received from parent/guardian/adult student	Proof of legal name/gender marker change required (e.g., birth certificate) -submit IT Service Desk Ticket to request assistance with changing historical OSR records, if written request to do so is received from parent/guardian/adult student	Proof of legal name/gender marker change required (e.g., birth certificate) -submit IT Service Desk Ticket to request assistance with changing historical OSR records, if written request to do so is received from parent/guardian/adult student

Legal Reference: The Canadian Charter of Rights and Freedoms (Section 15); The Ontario Human Rights Code; The Education Act

Related References:

- Accepting Schools Act (Bill 13)*
- Ministry of Education Policy/Program Memorandum 114 – Bullying Prevention and Intervention*
- Board Policy: Equity and Inclusion*
- Board Policy: Bullying Prevention and Intervention Plan*
- Board Policy: Safe Schools*
- Board Policy: Code of Conduct Administrative Guideline: Records Information Management*
- Administrative Guideline: Anti-Sex Trafficking Protocols*