

## **5:10 AP-2: Administrative Procedure – Accommodating and Supporting Transgender and Gender Non-Conforming Employees**

### **I. Introduction**

This Procedure set forth Harlem Consolidated School District #122 (“District”) Procedure to address the needs and concerns of transgender and gender expansive employees to ensure safe, affirming, and healthy workplaces and school environments. The District must be proactive in creating an environment that respects and values all persons and fosters understanding of gender identity and expression within the school community. This Procedure is intended to ensure that all employees have a safe and welcoming work environment that is free from discrimination and harassment. The support for each staff member must be assessed and addressed individually based on the staff member’s specific requests and needs. This Procedure cannot and does not anticipate every situation that may occur; every staff member is different and that includes transgender and gender expansive staff members. Through supporting the District’s transgender and gender expansive employees, the District’s goal is to make its school buildings safer and more supportive for all members of the school community.

This Procedure is supported by District Policies 5:10 (Equal Employment Opportunity and Minority Recruitment) and 5:20 (Workplace Harassment Prohibited).

### **II. Purpose/Scope/Definitions**

#### **a. Purpose**

This Procedure’s accommodation and support guidelines advance the District’s goals of (1) no employee shall, based on sex, sexual orientation, or gender identity be denied equal access to programs, activities, services or benefits, or be limited in the exercise of any right, privilege, advantage, or denied equal access to educational programs and activities, and (2) facilitating compliance with local, state, and federal laws and guidance concerning discrimination and harassment.

#### **b. Scope**

This Procedure guides school officials through the (1) application of state and federal anti-discrimination laws related to this population, as well as (2) common needs in which transgender or gender non-conforming employees may request supports. This Procedure applies to all school activities and school-sponsored events regardless of where they occur.

The Building Principal, Nondiscrimination Coordinator, and/or Complaint Manager – with input from others as appropriate – will implement this Procedure. They will work with each transgender or gender non-conforming employee to manage their supports. The Board Attorney will be consulted concerning legal compliance.

#### **c. Definitions – Note: List is not exhaustive**

Understanding the terminology associated with gender identity is important to providing a safe and supportive school environment for employees. These definitions are provided not

for the purpose of labeling employees but rather to assist in understanding this Procedure and the District's legal obligations. Assumptions should not be made about how someone self-identifies, and the terminology used about and with an individual must be the terminology the individual uses to describe themselves.

- Cisgender: a term used to describe people whose gender identity corresponds with their sex assigned at birth.
- Gender Expansive: a term that refers to individuals whose gender expression does not follow social expectations or stereotypes based on their sex assigned at birth. It may (or may not) include a change in gender identity.
- Gender Expression: an individual's characteristics and behaviors such as appearance, dress, mannerisms, speech patterns, and social interactions that are perceived as masculine or feminine, a combination of both or neither.
- Gender Identity: a person's inner sense of being male or female, a combination of both, or neither, and is not dependent on the sex assigned at birth. All people have a gender identity, not just transgender people.
- Gender Fluid: a person who does not identify with a single fixed gender; a person having or expressing a fluid or unfixed gender identity.
- Gender Nonconforming: a broad term referring to people who do not behave in a way that conforms to the stereotypical expectations for their gender, or whose gender expression does not fit neatly into a category.
- Intersex: a general term used for a variety of conditions in which a person is born with sex characteristics that don't fit the typical definitions of male and female.
- Non-Binary: an individual who does not identify as exclusively male or female and does not identify as the gender assigned at birth.
- Sex Assigned at Birth: often based solely on external genitalia but also includes internal reproductive structures, chromosomes, hormone levels, and secondary sex characteristics. This is typically the sex reflected on one's original birth certificate.
- Sexual Orientation: a person's emotional and sexual attraction to other people. Sexual orientation is not the same as gender identity.
- Transgender/trans: a term that describes individuals whose gender identity is different from what is assumed based on their sex assigned at birth, and/or whose gender expression is different from the way males or females are stereotypically expected to look or behave. This term applies to identity but not necessarily body parts. This is an umbrella term for a variety of gender identities and expressions.
- Transition: a way to describe the process an individual may go through to change their gender expression, bodies and/or identity documents to match their internal gender identity. Transition can be social, emotional, and/or medical and is different for every individual. For some transgender employees, the experience of transition does not involve medical intervention but rather will be achieved through social transition, a process whereby they begin to live and identify with the gender consistent with their gender identity.

### **III. Confidentiality**

Employees have the right to keep their gender identity private, or to discuss it openly. A transgender or gender non-conforming employee can determine whether, when, with whom, and how to share information regarding their gender identity or gender expression. All employees have the right to share their gender identity, family structure, and sexual orientation with other staff, parents, and students.

District administration, human resources, other employees, and representatives of the District shall not disclose an employee's gender identity, sex assigned at birth, or information that may reveal an employee's transgender or gender non-conforming identity (e.g. birth name) to anyone, including but not limited to other employees, parents, or students, unless such disclosure has been authorized by the employee or, in the case of other employees, is necessary to know this information to do their jobs. If such a disclosure is necessary, it will be documented in writing and will be discussed with the employee in advance. Any disclosure may be documented in the employee's Transition or Support Plan, if requested by the employee.

### **IV. Discrimination/Harassment**

It is the policy of the District to maintain a safe a supportive workplace that is free from harassment, intimidation, violence and/or bullying and is free from discrimination on account of actual or perceived gender, gender identity, and gender expression. Discrimination and harassment of employees on the basis of sex, sexual orientation, gender identity, or gender expression is prohibited within the District, consistent with District Policy, State and Federal Law. Under the Illinois Human Rights Act, the District must provide equal employment opportunities to transgender employees and gender non-conforming employees. *Sex discrimination* extends to claims of discrimination based on *sexual orientation* and *gender identity*.

### **V. Official Records**

Employees have the right to request that the District change the employee's name and/or gender marker in the employee's personnel file and other District records, such as technology log-ins, email systems, identification cards, as well as in non-legal documents. An employee is not required to obtain a court-ordered name change or to provide medical or psychological documentation to change the employee's name or gender marker for most records. Certain types of records, such as payroll, health benefits, and retirement account records, may require legal documentation for a change to an employee's name or gender maker to be made.

The District will identify for an employee seeking to change a name in the personnel file and other District records which records may be changed without a legal name change and which records require legal documentation for a change. A description of all personnel

record systems is attached as an Addendum to the Procedure. Employees don't have to change official records until ready to do so.

If a transitioning employee has questions about employee records or ID documents, the employee should contact the Assistant Superintendent for Human Resources.

#### **VI. Names/Pronouns/Titles**

An employee has a right to request that they be referred to by name, pronouns, and title that corresponds to the employee's gender identity by all members of the school community, including administration, staff, parents, and students. Employees are not required to obtain or provide legal or medical documentation in order to be addressed by the name, pronouns, and title corresponding to their gender identity. An employee may, for example, request the use of gender-neutral pronouns like "they, them" and gender-neutral titles like "Mx." Assumptions should not be made about what pronouns or titles an employee uses; members of the school community must use the name, pronoun and/or titles with which an employee self-identifies.

The District may facilitate the sharing of a change in name, pronouns, and/or title as requested by the employee. Additionally, the District will facilitate the sharing of names, pronouns, and/or titles through encouraging the sharing of names, pronouns, and/or titles at all meetings at which introductions are conducted.

#### **VII. Transition/Support**

Employees who transition on the job can expect the support of management and District Human Resources staff. Human Resources staff will work with each transitioning employee individually to help ensure the employee's social, emotional and professional success. There is no medical threshold, mental health diagnosis, or treatment requirements that an employee must meet in order to have the employee's gender identity recognized and respected by the District.

At the employee's request, the District will provide a support team to develop a Gender Transition plan. The employee will request a meeting with the Assistant Superintendent for Human Resources to develop a team. The Team shall hold a meeting with the employee to ascertain their desires and concerns and to develop or revise a Gender Transition Plan. The Team shall at all times respect the self-determination of the employee. To that end, the Team will create an individualized Gender Transition Plan for the employee. This Plan shall address the expressed wishes of the employee, regarding access to restrooms and other gender-segregated facilities, accommodations for affirming the employee's chosen name and gender identity, disclosure of the employee's gender identity to the other staff, confidentiality of gender transition in personal records and information systems, staff training, and other supports as necessary. The Transition Plan shall also set forth the plan to inform parents and students of an employee's transition. The goal of the Team and the Transition Plan is to support the employee.

If an employee who is transgender or gender non-conforming who has already transitioned would like to meet with the support Team, the District will convene the Team to develop a Gender Support Plan to address the supports for the employee.

A Gender Transition Plan or Support Plan shall be maintained in the employee's personnel file by the Assistant Superintendent for Human Resources.

## **VIII. Access to Gender-Segregated Facilities, Activities and Assignments**

### **a. Restrooms/Locker Rooms**

Employees shall have access to the restroom and locker room facilities that correspond with their gender identity regardless of the employee's sex assigned at birth.

Regardless of gender identity, any employee who has a need or desire for increased privacy should be provided access to a reasonable alternative, such as a single-stall restroom.

The District will post signage at sex-segregated facilities indicating that people may use the facilities that correspond to their gender identity.

### **b. Overnight Trips**

No employee shall be denied the opportunity to participate in a school trip, including an overnight trip, on the basis of the employee's transgender or gender expansive identity.

## **IX. Dress Code**

All employees shall be permitted to wear clothing to work that is consistent with their gender identity, aligned with reasonable expectations for work attire. An employee whose gender expression is different from expectations based on the employee's sex assigned at birth will not be considered disruptive to the workplace or educational process.

## **X. Training/Professional Development**

All District staff shall be informed of the existence of and provided training regarding this Procedure. All new employees will be trained regarding this Procedure as part of orientation. The District's schools or individual staff members may request additional training related to this Procedure.

Professional development for staff members shall include ongoing training of equal employment opportunity laws, gender identity, gender expression, and gender diversity. The District shall explore opportunities to provide training to parents and the greater school community.

In addition to training and professional development, the District shall also explore strategies that will help to create a safe and affirming environment for all staff.

## **XI. Accountability**

District employees who refuse to abide by this Procedure may be subject to disciplinary actions, up to and including termination, as set forth in the relevant employee discipline policy and pursuant to relevant collective bargaining agreement provisions. This includes a staff member's persistent refusal to respect a coworker's gender identity or gender expression, for example, by consistently referring to the employee by a name or pronoun that do not correspond with the employee's gender identity. Staff members are required to treat other staff members professionally and consistent with these Procedures and Board Policy, regardless of personal belief or feelings.

The District Administration shall enforce these Procedures and respond promptly and effectively to any employee complaints of discrimination, harassment or violations of these Procedures, and consistent with the timelines set forth in the District's Uniform Grievance Procedures. Employees may file a formal complaint through the District's Uniform Grievance Procedures. An employee may also make a verbal or written complaint to the District's Assistant Superintendent for Human Resources or the District's Nondiscrimination Coordinator and/or a Complaint Manager. The District Administration will consider any such complaint as a formal complaint and will investigate and respond pursuant to the timelines and documentation requirements in the Uniform Grievance Procedures. If any administrator receives a complaint regarding a violation of this Procedure, that administrator shall forward the Complaint to the District's Nondiscrimination Coordinator and/or a Complaint Manager.

With the consent of the parties involved in any complaint, the District may engage in a restorative process for resolution of any violation of this Procedure.

Should a parent, substitute teacher, volunteer, visitor, third-party provider or member of the school community harass an employee on the basis of the employee's gender identity or gender expression, the District shall promptly put in place a plan to protect and support the employee, including but not limited to creating a safety plan, preventing the person from accessing the employee, refusing parent requests to transfer a student out of the employee's classroom and any other necessary measures consistent with Board Policy. The employee's building administrator shall be primarily responsible for implementing these measures.

## **XII. Committee**

The District has formed a committee made up of Board members, employees, administrators, legal counsel and expert facilitators to draft these Procedures. The committee will periodically review the efficacy an implementation of these procedures and recommend any changes to the District Superintendent. The Committee will also work to

identify other actions that can assist in making the District a supportive and welcoming environment to all employees, including in the areas of health care and training. The District Superintendent may add or change the membership of this committee as necessary.

**XIII. Online Accessibility and Publication**

Reference to this Procedure will be made in any applicable Board policies and on the District website.

**XIV. Resources**

Center on Halsted (Chicago, IL): Center on Halsted is the Midwest's most comprehensive community center dedicated to advancing community and securing the health and well-being of the Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) people of Chicagoland. More than 1,000 community members visit the Center every day, located in the heart of Chicago's Lakeview Neighborhood.

Contact: 773-472-6469 or <https://www.centeronhalsted.org>

Equality Illinois (Chicago, IL): Equality Illinois builds a better Illinois by advancing equal treatment and full acceptance of the LGBT community.

Contact: 773-477-7173 or <https://www.equalityillinois.us>

Howard Brown Health (Chicago, IL): At Howard Brown Health we provide care that respects and values you, just as you are. Our staff is dedicated to helping you live your best life. From pediatrics to geriatrics, we deliver expert care to the LGBTQ community and its allies. Regardless of your ability to pay. We get you.

Contact: 773-338-1600 or <https://howardbrown.org>

The Liam Foundation (Rockford, IL): Our Mission: To encourage, assist, heal and empower our LGBTQ+ community through respect, advocacy, and passionate hearts to promote thriving in society.

Contact: 815-329-6977 or <https://www.facebook.com/theliamfoundation/> or <https://theliamfoundation.org/>

PFLAG Rockford (Rockford, IL): our mission is to build on a foundation of loving families united with LGBTQ+ people and allies who support one another, and to educate ourselves and our communities to speak up as advocates until all hearts and minds respect, value and affirm LGBTQ+ people.

Contact: 815-329-6977 or <https://www.pflagillinois.org/>

APPROVED: