

Policy on Transgender and Non-binary Students

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INTRODUCTION

Transgender and nonbinary students have been a part of our University and education system for decades. However, for many educators and administrators, awareness of the unique needs of these students represents new and sometimes confusing issues to consider.

TERMS AND DEFINITIONS

Transgender and nonbinary students may use different terms to describe their lives and experiences of gender. Terminology and language differ and evolve based on region, language, race or ethnicity, age, culture, and many other factors. Some examples of terms used by some youth include: trans, trans girl, trans boy, nonbinary, genderqueer, gender fluid, demi girl, demi boy, Two Spirit (amongst Native American, American Indian/Alaska Native, First Nation, or Indigenous communities only), and many more. Some trans youth prefer simply to be referred to as boys or girls except when their trans status is specifically relevant. These terms often mean different things or refer to different experiences of gender. Staff and educators should reflect and use the terms that students use to describe themselves, and avoid terms that make these students uncomfortable.

These definitions are provided not for the purpose of imposing labels, but rather to assist in understanding this policy and the obligations of school and agency personnel. Students may or may not use these terms to describe themselves or their experiences.

GENDER IDENTITY: person's deeply held knowledge of their own gender, which can include being a man, woman, another gender, or no gender. Gender identity is an innate part of a person's identity. One's gender identity may or may not align with society's expectations with the sex they were assigned at birth (male, female, or intersex). **GENDER EXPRESSION:** Expression of gender, whether through hair styles, makeup, or personal fashion, changes over the course of a person's lifetime.

TRANSGENDER/TRANS: An adjective describing a person whose gender identity differs from the sex they were reassigned at birth. A trans woman is a woman whose sex was assigned male when she was born. A trans man is a man whose sex was assigned female when he was born. Some transgender people are not male or female, and may use terms like nonbinary to describe their gender (see below).

GENDER NONCONFORMING: A term sometimes used to describe people whose gender expression differs from social expectations, such as "feminine boys," "masculine girls," and people who are perceived as androgynous in some way. Being gender nonconforming is distinct from being transgender, though some trans people may consider themselves to be gender nonconforming. For example, a cisgender woman who has short hair and likes sports might consider herself gender nonconforming, but may not identify as transgender.

NONBINARY: A term used to refer to people whose gender identity is not exclusively male or female, including those who identify with a different gender, a combination of genders, or no gender. Nonbinary may be considered a subset of transgender or a distinct identity. Other

similar or more specific terms may include genderqueer, gender fluid, agender, or Two-Spirit (for Native American students).

CISGENDER: An adjective describing a person whose gender identity corresponds with the gender society typically associates with the sex they were assigned at birth. The majority of people are cisgender, while a minority are transgender. For example, a cisgender woman was assigned female at birth and identifies as female her gender as a woman.

SEXUAL ORIENTATION: person's romantic and/or sexual attraction to other people. This includes being straight, gay, bisexual, queer, asexual, or many other terms used to describe sexual orientation. This is different and distinct from gender identity. Transgender and nonbinary people may be straight, gay, lesbian, asexual, or any other sexual orientation.

TRANSITION: The process in which a person begins to live according to their gender identity. Transition is a process that is different for everyone, and it may or may not involve specific medical treatments or changes to official documents. There is no one step or set of steps that an individual must undergo in order to have their gender identity affirmed and respected.

QTBIPOC: This is an acronym for Queer/Trans, Black, Indigenous, and People of Color.

SHOOLINI UNIVERSITY POLICIES

A. NONDISCRIMINATION POLICIES

POLICY:

CONSIDERATIONS UNDER FEDERAL AND STATE LAWS

Definition

According to the Transgender Persons (Protection of Rights) Act of 2019, a transgender person can be defined as a person whose gender does not match the gender assigned to that person at birth. It includes trans-man or trans-woman, person with intersex variations, genderqueer and persons having such socio-cultural identities as Kinner, hijra, aravani and jogta..

Mission and vision regarding Transgender

Shoolini University aims to create inclusive education opportunities and environment for transgender persons, where their rights are identified and respected. We want to provide a system of education wherein transgender students learn together with other students without fear of discrimination, neglect, harassment or intimidation. We are committed to providing a system of teaching and learning that is suitably adapted to meet the needs of such students.

As stated in Shoolini University general policies and procedures on non-discrimination based on gender, Shoolini has a zero-tolerance policy on gender harassment, which includes any conduct creating an unpleasant or offensive, hostile, or intimidating environment for transgender persons. Any discrimination faced by transgender persons whether as students, staff or employees, at all levels, will be dealt with sternly.

No student or staff will be treated any less favorably than any other on the grounds of their gender identity, including in relation to the admission process, learning and teaching system, award of research grants, accommodation, safety and health issues, and disciplinary processes.

All staff members must ensure that their conduct with students, visitors and fellow employees is of accepted social, moral, ethical and social norms. Any act contrary will be dealt with sternly.

B. PRIVACY AND CONFIDENTIALITY

POLICY:

As per the Transgender Persons Act (2019), a transgender person has a right to be recognized as such. This Act sets up a procedure by which a person who identifies as a transgender person can apply for a certificate of identity by writing an application to the District Magistrate.

Shoolini University ensure that all personally identifiable and medical information relating to transgender and nonbinary students is kept confidential in accordance with applicable state, local, and federal privacy laws. Staff or educators shall not disclose any information that may reveal a student's gender identity to others, including parents or guardians and other staff, unless the student has authorized such disclosure, the information is contained in school records requested by a parent or guardian, or there is another compelling need. This disclosure must be discussed with the student, prior to any action.

Prior to disclosing any such information about a transgender or nonbinary student, educators and staff should work with the student to discuss the manner, time, and message of this disclosure. This should include providing the student with any support services they may need to make the disclosure in a safe and supportive environment.

Transgender and nonbinary students have the right to discuss and express their gender identity openly and to decide when, with whom, and how much to share private information. The fact that a student chooses to use a different name, to transition at school, or to disclose their gender identity to staff, educators, or other students does not authorize school staff to disclose a student's personally identifiable or medical information to anyone.

C. NAMES, PARENT/GUARDIAN NOTIFICATION, SCHOOL RECORDS, AND PRONOUNS

POLICY:

All students have the right to be addressed by a name, pronouns, and other terms that correspond to their gender identity. This foundational respect should not rely on whether a student has access to a legal name change or gender marker change on official documents. Educators, staff, and peers, should always use the pronoun and name with which a student identifies or requests.

Educators, staff, and peers are expected to respect a student's name and pronouns, once they have been made aware of said student's correct information.

Medical information, recognition, or documentation are not required to change a student's gender marker or name in the student database/information system.

When requested by the student and their parent/guardian, a transgender or nonbinary student's name should be changed in the Student Database/Information System to reflect their affirmed gender.

If a student has not disclosed their gender identity to a parent/guardian, and as a result the database/information system information cannot be changed, their affirmed name shall be noted as a "preferred name" in the system. This affirmed name should be used by staff and peers, according to the transgender or nonbinary student's wishes. Attendance rosters and ID cards should reflect the student's wishes with regards to name and/or gender marker/pronouns, regardless of the database/information system. The legal name should be used only where specifically required. Districts and schools should determine which uses require the legal name, including whether it is required for specific testing or reporting purposes.

Students may, upon request, have a diploma and course records reissued with a name change after graduation.

A student's gender should not be listed on school ID cards, permission forms, program application forms, or other forms, publications, or documents except where necessary due to state or federal law, regulation, or other requirements.

IMPLEMENTATION AND NOTES:

CONSIDERATIONS FOR NAMES

Misgendering (referring to a transgender or nonbinary person using a word, especially a pronoun, that does not correctly reflect their gender identity) and "deadnaming" (using a student's prior name that does not reflect their identity) in school is a major fear and concern for transgender and nonbinary students. Having a policy that clearly affirms a student's right to use the name and pronouns that are consistent with their gender identity is essential for the health and safety of the student. While mistakes happen, it is important for staff, faculty, and peers to make every effort to correct mistakes, ensure they are not repeated, and address any intentional misuse of a student's name or pronouns.

The process and cost by which a student changes their legal name and the gender on official documents varies by state. Some states have fees and processes which make it difficult, if not impossible, to change these documents. Thus, requiring such documentation creates an unnecessary and prohibitive barrier for transgender and nonbinary students. Schools and LEAs should make affirming changes to names and gender markers when requested, regardless of documentation.

D. SCHOOL FACILITIES

POLICY:

With respect to all restrooms, locker rooms, or changing facilities, students shall have access to facilities that correspond to their gender identity. Schools may maintain separate restrooms, locker rooms or changing facilities for male and female students, provided that they allow all students equal access to facilities that are consistent with their gender identity. Transgender and nonbinary students should determine which facilities they feel safest and most comfortable using.

Any student who is uncomfortable using a shared gender-segregated facility, regardless of the reason, shall, upon the student's request, be provided with a safe and non-stigmatizing alternative. This may include, for example, addition of a privacy partition or curtain, provision to use a nearby private restroom or office, or a separate changing schedule. However, such alternatives shall only be provided to a student upon that student's request. Requiring a transgender or nonbinary student to use a separate space against their wishes threatens to stigmatize the student and disclose their transgender status to others. Under no circumstances may students be required to use gender segregated facilities that are inconsistent with their gender identity.

IMPLEMENTATION AND NOTES:

CONSIDERATIONS FOR RESTROOMS, LOCKER ROOMS, OR CHANGING FACILITIES

The model policy ensures equal access to all school facilities by making clear that all students have the right to be treated according to their gender identity. At the same time, the model policy also acknowledges that some students, for a variety of reasons, may feel uncomfortable using shared facilities. This may include transgender students, students with disabilities or physical differences, students who are reluctant to use facilities alongside a transgender student, or other students. The model policy provides for accommodating students upon request by providing a safe and non-stigmatizing alternative.

The model policy also encourages schools to consider universal-design approaches to provide all-gender facilities with increased privacy in new construction or renovations. These approaches, which may include an open restroom plan with fully enclosed stalls, have been recognized for their potential to improve flow, maximize privacy and use of space, and improve accessibility for people with disabilities, transgender and nonbinary individuals, and others.

E. PHYSICAL EDUCATION, SPORTS, AND EXTRACURRICULAR ACTIVITIES

POLICY:

Students are permitted to participate in all physical education, athletics, and other extracurricular activities according to their gender identity. Participation shall not be conditioned by requiring legal or medical documentation.

Participation in interscholastic sports is governed by the [State Student Athletic Association]. If the Association has policies regarding transgender and nonbinary athletic participation, the school will implement and utilize those policies accordingly.

[If there is no state athletic association policy, see GLSEN's recommendations for athletic policies]

For overnight school trips: Students shall be allowed use of an overnight facility that corresponds with their gender identity. Transgender and nonbinary students will be consulted in the planning process, to address any potential concerns and needs for privacy. If applicable, a student's parent/guardian should also be consulted, unless there are privacy concerns in doing so.

Under no circumstances should a transgender or nonbinary student be denied the opportunity to participate in any overnight trips or other opportunities based on overnight

accommodations. No student should be required to be housed separately or in a manner that does not reflect their gender during any school sponsored trip or event. The school shall make all efforts to accommodate any student who desires greater privacy in overnight trips.

F. TRAINING AND PROFESSIONAL DEVELOPMENT

POLICY:

As an institution built on the foundation of knowledge and education, [school/LEA] is dedicated to ensuring all educators, staff, and administrators are prepared with the information necessary to create a safe, welcoming, and inclusive learning environment. To foster this environment of learning and inclusively, all staff and educators will participate in annual professional development and training specific to the needs of transgender and nonbinary students and colleagues. The material covered in this training shall include, but not be limited to:

- Terms, definitions, concepts, and understandings relevant to gender identity and gender expression in youth;
- Using appropriate names, pronouns, and other terms for students;
- Strategies for communication with students and parents/guardians about issues related to gender identity and gender expression;
- Classroom management practices, curriculum, and resources that educators can integrate into their classrooms to help build a more gender-inclusive environment for all students;
- Current policies related to gender identity, gender expression, privacy, and bullying prevention in the school/district;
- Provide a space to listen, provide feedback, and help address any questions or concerns staff and educators may have related to transgender and nonbinary student inclusion.

This professional development and training will be held annually, to ensure that newly hired staff and educators are equally informed and any changes are clearly communicated in a timely manner. If applicable, this training may coincide with other previously scheduled training, onboarding, or professional development days, so long as the relevant information is conveyed.

G. NOTIFY AND ENGAGE LEARNING COMMUNITIES ON POLICIES TO SUPPORT TRANSGENDER AND NONBINARY STUDENTS

POLICY:

Students, parents/guardians, and families will be notified at least annually of nondiscrimination policies, including each student's right to be treated in accordance with their gender identity.

- Schools shall include this information in student handbooks, back-to-school messages, and other appropriate materials.
- Schools shall publish their policies on their websites.