

ADMINISTRATIVE REGULATIONS

Lower Merion School District

Administrative Regulation No.: 104
Section: PROGRAMS
Title: GENDER EXPANSIVE & TRANSGENDER EMPLOYEES –
ENSURING EQUITY AND NONDISCRIMINATION
Date Last Revised: November 11, 2016

R104 GENDER EXPANSIVE & TRANSGENDER EMPLOYEES – ENSURING EQUITY AND NONDISCRIMINATION

Purpose

The goal of this administrative regulation is to ensure the safety, comfort, and healthy development of GET employees while maximizing the employee’s workplace integration and minimizing stigmatization of the employee. However, these guidelines do not anticipate every situation that might occur with respect to GET individuals. As set forth in greater detail herein, the needs of each GET individual are unique and should be considered accordingly.

Definitions

Understanding the terminology associated with gender identity and expression is important to providing a safe and supportive school environment for individuals in our District. The following terms are defined to assist in understanding the guidance presented. These are the most commonly used terms, though individuals may prefer other terms. Terminology and language describing transgender and gender expansive individuals can differ based on region, language, race, ethnicity, age, culture and many other factors. Members of the LMSD community should inquire which terms individuals prefer. Many of the following definitions are intended as functional descriptors.

“Assigned Sex at Birth” is the sex designation, usually “male” or “female,” assigned to a person at birth.

“Biological Sex” is the biological attributes such as anatomy, chromosomes, and hormones that inform whether a person is male, female, or intersex. Where *sex* refers to biology, *gender* refers to the cultural and social understandings that are layered on top of biology.

“Cisgender” refers to people whose sex assignment at birth corresponds to their gender identity and expression.

“Consistently Asserted Gender Identity” is a commitment to one’s gender identity asserted across multiple settings from the time when a person begins to live as the gender with which they identify rather than the gender they were assigned at birth.

“Gender” is socially determined characteristics, roles, behaviors, and attributes a society expects from and considers appropriate for males and females; these characteristics are often referred to as “feminine” and “masculine.”

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“Gender binary” is the socially constructed dichotomy that there are only two distinct, static, and opposite genders, female and male. This model is limiting and does not take into account gender expansive individuals. Gender non-binary, describes gender identity on a continuum and thereby accounts for the range of how individuals identify in regard to their gender.

“Gender Expansive” is a term that conveys a wider, more flexible range of gender identity and/or expression than typically associated with the binary gender system. Gender expansive is not synonymous with transgender; not all gender expansive individuals identify as transgender.

“Gender Expression” is the manner in which a person's gender identity is communicated to others through appearance, behavior, or physical characteristics that may be in accord with, or opposed to, one's physical anatomy, chromosomal sex, or sex at birth, and shall include, but is not limited to, persons who are undergoing or have completed sex change (Lower Merion Township Code, Ordinance 3931.93.2.E)).

“Gender Identity” is a person’s innermost concept of self as male, female, a blend of both or neither - how individuals perceive themselves and what they call themselves. One’s gender identity may change over one’s lifetime, or it may remain the same throughout one’s life. It may be the same as the gender one was assigned at birth, or it may be a different gender. The responsibility for determining an individual’s gender identity rests with the individual.

“Genderqueer” Individuals whose gender identity is outside of the traditional gender binary system of female and male. They may view themselves as both female and male, neither female nor male or as being outside these categories altogether. May also refer to people who do not follow traditional gender stereotypes and is also used by people who identify as both transgender and queer. It is worth noting that many people who use this term do not find the word “queer” to be a derogatory term as in the past, rather a word that has been reclaimed and embraced.

“Gender Transition” is the process by which some people strive to more closely align their internal knowledge of gender with its outward appearance. Some people socially transition, whereby they might begin dressing, using names and pronouns and/or be socially recognized as another gender. Others may undergo physical transitions in which they modify their bodies through medical interventions. Not every transgender person wants to transition from male to female or from female to male and other people believe they fall somewhere in between such binary definitions of gender.

“GET” is an acronym that stands for “gender expansive and transgender.”

“Intersex” is a person whose biological sex falls between the medical standards of male and female.

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“LGBTQ” is an acronym that stands for “lesbian, gay, bisexual, transgender, and queer or questioning.” Questioning incorporates those who are uncertain or fluid about their sexual orientation and/or gender identity. Sometimes an “I” for intersex and “A” for asexual are added to the acronym.

“Preferred Gender Pronouns” refers to the pronoun a person prefers to have used when referred to in conversation. Please note that a person may choose to go by they, ze, or no pronouns.

“Preferred Name” is the name a person prefers to have used when referred to in conversation and/or on records.

“Queer” is a word used to describe people who transgress culturally imposed norms of heterosexuality and gender identity. Many individuals embrace the word today and use it as a more concise word rather than the acronym LGBTQ. Others do not use the word because of its previously derogatory connotation.

“Questioning” is a term that may be used to describe someone who is unsure of or undecided about their sexual orientation and/or gender identity.

“Sexual Orientation” is a person’s emotional, romantic and/or sexual attraction to people of the other and/or same gender. Common terms used to describe sexual orientation include, but are not limited to, heterosexual, lesbian, gay, bisexual and queer. Sexual orientation and gender identity are different. Transgender individuals may identify as gay, lesbian, bisexual, or heterosexual. Sexual orientation is different from gender identity or gender expression.

“Transgender” is an adjective used to describe a person whose sex assigned at birth does not correspond with their gender identity. A transgender person’s gender identity differs from their gender assigned at birth, and their gender expression consistently varies from stereotypical expectations and norms. A transgender person desires to live persistently by a gender that differs from that which was assigned at birth.

“Transition” is the process in which a person goes from living and identifying as one gender to living and identifying as another. Each transgender person has a unique process in which they go from living and identifying as one gender to living and identifying as another. Gender transition can occur at any age. It begins internally then expands to external expression. This can include social, medical and/or a legal transition.

Guidelines

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A. Privacy and Confidentiality

1. Transgender employees have the right to discuss their gender identity or expression openly, or to keep that information private. The transgender employee gets to decide when, with whom, and how much to share their private information.
2. School staff should not disclose information that may reveal an employee's transgender status or gender non-conforming presentation to others. That kind of personal or confidential information may only be shared with the transgender employee's consent and with coworkers who truly need to know to do their jobs.
3. Information about an employee's transgender status (such as the sex they were assigned at birth) can constitute confidential medical information under privacy laws like HIPAA.

B. Official Records

1. The District will change an employee's records to reflect a change in name or gender upon request from the employee. These records include, but are not limited to the personnel file and the employee ID card.
2. The District shall permit an employee to request a change of name so that the employee may be registered in school under a name that corresponds with the employee's identity without obtaining court order or without changing the employee's official records. This request shall be made in writing to the employee's building principal using Attachment A, *Preferred First Name Change for LMSD's Unofficial Employee Records Form*.
3. After the school receives and verifies the contents of the completed form, the school shall change the name of the employee in the District's electronic data system and enter the preferred name AKA in the employee's personnel file. In the personnel file, the AKA name should be cross-referenced.
4. Certain types of records, like those relating to payroll and retirement accounts, may require a legal name change before the person's name can be changed. Most records, however, can be changed to reflect a person's preferred name without proof of a legal name change.
5. A transgender employee has the right to be addressed by the name and pronoun corresponding to the employee's gender identity.

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6. Upon request, the District will update any photographs at the transitioning employee's workplace so the transitioning employee's gender identity and expression are represented accurately.
7. If a new or transitioning employee has questions about company records or ID documents, the employee should contact the Director of Human Resources.

C. Names/Pronouns

1. An employee has the right to be addressed by the name and pronoun that correspond to the employee's gender identity, upon request. A court-ordered name or gender change is not required.
2. The intentional or persistent refusal to respect an employee's gender identity (for example, intentionally referring to the employee by a name or pronoun that does not correspond to the employee's gender identity) can constitute harassment and is a violation of this policy.
3. If school staff is unsure what pronoun a transitioning coworker might prefer, that individual can politely ask the employee how they would like to be addressed.

D. Sex-segregated job assignments

1. In the rare and unique circumstance of sex-segregated jobs or tasks, transgender employees will be classified and assigned in a manner consistent with their gender identity, not their sex assigned at birth.

E. Restroom Accessibility

1. All employees have a right to safe and appropriate restroom facilities, including the right to use a restroom that corresponds to the employee's gender identity, regardless of the employee's sex assigned at birth. The decision of which restroom to use should be left to the transgender employee.
2. Any employee who has a need or desire for increased privacy, regardless of the underlying reason, will be provided access to a single-stall restroom, when available. No employee, however, shall be required to use such a restroom.

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3. Administrators or designee may take steps to designate single stall “gender neutral” restrooms in the District.

F. Dress Codes

1. A school’s dress code policy shall be gender-neutral. Schools cannot enforce specific attire based on gender.
2. Employees have the right to dress in accordance with their gender identity within the constraints of the dress codes adopted by the school. Gender-neutral dress code guidelines apply to regular school days as well as any school sponsored activities.

G. Discrimination/harassment

1. It is unlawful and violates District policy to discriminate in any way (including, but not limited to, failure to hire, failure to promote, or unlawful termination) against an employee because of the employee’s actual or perceived gender identity. Additionally it also is unlawful and contrary to this policy to retaliate against any person objecting to, or supporting enforcement of legal protections against, gender identity discrimination in employment.
2. The District is committed to creating a safe work environment for transgender and gender non-conforming employees. Any incident of discrimination, harassment, or violence based on gender identity or expression will be investigated in accordance with Policy and Administrative Regulation No. 346, 446, and 556.

Cross reference:

Policy No. 103, *Equal Opportunity Program for School and Classroom Practices*

Policy No. 246, *Prohibited Harassment by and of Students*

Policy and Administrative Regulation No. 346, 446, 556 *Prohibited Harassment by and of Employees and Other Members of School Community*