

# G-24: Administrative Procedures

## Gender Inclusion



### REFERENCES

- [Board Policy G-24: Gender Inclusion](#)
- [G-24: Confidential Student Gender Support Plan](#)
- [G-24: Confidential Workplace Transition Plan](#)

### DEFINITIONS

These definitions are provided not for the purpose of labeling individuals but rather to assist in understanding these administrative procedures and the legal obligations of district staff. Individuals may or may not use these terms to describe themselves.

**Assigned Sex:** Refers to one's sex assigned at the time of birth, which usually aligns with a child's anatomical sex and phenotype.

**Bullying:** See, Administrative Procedures for Board Policy G-20: Bullying, Cyber-bullying, Hazing, and Abusive Conduct Prohibited.

**Cisgender:** An individual whose gender identity is consistent with the sex assigned at birth.

**Discrimination:** See, G-19.A. Administrative Procedures for Board Policy G-19: Discrimination, Harassment, Sexual Harassment, and Retaliation Prohibited.

**Gender:** Refers to the attitudes, feelings, and behaviors that a given culture associates with biological sex.

**Gender Expression:** The manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice, or mannerisms.

**Gender Identity:** Refers to one's internal sense of one's own gender. It may or may not correspond to the sex assigned to a person at birth and may or may not be made visible to others.

**Gender Nonconforming:** A term for people whose gender expression differs from stereotypical expectations. This includes people who identify outside traditional gender categories or identify as both genders. Other terms that can have similar meanings include gender diverse or gender expansive.

**Gender Transition:** The process in which an individual changes aspects of themselves (e.g. appearance, name, pronouns, and/or physical changes to their body) to be more congruent with the gender they know themselves to be, also known as the individual's affirmed gender.

**Harassment:** See, G-19.A. Administrative Procedures for Board Policies G-19: Discrimination, Harassment, Sexual Harassment, and Retaliation Prohibited.

**Intersex:** A term for a combination of chromosomes, gonads, hormones, internal sex organs, and genitals that differs from the two typical patterns for male or female bodies.

**Sexual Orientation:** An enduring pattern of romantic, emotional, or sexual attraction (or a combination of these and/or a lack thereof) to persons of the opposite or same sex, or to more than one sex.

**Transgender:** An adjective describing a person whose gender identity or expression is different from the sex assigned at birth. A transgender male is someone who identifies as male but was assigned the sex of female at birth (FTM); a transgender female is someone who identifies as female but was assigned the sex of male at birth (MTF). Trans is another accepted term for referring to a transgender individual.

### PROCEDURES FOR IMPLEMENTATION

The Salt Lake City School District Board of Education fosters an environment that is safe and free from discrimination for all individuals regardless of sex, sexual orientation, gender identity, or gender expression. These administrative procedures should be interpreted consistent with the goals of reducing the stigmatization of and improving the integration of transgender and gender nonconforming individuals and maintaining the privacy of all students and employees as they participate in the school community. These administrative procedures use the terms transgender and gender nonconforming as inclusive terms for all forms of gender identity and expression.

Bullying, cyber-bullying, hazing, discrimination, retaliation, and harassment based on a student's or employee's transgender or gender nonconforming status is prohibited. Such actions are illegal and abusive and can negatively affect not only the school or work environment, but also an individual's health and well-being.

If a school or department has an objective basis, such as privacy concerns, that would justify questioning whether an individual's asserted gender identity or expression is genuine, the principal/supervisor may verify that the gender identity or expression is sincerely held by gathering appropriate documentation. To do so, the principal/supervisor may obtain a list of

people (i.e., parents/legal guardians, friends, teachers, colleagues, etc.) who are willing to attest that the individual's actions, attitudes, dress, and manner accurately reflect the individual's consistently asserted gender identification and expression.

## I. Student Confidentiality/Privacy

- A. School personnel must take appropriate steps to protect students' privacy related to their transgender status, including their birth name or sex assigned at birth, from school employees and students who do not have a right or need to know this information.
  - 1. In cases where the transgender student's name or gender marker have been legally changed, unauthorized disclosure of their birth name or original gender marker would also violate the Family Educational Rights and Privacy Act ("FERPA") and Utah's Student Privacy and Data Protection Act.
  - 2. A school may maintain records with this information, but such records should be stored by the school administrator in a secure location. Parents have a right to access their student's education records.
- B. Students may request a meeting with a school administrator or counselor to discuss concerns about their school environment and/or supports to make the school environment more welcoming for them.
  - 1. If a school employee believes that a situation exists which presents a serious threat to the well-being of a student, that employee shall notify the student's parents without delay.
- C. When appropriate, school personnel should work closely with the student and/or parent in devising an appropriate plan regarding the confidentiality of the student's transgender status.
  - 1. Student health and safety is the paramount consideration when discussing the student's privacy related to their transgender status.
  - 2. School personnel should affirm the student's gender identity in a manner that maintains the student's privacy and confidentiality in the school setting.
  - 3. Parental permission is required to request that a preferred or chosen name and/or gender marker be entered into the student's records in the student information system (PowerSchool).
    - a. School administrators should inform the student and/or parents that a change to this information will automatically update the name used when referring to the student in school-home communications.
    - b. School administrators should inform the student and/or parents of which unofficial and/or official student records will or will not be impacted by a change to the student's records.
  - 4. Each student situation should be handled according to the maturity of each individual student, while still respecting that student's rights.
    - a. Grades K-5: Generally, the student's parent or guardian will be the individual to inform the school of an impending transition. However, if school personnel believe that a gender identity or expression issue is presenting itself at school and creating difficulty for the student, school personnel are encouraged to notify the student's parent.
      - i. Refer to section B.1. above for parental notification requirements when there is a serious threat to the well-being of the student.
      - ii. Parents must be notified in all instances in which their child threatens suicide or is the victim of bullying, cyber-bullying, hazing, or retaliation.
    - b. Grades 6-12: In most instances, parents are aware and are supportive of their students' gender identity, gender expression, or transition, and therefore notification of the parent about accommodation requests is unnecessary.
      - i. Each accommodation request is individually analyzed and students are informed which requests require parental permission before they can be granted and which requests will automatically trigger a parental notification.
      - ii. School personnel should encourage students to communicate with their parents; school counselors have a list of resources and services to help facilitate these conversations.
- D. In order to maintain privacy and confidentiality regarding their transition and gender identity, transgender students may wish – but are not required – to transition over a summer or school break, or between grades.
- E. Depending on the nature of the requested accommodation, the timing of the student's transition, and/or the student's individual circumstances, complete confidentiality of the student's transgender status or gender identity in the school environment may not be possible.
- F. To protect a student's privacy, school staff should take care not to inadvertently disclose information that is intended to be kept private or that is legally protected from disclosure (such as confidential medical information).
- G. The district and individual schools should collect and maintain information about students' gender only when necessary. For example, miscellaneous forms that include a line for parents to fill in indicating their student's gender should be reviewed to see if such information is necessary or irrelevant, and if irrelevant, district and school administrators should delete the line with the gender marker request.

**II. Employee Confidentiality/Privacy**

- A. 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 private information to share. Information about an employee's transgender status (such as the sex they were assigned at birth) can constitute medical information under privacy laws like the Health Insurance Portability and Accountability Act of 1996 ("HIPAA").
- B. Supervisors, human resource services department ("HRS") personnel, or coworkers should not disclose information that may reveal an employee's transgender status or gender expansive presentation to others. This type of confidential information may only be shared with the individual's consent and only with district employees who need to know that information in order to do their jobs. Where necessary, the district may maintain records with this information, but such records should be kept confidential.

**III. Student Transition Planning/Accommodations**

- A. A transgender student or their parent(s) should contact the building administrator or the students' counselor to schedule a meeting to develop a plan to address the students' particular circumstances and needs.
- B. Students may make requests for accommodation which include, but are not limited to, those described below in Sections IV - IX.
  - 1. At the school level, the principal is the individual responsible for receiving and evaluating all requests for accommodation.
    - a. In some limited cases, the principal may assign an assistant principal as their designee for this process.
  - 2. Parents seeking an accommodation for their student(s) and/or students seeking an accommodation based on the student's gender identity and/or expression may notify a district employee of the need for an accommodation.
  - 3. Any district employee who receives a request from a student for accommodation shall inform the individual of the employee's obligation to notify the principal of the request, and then shall immediately notify the principal.
  - 4. The principal/designee will discuss requested accommodations with the parents of students in grades K-8 prior to making a decision as to whether to grant a formal accommodation.
  - 5. The principal/designee will discuss requested accommodations with students in grades 9-12 prior to making a decision as to whether to grant a formal accommodation.
    - a. School administrators will inform the requesting grade 9-12 student that the granting of a formal accommodation will be communicated to parents upon the administrator's approval of the request, as outlined in subsection E., below.
- C. Upon receiving the request for accommodation, the principal shall formally document the request in writing. This documentation should not be kept in the student's cumulative file.
- D. Requests for accommodation shall be evaluated by determining the reasonableness of any given situation.
  - 1. A student's expression of transgender identity involves more than a casual declaration of gender identity or expression but does not require medical documentation. Since individual circumstances, needs, programs, facilities, and resources may differ; administrators and school personnel are expected to consider the needs of the individual on a case-by-case basis.
- E. Once a principal has evaluated a request for accommodation and made a determination on whether to grant or deny the request, that decision shall be communicated both orally and in writing to the person requesting the accommodation.
  - 1. Before any changes are made to a student's education record regarding a student's gender identity, the school administrator must obtain written parental consent.
- F. If an accommodation request is granted, the principal will take steps to ensure that the accommodation is implemented and followed. For example, if a student is granted the reasonable accommodation of being addressed with a different pronoun, the principal shall inform the student's teachers and appropriate district staff of the accommodation to be provided.
- G. If an accommodation request is denied, the individual requesting the accommodation may follow the appeal procedures designated in Sections XVI and XVII below.

**IV. Student Dress Code**

- A. Schools may enforce dress codes pursuant to board policy, district administrative procedures, and school rules. Students shall have the right to dress in accordance with their gender identity, within the constraints of the dress codes adopted by the school.
- B. In regard to the dress code during graduation, students may request an accommodation to wear the graduation clothes consistent with their gender identity and expression.

- C. Students may make other requests for accommodation related to dress based on their gender identity and expression at any time.

**V. Student Records and References**

- A. The official records of a student, such as a student's permanent record, diploma, and standardized test scores shall reflect the student's legal name and gender, which is the name and gender listed on the student's birth certificate or as changed by court order.
- B. Students may ask for accommodations regarding their unofficial records. Such requests may include:
  1. changing a student's unofficial record to reflect the student's preferred name, such as in school yearbooks, on ID cards, and on daily school assignments;
  2. changing a student's unofficial record to reflect the student's preferred pronoun and identified gender; and/or
  3. addressing a student by the student's preferred name and consistent with preferred pronouns.Written parental consent must be obtained before any changes are made to a student's education record regarding a student's gender identity.
- C. Under FERPA, an eligible student or parent may request that the student's education record be amended to correct information that is misleading, inaccurate, or in violation of the student's privacy rights. Such requests will follow the process outlined in [S-2: Administrative Procedures, Student Records, Privacy Rights, and Release of Information](#), Section V, "Requests to Amend Student Records."

**VI. Student Facilities**

- A. The district aims to support transgender and gender nonconforming students by providing reasonable accommodations to transgender and gender nonconforming students.
- B. A transgender or gender nonconforming student may not be required to use a locker room or restroom that conflicts with the student's gender identity.
- C. An alternative arrangement for a transgender or gender nonconforming student should be provided in a way that protects the student's ability to keep their transgender status private.
- D. An accommodation regarding the use of facilities, including restrooms and locker rooms by students, requires that the principal consider numerous factors, including, but not limited to:
  1. the student's preference;
  2. the student's privacy;
  3. the effects on the social integration of the transgender or gender nonconforming student; and
  4. the desired result of minimizing stigmatization of the student.
- E. ANY student may express a need or desire for increased privacy in restroom or locker room usage. The principal should provide any student who requests additional privacy with reasonable alternative arrangements. Reasonable alternative arrangements may include:
  1. the use of a private area to change;
  2. the installation of privacy stalls or curtains, if appropriate and feasible;
  3. the implementation of a separate changing schedule; or
  4. the use of a single stall restroom.

**VII. Student Classes and Activities**

- A. Students may request to be accommodated in their classes and activities if those classes and activities are segregated by sex. As a general rule, students should be permitted to participate in all classes and activities in accordance with their gender identity asserted at school.
- B. Classes and activities that may involve the need for accommodations may be requested using the process described in Section III.
- C. Accommodations that involve privacy concerns, such as overnight trips, will be addressed by the principal using the factors listed above in Section VI.A-E.
  1. In no case should a transgender student be denied the right to participate in an overnight field trip because of the student's transgender status.

**VIII. Student Physical Education/Intramural Sports**

- A. Transgender and gender nonconforming students are to be provided the same opportunities to participate in physical education as are all other students. Generally, students should be permitted to participate in physical education and intramural sports in accordance with the student's gender identity that is consistently asserted at school.
- B. Physical education/intramural sport activities may involve the need for additional accommodations that may be requested using the process described in Section III.
- C. Accommodations that involve privacy concerns will be addressed by the principal using the factors listed above in Section VI.A-E.

**IX. Student UHSAA Extracurricular Activities****A. Procedures in effect through June 30, 2022**

1. District participation in state-wide competitive sports governed by the Utah High School Activities Association ("UHSAA") will be resolved on a case-by-case basis by applying the UHSAA policies and appeal procedures. Therefore, the district is bound by UHSAA's policies and must comply with them in order to maintain our membership status. UHSAA has established a Transgender Participation Policy that it states is "for the protection of competitive balance and the integrity of women's sports."
  2. UHSAA's policies and appeals procedures, including the requirements of the district in determining a student's eligibility, are available in the UHSAA Handbook, Bylaws, Interps & Guidelines, which is linked on UHSAA's website.
  3. Principals are responsible for verifying that they have followed UHSAA's criteria when submitting a roster to UHSAA, as UHSAA relies on this verification to acknowledge that the school and the principal have determined that the students listed on a gender specific sports team are eligible for participation because of their gender identity and compliance with the requirements set out by UHSAA, and that the district has determined that the expression of the student's gender identity is bona fide and not for the purpose of gaining an unfair advantage in competitive athletics.
  4. Once a principal determines eligibility regarding a transgender or gender nonconforming student, the principal shall forward that determination, along with the appropriate evidentiary documentation to the district-wide athletic director.
  5. Appeals of a school principal's determination shall follow Sections XVI and XVII below.
  6. The district-wide athletic director will be responsible for maintaining documentation associated with the determination in order to be able to respond to any UHSAA requests.
  7. Eligibility rosters submitted to UHSAA are subject to review by UHSAA. UHSAA has uniform procedures for hearings deciding all disputes, questions, and allegations of violations of the association's eligibility rules or any other issues which relate to the activities under the jurisdiction of the association. If a person is charged with violating UHSAA policies related to eligibility, the person shall be entitled to a hearing before the association.
  8. The district's determination of eligibility is not binding on UHSAA and appeals of a UHSAA's policies or decisions are conducted through UHSAA appeal procedures.
- B. Unless a court of competent jurisdiction suspends the implementation of Utah Code Ann. §53G-6-902, or determines that it is unconstitutional, the following procedures will be in effect beginning July 1, 2022.
1. In accordance with state law, the district must expressly designate school athletic activities and teams as one of the following, based on sex:
    - a. designated for students of the male sex; for purposes of this section only, sex means the biological, physical condition of being male, as determined by the individual's genetics and anatomy at birth;
    - b. designated for students of the female sex; for purposes of this section only, sex means the biological, physical condition of being female, as determined by the individual's genetics and anatomy at birth;
    - c. "coed" or "mixed".
  2. State law prohibits a student of the male sex from competing with a team designated for students of the female sex in an interscholastic athletic activity.
    - a. Notwithstanding the prohibition stated above, a student of either gender may participate with a team designated for students of the female sex in all other aspects.

**X. Employee Transition Planning/Accommodations**

- A. Employees who transition on the job can expect the district's support. Supervisors and/or the district's compliance officer will work with each transitioning employee to ensure a successful workplace transition.
- B. A transgender/transitionsing employee who would like a workplace transition plan should contact their supervisor or the district's compliance officer to develop a plan to address the employee's particular circumstances and needs.
- C. Employees may make requests for accommodations which include, but are not limited to, those described in Sections XI - XIV.
  1. Any supervisor who receives a request for accommodation shall inform the individual requesting the accommodation that they may also contact the district's compliance officer to assist with the development of a plan.
- D. Upon receiving the request for accommodation, the supervisor or the district's compliance officer shall document the request in writing. This documentation should not be kept in the employee's personnel file.
- E. Requests for accommodation shall be evaluated by determining the reasonableness of any given situation.
  1. The supervisor is responsible for receiving and evaluating all requests for non-medical accommodations. All requests for medical accommodations must be directed to HRS.

2. When evaluating the reasonableness of a request for an accommodation, supervisors are expected to consider the needs of the individual on a case-by-case basis.
  3. Requests for accommodation should routinely be granted absent extraordinary circumstances.
- F. Once the supervisor has evaluated a request and made a determination on whether to grant or deny the request, that decision shall be communicated both orally and in writing to the person requesting the accommodation.
- G. If an accommodation request is granted, the supervisor will take steps to ensure that the accommodation is implemented and followed.
- H. If an accommodation request is denied, the individual requesting the accommodation may follow the appeal procedures designated in Sections XVI and XVII below.

## **XI. Employee Dress Code**

Department dress codes will avoid gender stereotypes and instead will require attire and grooming professionally appropriate to the work unit, address safety concerns, outline legal regulations, and promote employee visibility. Transgender and gender nonconforming employees have the right to comply with department dress codes in a manner consistent with their gender identity or gender expression.

## **XII. Employee Records and References**

- A. An employee's official records will be updated to reflect a change in name or gender upon request from the employee. Most records can be changed to reflect a person's preferred name without proof of a legal name change. However, a legal name change may be required before a person's name can be changed on certain types of records, like those relating to payroll and retirement accounts.
- B. An employee has the right to be addressed by the name and pronouns corresponding to the employee's gender identity.
1. The transitioning employee, district compliance officer, and the employee's supervisor will develop a plan for the employee's preferred name and pronouns to be communicated to coworkers and others in the district community with a need to know.
- C. An employee's department photographs and district identification will be updated at the transitioning employee's request, so the transitioning employee's gender identity and expression are represented accurately.

## **XIII. Employee Facilities**

- A. The district aims to support transgender and gender nonconforming employees by providing them with reasonable accommodations.
- B. A transgender or gender nonconforming employee may not be required to use an employee locker room or restroom that conflicts with the employee's gender identity.
- C. An alternative arrangement for a transgender or gender nonconforming employee should be provided in a way that protects employees' ability to keep their transgender status private.
- D. An accommodation regarding the employee's use of facilities, including restrooms and employee locker rooms, requires that the supervisor consider numerous factors, including, but not limited to:
1. the employee's preference;
  2. the employee's need or desire for increased privacy;
  3. the employee's safety; and
  4. the desired result of minimizing stigmatization of any employee.
- E. ANY employee may express a need or desire for increased privacy in restroom or locker room usage. The supervisor should provide an employee who requests additional privacy with reasonable alternative arrangements. Reasonable alternative arrangements may include:
1. the use of a private area to change;
  2. the installation of privacy stalls or curtains, if appropriate and feasible;
  3. the implementation of a separate changing schedule; or
  4. the use of a single stall restroom.

## **XIV. Sex-Specific Employment Opportunities**

In the highly unlikely event that the district creates sex-specific jobs or assignments, transgender employees will be classified and assigned in a manner consistent with their gender identity, not the sex assigned at birth.

## **XV. Employee Health Insurance Benefits**

The district's health insurance benefits will not be denied to employees who are transgender or gender nonconforming. These benefits include mental health services related to gender dysphoria, however there are limitations on coverage for physical transition measures.

## **XVI. Second Level Review**

- A. A parent of a student or a student who is not satisfied with the outcome of the principal's decision, or an employee who is not satisfied with the outcome of a supervisor's decision (referred to hereafter as Appellant), may file a request for review with the compliance officer by sending a written letter to Compliance and Investigations, 440 East 100 South, Salt Lake City, UT, 84111, containing the following information:
  1. Appellant's name and school/department location;
  2. the Appellant's original request for accommodation;
  3. the principal's/supervisor's response;
  4. any other relevant information; and
  5. a statement of the requested relief or corrective action.
- B. Alternate methods of filing a request for review will be made available to individuals with disabilities unable to file written requests.
- C. The request for review shall be made as soon as possible, but preferably not later than 60 days after the principal's/supervisor's decision.
- D. Review processing:
  1. Within 10 business days after receipt of the request, the second level reviewer will meet with the Appellant to discuss the request and possible resolutions.
  2. The second level reviewer will review the appropriateness of any first level response and may take any additional steps deemed necessary in order to resolve the request.
  3. Within 20 business days after the initial meeting, the second level reviewer will respond in writing to the Appellant explaining the district's position and, if appropriate, offer options for substantive resolution of the matter.

## **XVII. Final Review**

- A. If the Appellant is not satisfied with the decision of the second level reviewer, the decision may be appealed to the superintendent.
- B. The appeal to the superintendent must be made in writing and mailed or hand delivered to the superintendent's office within 10 days of the date of the second level reviewer's decision.
- C. The superintendent, or designee, will review the matter, and may, if appropriate, request additional information or documentation.
- D. The superintendent, or designee, will render a decision on the appeal within 15 days of receipt of the appeal, unless a longer period of time is deemed necessary.
- E. The superintendent's decision shall serve as the district's final administrative action in the matter.

## **XVIII. District Title IX Coordinator**

- A. All questions related to discrimination, harassment, sexual harassment, and retaliation should be directed to the compliance officer and Title IX Coordinator, Tina Hatch, at 801-578-8388.
- B. The compliance officer serves as a resource to the district to provide information, counselling, training, and advice regarding discrimination, harassment, sexual harassment, and retaliation. Title IX grievances, including the denial to amend information related to a student or employee's transgender status consistent with general practices for amending other student's or employee's records, shall be raised according to the G-19.A. Administrative Procedures.

## **XIX. Outside Reporting Procedures**

- A. Nothing in this policy shall prohibit an individual from filing a discrimination or harassment claim with the Utah Anti-Discrimination and Labor Division (UALD), 160 East 300 South, 3<sup>rd</sup> Floor, P.O. Box 146600, Salt Lake City, UT 84114-6600. An employee has a maximum of 180 calendar days from the alleged date of discrimination to file a claim with the UALD.
- B. Discrimination complaints may also be filed with the Office for Civil Rights, Region VIII, U.S. Department of Education, Federal Building, Suite 310, 1244 Speer Boulevard, Denver, Colorado, 80204-3582.

No district employee or student shall be subjected to discrimination in employment or any district program or activity on the basis of age, color, disability, gender, gender identity, genetic information, national origin, pregnancy, race, religion, sex, sexual orientation, or veteran status. The district is committed to providing equal access and equal opportunity in its programs, services and employment including its policies, complaint processes, program accessibility, district facility use, accommodations and other Equal Employment Opportunity matters. The district also provides equal access to district facilities for all youth groups listed in Title 36 of the United State Codes, including scouting groups. The following person has been designated to handle inquiries and complaints regarding unlawful discrimination, harassment, and retaliation: Tina Hatch, Compliance and Investigations/Title IX Coordinator, 440 East 100 South, Salt Lake City, Utah 84111, (801) 578-8388. You may also contact the Office for Civil Rights, Denver, CO, (303) 844-5695.