

TITLE: FOSTERING GENDER IDENTITY, GENDER EXPRESSION, AND SEXUAL ORIENTATION INCLUSIVE SCHOOLS

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1.0 OBJECTIVE

To foster a school environment where people of all Gender Identities, Gender Expressions and Sexual Orientations feel belonging.

2.0 DEFINITIONS

In this procedure,

- 2.1 **2SLGBTQ+** means communities or identities that are Two-Spirit, lesbian, gay, bisexual, trans, and queer. The '+' indicates that there are many other identities, not included within the acronym, that are also a part of the 2SLGBTQ+ community.
- 2.2 **Accommodation** means making an adjustment, providing support, or making exceptions to remove barriers on protected grounds to ensure fair and equitable access, treatment, and inclusion. This allows a person to participate equally and perform to the best of their abilities when learning, working, or accessing services. The duty to accommodate is a legal obligation that exists to the point of Undue Hardship.
- 2.3 **Code** means the Ontario *Human Rights Code*.
- 2.4 **District** means the Ottawa-Carleton District School Board.
- 2.5 **Gender Diverse** means 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 diverse may or may not identify as Trans.
- 2.6 **Gender Expression** means how a person publicly presents or expresses their gender. This can include behaviour and outward appearance such as clothing, 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.
- 2.7 **Gender Identity** means each 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.
- 2.8 **Microaggressions** means the verbal, nonverbal, and environmental slights, snubs, or

insults, whether intentional or unintentional, which communicate hostile, derogatory, or negative messages to target persons based solely upon their marginalized group membership or a Protected Ground. A series of Microaggressions may amount to Harassment.

- 2.9 **School Community** means students, parent/guardian, trustees, employees, contractors and service providers, volunteers, visitors, and community members.
- 2.10 **Sex** means 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.
- 2.11 **Sexual Orientation** means human sexuality, which may include labels like gay, lesbian, bisexual, pansexual, heterosexual (‘straight’), etc.
- 2.12 **Trans or Transgender** means 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 may include but is not limited to people who identify as Transgender, transsexual, nonbinary, gender fluid, or gender non-conforming. “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 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 as 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, nonbinary, gender fluid, a person with a Trans history, a person in the process of transitioning, a Trans man, Trans woman, or gender non-conforming.

- 2.13 **Two-Spirit** means a term used by the Indigenous people of Turtle Island 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.
- 2.14 **Undue Hardship** means the point at which the legal duty to accommodate ends based on an objective assessment of only three factors: (i) costs, (ii) outside sources of funding (if any), and (iii) health and safety considerations (if any) of the proposed Accommodation.

For more related definitions, please consult the OCDSB [Gender Identity and Gender Expression Guidelines](#), and the Ontario Human Rights Commission’s [Policy on Preventing Discrimination Because of Gender Identity and Gender Expression](#).

3.0 RESPONSIBILITIES

- 3.1 OCDSB employees have the following obligations:
- a) following, respecting and affirming a person's lead in matters related to their own Gender Identity, Gender Expression, or Sexual Orientation;
 - b) addressing all people by their preferred name and pronouns;
 - c) respecting privacy and maintaining confidentiality if a person's Gender Identity, Gender Expression or Sexual Orientation is disclosed to them; and
 - d) taking immediate steps to sensitively intervene and stop microaggressions, intolerance, hate, discrimination, harassment, or bullying about a student's Gender Identity, Gender Expression or Sexual Orientation and reporting all incidents to the principal in a timely and sensitive way.
- 3.2 In addition to the obligations of employees, principals have the following obligations:
- a) informing all students and parents/guardians at the start of each school year about their rights and obligations, and the process for requesting an Accommodation and reporting a complaint of discrimination or harassment;
 - b) providing all school-based employees with information on their responsibilities under this procedure;
 - c) collaboratively working with students and families to determine and implement an appropriate Accommodations;
 - d) ensuring risks of inadvertent disclosure of the student's Gender Identity or Gender Expression are discussed with the student prior to addressing a request for an Accommodation;
 - e) seeking approval from the Superintendent prior to denying an Accommodation on the basis of Undue Hardship;
 - f) updating the Ontario Student Record (OSR) and providing updated records to reflect changes to legal name, preferred name, and/or Gender Identity (Appendix A);
 - g) taking immediate action to investigate and address all incidents of microaggressions, intolerance, hate, discrimination, harassment, or bullying of a person because of their Gender Identity, Gender Expression, or Sexual Orientation, in a timely and sensitive way; and
 - h) reporting incidents that involve hate, discrimination, harassment, or bullying because of Gender Identity, Gender Expression, or Sexual Orientation to the Office of the Human Rights and Equity Advisor (O-HREA) in accordance with requirements under Procedure PR.697.GOV Human Rights Complaints.
- 3.3 In addition to obligations of employees, educators have additional obligations that include:
- a) ensuring positive representation of the accomplishments, contributions and diversity of 2SLGBTQ+ people in classroom materials at all grade levels;
 - b) encouraging conversations that promote mutual respect and acceptance of

everyone including each student's Gender Identity, Gender Expression and Sexual Orientation;

- c) offering Accommodation where it is reasonably evident that it may be necessary and collaboratively working with students and families to determine and provide the most appropriate Accommodation to the point of Undue Hardship;
- d) refraining from making unnecessary requests for information about a person's gender;
- e) refraining from dividing students according to gender, unless mandated; and
- f) developing and maintaining up-to-date knowledge of OCDSB [Gender Identity and Gender Expression Guidelines](#) and human rights in order to create inclusive spaces for 2SLGBTQ+ students and connect them to resources.

3.4 In addition to obligations of employees, superintendents have additional obligations that include:

- a) demonstrating leadership that intentionally promoting equity, equality, and accountability for gender and 2SLGBTQ+ inclusive schools including by:
 - (i) identifying and addressing systemic and other discrimination that impacts on inclusive curriculum, instructional strategies and schools for 2SLGBTQ+ students; and
 - (ii) supporting schools to issues of equity related to gender identity, gender expression and sexual orientation;
- b) developing the capacity and ensuring the accountability of principals to lead schools that foster 2SLGBTQ+ inclusion including through:
 - (i) providing professional development opportunities and other supports for district personnel and school staff on creating gender-inclusive learning environments and supporting the specific needs of trans, Two-Spirit and gender diverse students;
 - (ii) compiling and disseminating resources and materials that will support 2SLGBTQ+ students and their inclusion and belonging in schools; and
 - (iii) reviewing all Accommodation requests a principal proposes to deny to confirm whether it meets the threshold of Undue Hardship; and
- c) ensuring gender inclusivity in forms associated with the procedures under their supervision.

3.5 The facilities department is responsible for:

- a) ensuring all new facilities are designed to be gender inclusive; and
- b) reviewing existing facilities to enhance gender inclusiveness.

3.6 The corporate records division is responsible for:

- a) updating the Ontario Student Record (OSR) to reflect changes to legal name, preferred name, and/or Gender Identity; and
- b) providing updated records to retired students to reflect changes to legal name, preferred name and/or Gender Identity from schools that have been closed.

- 3.7 Students and their parent/guardian are responsible for:
- a) respecting the Gender Identity, Gender Expression, and Sexual Orientation of all members of the School Community;
 - b) addressing all people by their preferred name and pronouns;
 - c) respecting the privacy of all individuals to share or not share information about their Gender Identity, Gender Expression, or Sexual Orientation and keeping information shared confidential;
 - d) working collaboratively with the principal and other school employees to request, and determine the most appropriate Accommodations; and
 - e) speaking out against actions motivated by intolerance, hate, prejudice, discrimination, harassment, or bullying about a person's Gender Identity, Gender Expression, or Sexual Orientation and telling a trusted staff member.

4.0 PROCEDURES

Rights

- 4.1 Gender Identity, Gender Expression, and Sexual Orientation are grounds protected from discrimination under the *Ontario Human Rights Code*.
- 4.2 Students have the rights in relation to their Gender Identity, Gender Expression, and Sexual Orientation that include but are not limited to:
- a) to be treated equally and equitably, with dignity and respect;
 - b) to self-determine their own Gender Identity, Gender Expression, and Sexual Orientation;
 - c) to be referred to by their preferred name and pronouns by employees and peers;
 - d) to use or not use gendered washrooms, change rooms, and spaces, and participate in gendered groups, activities, and sports, that align with their lived Gender Identity;
 - e) to express their identity, including nonbinary identities, in whatever way feels safe and comfortable;
 - f) to be safe from microaggressions, intolerance, hate, discrimination, harassment, and bullying and have incidents addressed sensitively and immediately by an employee;
 - g) to ask for and receive Accommodations and to raise concerns, without reprisal;
 - h) to participate in the process of deciding on an appropriate Accommodation;
 - i) to participate in a learning environment that is inclusive and positively reflects diverse gender identities, expressions, and sexual orientations;
 - j) to speak out and engage in advocacy for equality and inclusion for 2SLGBTQ+ people; and

- k) to have their privacy respected and have information about their Gender Identity, Gender Expression, or Sexual Orientation treated confidentially and not revealed to others, including their parent/guardian, without their consent, except as required by law.

Inclusive Washrooms and Change Room Facilities

- 4.3 The design of new schools and additions to existing sites will ensure that non-gendered washrooms and change room facilities are incorporated into the design.
- 4.4 Non-gendered washrooms and change room facilities must:
 - a) be easily accessible to anyone who wants to use them, regardless of the underlying reason;
 - b) not have its use imposed upon a student because of the student's Gender Identity, Gender Expression, or Sexual Orientation;
 - c) remain unlocked when not in use, and students shall not be required to request permission and/or a key to use them; and
 - d) avoid gender-specific signage.
- 4.5 The principal in collaboration with the Facilities Department will ensure all gendered and non-gendered washrooms used by students in grades 4 and above have menstruation products and disposal units available.

Inclusive School Climate

- 4.6 Schools will support the development of trans-inclusive and 2SLGBTQ+ student alliancances or clubs in compliance with section 301 of the *Education Act* and OCDSB policy.
- 4.7 Schools will use gender inclusive language when possible and will foster a climate where people are respected and addressed by their preferred names and chosen pronouns. For more information see OCDSB [Gender Identity and Gender Expression Guidelines](#) and in particular the section on "*Best Practises for Gender Neutral Language in French*"
- 4.8 District and school forms must be gender inclusive and will only collect gender information when there is a legal requirement or where school administrators can clearly articulate an important reason for data to be collected. Forms should:
 - a) have gender be an open text field to allow people to input the Gender Identity that best describes them;
 - b) if markers provided by the Ministry of Education are required to be used, they shall be used together with an optional open text field; and
 - c) use inclusive language such as 'parent/guardian' rather than 'mother/father' and 'sibling' instead of 'brother/sister'.

Curriculum

- 4.9 In accordance with [Ontario's Equity and Inclusive Education Strategy](#), the Ontario curriculum, and provincial legislation, school employees are expected to:
 - a) challenge gender stereotypes, cisgenderism, and heteronormativity;

- b) integrate trans-positive, gender-inclusive, and 2SLGBTQ+ positive content into the teaching in all subject areas from Kindergarten to Grade 12; and
- c) include accurate information about history and culture which reflects the accomplishments and contributions of 2SLGBTQ+ people.

For additional guidance see “*Guidelines for Discussions about Gender Identity in Different Subject Areas*” in the OCDSB [Gender Identity and Gender Expression Guidelines](#).

Sports, Health, and Physical Education

- 4.10 All schools are encouraged to offer the option of gender-inclusive physical education classes at all grade levels.
- 4.11 If single gender sports, interscholastic athletics, or health and physical education classes or activities are offered:
 - a) a student has the right to choose to participate in the single gender activity of their preference to accommodate their Gender Identity or Gender Expression; and
 - b) if a student chooses not to participate in single gender physical education courses because of their Gender Identity or Gender Expression, other options may be determined collaboratively with a student and/or family to achieve mandatory physical education credits.

Field Trips

- 4.12 No student will be excluded from participating in a field trip, or asked to pay more to participate because of their Gender Identity, Gender Expression, or Sexual Orientation.
- 4.13 All students on school field trips must be housed in a manner that is safe and respectful. To accommodate the needs of a 2SLGBTQ+ student, a school may consider:
 - a) providing private accommodation to transgender students and gender non-conforming students if that is their preference;
 - b) working with the student to determine who they feel comfortable sharing accommodations with; or
 - c) other appropriate Accommodation determined in collaboration with the student.

Confidentiality

- 4.14 All persons have a right to privacy, which includes privacy about their Gender Identity, Gender Expression, and Sexual Orientation. Schools must keep a student’s Transgender/gender diverse status and Sexual Orientation confidential unless there is consent from the student.
- 4.15 Schools must not:
 - a) disclose a student’s sex assigned at birth, or legal name for those students already presenting and expressing their self-identified gender;
 - b) share a student’s Sexual Orientation, Trans, or gender diverse status, including preferred names or pronouns, with parents, guardians or anyone else without the explicit permission of the student.

- 4.16 Notwithstanding the above, schools must inform students that parents/guardians have the right to access the student's Ontario Student Record. Changes that have been made regarding the student's preferred name, pronouns, or Gender Identity may appear on those documents.
- 4.17 In the event of a safety risk to the student, the OCDSB will involve the parent/guardian following the appropriate policies and procedures. In such a situation, the OCDSB will, where possible, consult with the student first to determine an appropriate way to reference the student's identity and use best efforts to keep the parent/guardian informed without revealing unnecessary, confidential information about the student's Gender Identity, Gender Expression, or Sexual Orientation.

Accommodations

- 4.18 Students and/or parents/guardians are encouraged to request an adjustment, extra support, or an exception to remove barriers and better accommodate their Gender Identity, Gender Expression, or Sexual Orientation.
- 4.19 Parental/guardian knowledge or consent is not required for an Accommodation to be requested or granted to a student.
- 4.20 If parents/guardians are not aware of the Accommodation request, the principal or their designate must ensure the student understands the risks of inadvertent disclosure of information about their Gender Identity, Gender Expression or Sexual Orientation to their parent/guardian. See the OCDSB [Gender Identity and Gender Expression Guidelines](#) specifically at Appendix F: A Guide For Social Transition Planning With Students
- 4.21 An Accommodation request should, whenever possible, be made in writing to a principal, teacher, coach, or their designate. However, verbal requests for Accommodation must still be addressed.
- 4.22 A request for Accommodation for a person's Gender Identity, Gender Expression, or Sexual Orientation should:
- identify why the Accommodation is required; and
 - indicate what changes, support, or exceptions are needed.
- 4.23 The process of determining an appropriate Accommodation must:
- be completed in a timely manner;
 - be collaborative and uphold the principles of dignity, individualization, and inclusion and participation; and
 - prioritise collaboration with and the opinion of the student, and the student's needs and perspectives.
- 4.24 If the school is required to accommodate, the Accommodation may only be denied if it would cause Undue Hardship. The onus is on the school to demonstrate objectively that the threshold of Undue Hardship has been met. Appendix I gives guidance on assessing Undue Hardship.
- 4.25 Before denying a request for an Accommodation on the basis of Undue Hardship, the principal must consult with and receive the approval of the Superintendent.

- 4.26 Any decision to deny an Accommodation request must be put in writing and the reason for denying the request must be clearly articulated and shared with the person who made the request.
- 4.27 No person will be penalised or experience reprisal or threats of reprisal for making a request for an Accommodation.
- 4.28 Options for accommodations will be determined collaboratively with the student and/or family. Accommodation options include, but are not limited to:
- a) changes to a student's legal name, preferred name, gender and/or pronouns as follows (use request Form OCDSB 989 at Appendix G):
 - (i) changes in a student's Ontario Student Record in accordance with Appendix A and Appendix B;
 - (ii) changes in the OCDSB Student Information System (SIS) in accordance with Appendix C.
 - (iii) changes in school record systems in accordance with Appendix C; and/or
 - (iv) changes to the OCDSB Individual Education Plan Online platform (IOL) in accordance with Appendix D.
 - b) changes in documents including, but not limited to (use request Form OCDSB 989 at Appendix G):
 - (i) changes to existing and future Individual Education Plans (IEP), Identification, Placement and Review Committee Statements of Decision (IPRC), etc. in accordance with Appendix E;
 - (ii) changes to an existing or future report cards, transcripts and/or diplomas in accordance with Appendix F;
 - c) changes to the school email address in accordance with Appendix F (use request Form OCDSB 989 at Appendix G).
 - d) support to social transition planning for students transitioning genders at school (see Appendix H and the OCDSB [Gender Identity and Gender Expression Guidelines](#)) may include but is not limited to:
 - (i) the development of a social transition plan together with the student;
 - (ii) requests related to preferred names, genders and/or pronouns; and
 - (iii) access to and participation in gendered spaces or groups such as physical education, sports teams, change rooms, washrooms and field trips.
 - e) accommodating use of change rooms and washrooms may include but is not limited to:
 - (i) access to the change room or washroom that corresponds with the person's lived Gender Identity;
 - (ii) use of a private area within the public area (e.g., a washroom stall with a door; an area separated by a curtain, etc.);
 - (iii) a separate changing schedule in the private area (either utilizing the

change room before or after the other students);

- (iv) use of a nearby private area (a nearby washroom or stall; a nurse's office);
or
- (v) other options determined collaboratively with a student and/or family.

4.29 Accommodating a person's Gender Identity, Gender Expression and Sexual Orientation can sometimes lead to claims of competing rights. Guidance on navigating complex claims and determining an appropriate accommodation can be provided by the Equity team or the Office of the Human Rights and Equity Advisor. See Appendix J for guidance on balancing claims of competing human rights.

Reporting and Responding to Discrimination Incidents

4.30 The ODCSB encourages anyone who witnesses or experiences microaggressions, intolerance, hate, discrimination, harassment, or bullying because of Gender Identity, Gender Expression, or Sexual Orientation to report it as soon as possible to a trusted staff member.

4.31 Concerns may also be reported to the arm's length [Office of the Human Rights and Equity Advisor](#) under Board Policy [P.147.GOV Human Rights](#).

4.32 Concerns must be appropriately addressed in a timely manner.

4.33 Where a principal needs to inform a student's parent/guardian about an incident, they must recognize that parents may not be aware of the student's Gender Identity, Gender Expression or Sexual Orientation. The principal shall:

- a) first speak to the student to understand whether or not their parent/guardian is aware of their Gender Identity, Gender Expression, or Sexual Orientation; and
- b) If the parent/guardian is not aware, the principal will not disclose information about the student's Gender Identity, Gender Expression or Sexual Orientation to the parent/guardian when they inform them about the incident.

4.34 The OCDSB is committed to protecting a person from reprisal for raising a human rights concern. Any concerns about reprisal or threats of reprisal must be reported to the Superintendent of Instruction and the Office of the Human Rights and Equity Advisor.

Unresolved Requests or Concerns

4.35 Students and/or their parent/guardians who feel their requests or concerns remain unmet may:

- a) follow procedure [PR 670 GOV - Complaints Resolution Procedure](#) and speak to the SOI assigned to the school; or
- b) raise the concern with the arm's-length Office of the Human Rights and Equity Advisor under Board Policy [P.147.GOV Human Rights](#).

Communication

4.36 Annual training for school-based staff will address how to identify, sensitively interrupt, and report microaggressions, intolerance, hate, discrimination, harassment and bullying because of a person's Gender Identity, Gender Expression, and/or 2SLGBTQ+ identity.

5.0 APPENDICES

(Please right-click on the links below to open appendices in new tabs)

- Appendix A: [Official Record \(Ontario Student Record\) Change Process for Current Students and Retired Students of Open OCDSB Schools](#)
- Appendix B: [Official Record \(Ontario Student Record\) Change Process for Retired Students of Closed OCDSB Schools](#)
- Appendix C: [OCDSB's Student Information System Change Process](#)
- Appendix D: [Individual Education Plan Online Platform Change Process](#)
- Appendix E: [Change Process for IEPs, IPRCs, Consent Forms, Transportation](#)
- Appendix F: [Change Process for Report Cards, Email Addresses, Transcripts, Diplomas, and Assessments](#)
- Appendix G: [OCDSB 989 Form to Request Changes to Student Legal Name, Preferred Name and/or Gender Identity in Systems and Records](#)
- Appendix H: [A Guide for Social and Transition Planning with Students](#)
- Appendix I: [Guidance on How to Evaluate Undue Hardship](#)
- Appendix J: [Balancing Claims of Competing Human Rights](#)

6.0 REFERENCE DOCUMENTS

[Human Rights Code](#), R.S.O. 1990, c. H.19

[Education Act](#), R.S.O. 1990, c. E.2

[Accepting Schools Act, 2012](#), S.O. 2012, c. 5 - Bill 13

[Policy on preventing discrimination because of Gender Identity and Gender Expression](#), (Ontario Human Rights Commission 2014)

[Policy/Program Memorandum No. 119](#) "Developing and Implementing Equity and Inclusive Education Policies in Ontario Schools" (June 24, 2013)

[Policy/Program Memorandum No. 145](#) "Promoting a Positive School Climate"

OCDSB Strategic Plan 2019-2023

[OCDSB Indigenous, Equity and Human Rights Roadmap](#)

[OCDSB Gender Identity and Gender Expression: Fostering inclusive learning environments for all students](#), revised 2021

[OCDSB Policy P.009.HR](#) Respectful Workplace (Harassment Prevention)

[OCDSB Policy P.027.GOV](#) Corporate Records Management

[OCDSB Policy P.029.SCO](#) Field Trips, Excursion, Educational Tours, and Student Exchange

[OCDSB Policy P.098.CUR](#) Equity and Inclusive Education

[OCDSB Policy P.125.SCO](#) School District Code of Conduct

[OCDSB Policy P.147.GOV](#) Human Rights Policy

[OCDSB Procedure PR.554.SCO](#) Use, Retention, Storage, Maintenance, and Destruction of Information in the Ontario Student Record (OSR)

[OCDSB Procedure PR.608.SCO](#) Confidential Communication between Students and Employees

[OCDSB Procedure PR.646.SCO](#) Request for Ontario Student Academic Records and Eligibility forms for English Instruction in Quebec