# Gender Identity and Gender Expression For Students & Schools

Every student and staff member has the right to identify and express their gender. A student or staff member shall not be discriminated against because of their gender identity or gender expression.

**Gender Diversity** 

Many people incorrectly think of sex and gender as the same thing.

Sex is the classification of people as boy, girl, or intersex. Sex is usually assigned at birth based on what genitalia the baby is born with.

Gender is the behavioral, cultural, or psychological traits typically associated with biological sex. Gender is related to beliefs about being a girl or a boy. Beliefs related to gender vary among cultures and change over time.

Gender Identity is "who you know yourself to be". That may be a girl, boy, both, neither, or anywhere along the gender spectrum. Gender identity cannot be observed or measured, only reported by the individual.

Gender expression is everything we do that expresses or communicates our gender, such as our clothing, hairstyle, mannerisms, way of speaking, role we take in interactions, chosen name, preferred pronoun, etc.

People who identify themselves the same as their birth assigned sex are referred to as cisgender, cisboy, cisgirl or cis. Transgender or trans refers to people with diverse gender identities and expressions. This includes but is not limited to: people who identify as transgirl (birth assigned boy who identifies as a girl) or transboy (birth assigned girl who identifies as a boy).

Some people do not identify as either a boy or a girl. Others identify as both boy and girl. People may identify themselves as twospirited, gender queer, gender fluid or nonbinary.

Trans people are of all ages and come from all walks of life, cultures and faiths.

It is not necessary for a person to have undergone surgery or updated their identity documents in order to expect to be treated with dignity and respect.

All people have the right to be recognized and respected as the gender(s) they identify with.

Everyone has a gender identity.



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#### Human Rights: Everyone's Responsibility

The Commission develops Fact Sheets to provide the public with a basic understanding of issues arising under the *Human Rights Act.* Each situation is unique. This is not legal advice. If you have any questions, feel free to contact the Commission.

## **Responsibilities of School Staff & Students**

School students and staff are responsible for taking steps to prevent discrimination and providing a safe, welcoming environment for trans students and staff.

Harassment by principals, teachers, parents or students is unacceptable. A school may be liable for any discrimination or harassment that occurs.

Schools are responsible for accommodating a trans person's needs unless doing so would cause undue hardship.

#### Everyone should know

Each student and staff member has the right to be called by their chosen name and pronoun.

Each student and staff member has the right to use washrooms, changerooms, and other sexsegregated services and facilities based on their lived identity.

Having gender inclusive facilities is a positive step but a trans student or staff member must not be required to use a separate facility or be segregated.

Every trans athlete has the right to compete on the team which reflects their gender identity.

Dress code policies should be inclusive, flexible, and must not prevent people from dressing according to their expressed gender.

Establishing and enforcing these nondiscriminatory practices should address most of the needs of a trans student or staff member; however, there may be times when a trans person requires specific accommodation.

### **Examples of Accommodation**

Adding partitions or individual stalls in male and female locker rooms.

Allowing a student or staff member to take time off for medical attention or procedures.

## Examples of Discrimination Based on Gender Identity and Gender Expression

Ally, a transgirl, has her prom next week. The principal told Ally that she could not wear a dress to prom and would have to go dressed in a suit or not go at all.

Ally is experiencing discrimination on the basis of gender identity and expression.

Laura is an athletic cisgirl who wears her hair short and masculine clothes. Groups of classmates and players on teams from other schools repeatedly harass her and call her names because of how she looks and dresses. The school refuses to address it.

Laura is experiencing discrimination on the basis of gender expression.

## **Confidentiality of Information**

If a school needs and collects personal information that identifies a person's birth assigned sex as being different from their gender identity, that school must ensure that the individual's privacy is protected.

It is always up to the student or staff member to decide whether, and to whom, they disclose their birth assigned sex or gender identity.

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