

Lower Merion School District

ADMINISTRATIVE REGULATIONS

Administrative Regulation No.: 301  
Section: EMPLOYEES  
Title: TRANSGENDER & GENDER DIVERSE EMPLOYEES –  
ENSURING EQUITY AND NONDISCRIMINATION  
Date Adopted: 11/11/16  
Date Revised and Renumbered: 5/7/2021

**R301 TRANSGENDER & GENDER DIVERSE EMPLOYEES –  
ENSURING EQUITY AND NONDISCRIMINATION**

**Purpose**

The goal of this administrative regulation is to ensure the safety, comfort, and healthy development of transgender and gender diverse (TGD) 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 TGD individuals. As set forth in greater detail herein, the needs of each TGD 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 all individuals. These are the commonly used terms, though individuals may choose to use other terms. Terminology and language describing transgender and gender diverse individuals can differ based on region, language, race, ethnicity, age, culture and many other factors. Language is ever evolving, therefore new terminology comes forth on a regular basis. It is useful to inquire which terms an individual chooses to use.

**Biological Sex** is the biological attributes such as anatomy, chromosomes, and hormones that inform whether a person is male, female, or intersex. Many people who are TGD use the phrase “assigned sex at birth” rather than “biological sex” thereby acknowledging that someone else (i.e., a doctor) made the decision for them. Therefore, the assignment of a biological sex may or may not align with how person identifies. In addition, keep in mind that *sex* refers to biology, while *gender* refers to the cultural and social understandings that are layered on top of biology.

**Cisgender** refers to an individual whose gender identity and gender expression align with the sex assigned at birth.

**Consistently/Persistent re One’s 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

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which they identify rather than the gender they were assigned at birth. “Insistent” is not used in this case since not all people express themselves in an insistent manner. Some individuals also choose not to use the terms consistent or persistent as well.

**Gender** refers to 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.”

**Gender Binary** is the socially constructed classification of gender into two discrete, distinct, static, and opposite categories of gender, female and male. This model is limiting and does not take into account gender diverse 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 Diverse** is a term that conveys a wider, more flexible range of gender identity and/or gender expression than typically associated with the binary gender (male/female) system. People may identify and/or express themselves in ways that broaden the culturally defined behavior or expression associated with one gender. Gender diverse often serves as an “umbrella term” for people who do not meet the “traditional” understandings of gender and who do not want their gender to be defined in a box. Gender diverse is not synonymous with transgender; not all gender diverse individuals identify as transgender. Some individuals may choose to use gender expansive or non-binary rather than gender diverse.

**Gender Expression** is the manner in which a person's gender identity is externally communicated to others through appearance, behavior, or physical characteristics. It may be in accord with, or differ from one's physical anatomy, chromosomal sex, or sex at birth.

**Gender Fluid** is used by people who do not identify with a fixed gender in regard to time and/or identifiers. The focal point is that of dynamic rather than static gender expression and/or identity. For example, fluidity may be in regard to both time and labels: A gender fluid person may feel they are more female on some days/weeks/years, male on others, or possibly feel that neither term describes them at all.

**Gender Identity** is a person’s innermost concept of self as male, female, a combination of both or neither - how individuals perceive themselves and what they call themselves. One’s gender

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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.

**Gender Minority (GM)** refers to individuals who have a gender identity or expression that differs from their assigned sex at birth or that does not fit within the male–female binary. This term encompasses transgender, genderqueer, and gender nonconforming individuals, as well as those who have another self-identified gender.

**Gender Nonconforming** describes an individual whose gender identity or gender expression differs from the gender norms associated with the sex they were assigned at birth.

**Genderqueer** is an Individual 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, moving between genders, a third gender, or outside of gender categories altogether. Genderqueer may also refer to people who do not follow traditional gender stereotypes and is also used by people who identify as gender diverse, transgender and/or 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.

**Intersex** is a person born with biological sex characteristics (such as genitals or chromosomes) that do not fit the typical definitions of male and female.

**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. The “+” symbol is added to acknowledge other descriptors exist. Sometimes an “I” for intersex and “A” for asexual are added to the acronym.

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**Name** (a person’s chosen name rather than “preferred name”) is the name a person chooses to use when referred to in conversation and/or on records.

**Non-binary** - (see “**Gender Diverse**”) **Pronouns** (“pronouns” or “chosen pronouns” rather than “preferred pronouns”) refers to the pronoun a person chooses to have used when referred to in conversation. Please note that a person may choose to go by they, ze (a range of pronouns exist), or no pronouns. Using "preferred" to qualify someone's pronouns suggests that terms they are claiming do not really belong to them — they are just preferred over their "true" pronouns. A person who is TGD and uses "he" as a pronoun does not just prefer that word over "she" — that is the pronoun to use in reference to him. Rather than asking someone's preferred pronouns, ask, "What pronouns do you use?"

**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.

**Pangender** is a gender identity and/or gender expression that consists of more than one gender and may be either fixed (many at once) or fluid (moving from one to another, often more than two). Individuals who identify having two genders may identify as bigender.

**Pansexual** is a sexual identity where a person is attracted to all types of people regardless of gender, gender identity, or sexual orientation. Generally considered a more inclusive term than bisexual.

**Sex Assigned at Birth** (aka, assigned sex at birth) is the assignment and classification of individuals at birth, including but not limited to male, female, or intersex and the related physical differences between the sexes, such as pregnancy.

**Sexual Orientation** is an inherent or immutable enduring emotional, romantic, or sexual attraction to other people, including but not limited to: heterosexual, homosexual, lesbian, gay, bisexual and queer. Sexual orientation and gender identity are different. TGD individuals may

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identify as gay, lesbian, bisexual, or heterosexual. Sexual orientation is different from gender identity or gender expression.

**TGD** is an acronym that stands for “transgender and gender diverse.”

**Trans-affirmative** means being aware of, respectful and supportive of the needs of transgender and gender diverse individuals.

**Transgender** is a word 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 person who is transgender may want to live by a gender that differs from that which was assigned at birth. In short, people who identify as a different gender from the sex they were assigned at birth are transgender.

**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**

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.

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**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.
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**

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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.

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**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.
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



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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 References:**

- Board Policy 103 (Equal Opportunity Program for School and Classroom Practices)
- Board Policy and Administrative Regulation 246 (Discriminatory Harassment, Bullying & Hazing)
- Board Policy and Administrative Regulation 346, 446, 556 (Discriminatory Harassment by and of Employees and Other Members of the School Community)