

Appendix E – Policy on Transgender and Gender Nonconforming Students

Taipei American School Policy on Transgender and Gender Nonconforming Students¹ (Last Updated May 2021)

I. Purpose

The purpose of this policy is:

- to foster an educational environment that is safe, welcoming, and free from stigma and discrimination for all students, regardless of sex, sexual orientation, gender identity, or gender expression,
- to facilitate compliance with both Taiwanese and American laws concerning bullying, harassment, privacy, and discrimination,
- to ensure that all students have the opportunity to express themselves and live authentically.

II. Definitions

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

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: A person's deeply held sense or psychological knowledge of their own gender, which can include being female, male, another gender, or no gender. Gender identity is an innate and largely inflexible part of a person's identity. One's gender identity can be the same or different than the gender assigned at birth. The responsibility for determining an individual's gender identity rests with the individual. Children typically begin to understand their own gender identity by age four, although the age at which individuals come to understand and express their gender identity may vary based on each person's social and familial development.

GENDER NONCONFORMING: A term for people whose gender expression differs from stereotypical expectations, such as "feminine" boys, "masculine" girls, and those who are perceived as androgynous. This includes people who identify outside traditional gender categories or identify as multiple genders. Other terms that can have similar meanings

¹ Adapted from the GLSEN "Model District Policy on Transgender and Gender Nonconforming Students."

include gender diverse or gender expansive.

NONBINARY: Term used by those who identify with neither, both, or a combination of genders.

SEXUAL ORIENTATION: A person's romantic and/or physical attraction to people of the same or opposite gender or other genders. Transgender and gender nonconforming people may have any sexual orientation.

TRANSGENDER: An adjective describing a person whose gender identity or expression is different from that traditionally associated with an assigned gender at birth.

TRANSITION: The process in which a person goes from living and identifying as one gender to living and identifying as another. Transition is a process that is different for everyone, and it may or may not involve social, legal, or physical changes. There is no one step or set of steps that an individual must undergo in order to have their gender identity affirmed and respected.

III. Scope

This policy covers conduct that takes place in the school, on school property, at school-sponsored functions and activities, on school buses or vehicles, during a student's commute to and from school, and at bus stops. This policy also pertains to usage of electronic communication that occurs in the school, on school property, at school-sponsored functions and activities, on school buses or vehicles and at bus stops, and on school computers, networks, forums, and mailing lists, as well as any electronic communication that is directed at a student and which substantially interferes with the student's ability to participate in or benefit from the services, activities, or privileges provided by the school. This policy applies to the entire school community, including educators, school staff, students, parents, and volunteers.

IV. Bullying, Harassment, and Discrimination

Discrimination, bullying, and harassment on the basis of sex, sexual orientation, or gender identity or expression is prohibited within the school. It is the responsibility of the school and all staff to ensure that all students, including transgender and gender nonconforming students, have safe school environments. The scope of this responsibility includes ensuring that any incident of discrimination, harassment, or bullying is given immediate attention, including investigating the incident, taking age and developmentally appropriate action, and providing students and staff with appropriate resources and supports. Enforcement of anti-bullying policies should focus on education and prevention rather than exclusionary discipline. Complaints alleging discrimination or harassment based on a student's actual or perceived gender identity or expression are to be taken seriously and handled in the same manner as other discrimination, bullying, or harassment complaints.

V. Privacy/Confidentiality

The school shall ensure that all personally identifiable and medical information relating to transgender and gender nonconforming students shall be kept confidential in accordance with applicable Taiwanese and American privacy laws. School staff shall not disclose any information that may reveal a student's transgender status to others, including parents or guardians and other school staff, unless legally required to do so or unless the student has authorized such disclosure. In rare instance that a school is legally required to disclose a student's transgender status, the school will provide the student an opportunity to make that disclosure themselves, where practicable. This would include providing the student with any support services the student would need to make the disclosure in a safe and supportive environment.

Transgender and gender nonconforming students have the right to discuss and express their gender identity and expression 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 transgender status to staff or other students does not authorize school staff to disclose a student's personally identifiable or medical information. When contacting the parent or guardian of a transgender or gender nonconforming student, school staff should use the student's legal name and the pronoun corresponding to the student's gender assigned at birth unless the student, parent, or guardian has specified otherwise. (See "Student Transitions" below.)

VI. Media and Community Communication

On this, as all issues, only the Head of School may speak on behalf of the school. Rather than directly commenting on the issue, other school staff shall direct parents and the media to the Head of School.

Protecting the privacy of transgender and gender nonconforming students must be a top priority for all staff, and all personally identifiable and medical information shall be kept strictly confidential, in accordance with local, state, and national privacy laws, both those of Taiwan and those of the United States.

VII. Names, Pronouns, and School Records

Every student has the right to be addressed by a name and pronouns that correspond to the student's gender identity. Regardless of whether a transgender or gender nonconforming student has legally changed their name or gender, the school will allow such students to use a chosen name and gender pronouns that reflect their identity. It is recommended that school staff privately ask transgender or gender nonconforming students how they want to be addressed in class and in the school's communication with the student's parents or guardians. Some transgender and gender nonconforming youth may feel most comfortable being addressed by gender-neutral pronouns such as "they" or "ze" or just referred to by their names (without pronouns).

If the student has previously been known at school by a different name, the school administration will direct school personnel to use the student's chosen name and appropriate pronouns. To ensure consistency among administrators and staff, every effort will be made to immediately update student education records (such as attendance reports, class rosters for substitutes, school IDs, transcripts, electronic records, etc.) with the student's chosen name and appropriate gender markers. Records with the student's birth name and gender will be kept in a separate, confidential file.

School staff or administrators may be specifically required by law to report a student's legal name or gender. In those instances, school staff and administrators shall adopt practices to avoid the inadvertent disclosure of such confidential information.

VIII. Access to Gender-Segregated Activities and Facilities

With respect to all restrooms, locker rooms or changing facilities, students shall have access to facilities that correspond to their gender identity. The school will maintain separate restroom, locker room, or changing facilities for male and female students, but will allow all students equal access to facilities that are consistent with their gender identity. Students, including nonbinary students, will determine which facilities are consistent with their gender identity.

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, requiring a transgender or gender nonconforming student to use a separate space threatens to publicly identify and stigmatize the student as transgender and should not be done unless requested by a student. Under no circumstances may students be required to use gender segregated facilities that are inconsistent with their gender identity.

Where they exist, the school shall designate facilities designed for use by one person at a time as accessible to all students regardless of gender. However, under no circumstances may a student be required to use separate facilities because they are transgender or gender nonconforming. The school will incorporate single-user facilities and greater privacy into new construction or renovation and assess ways to increase privacy for all students in existing facilities.

A. Physical Education Classes and Intramural and Interscholastic Athletics

All students shall be permitted to participate in physical education classes and intramural sports in a manner consistent with their gender identity. Furthermore, all students shall be permitted to participate in interscholastic athletics and activities in a manner consistent with their gender identity, under the guidelines established by the relevant governing association.

B. Other Gender-Based Activities, Rules, Policies and Practices

As a general matter, the school will evaluate all gender-based activities, rules,

policies, and practices — including classroom activities, school ceremonies, and school photos — and maintain only those that serve an important educational purpose. Students shall be permitted to participate in any such activities or conform to any such rule, policy, or practice consistent with their gender identity.

IX. Dress Code

The school will enforce any dress codes that are adopted according to established procedures, but any such dress codes will not be based on gender. Students shall have the right to dress in accordance with their gender identity and expression, including maintaining a gender-neutral appearance within the constraints of the dress codes adopted by the school. School staff shall not enforce the dress code more strictly against transgender and gender nonconforming students than other students.

X. Student Transitions

The school shall accept the gender identity that each student asserts. There is no medical or mental health diagnosis or treatment threshold that students must meet in order to have their gender identity recognized and respected. The assertion may be evidenced by an expressed desire to be consistently recognized as the sex consistent with their gender identity. Students ready to socially transition may initiate a process to change their name, pronoun, attire, and access to preferred programs, activities, and facilities consistent with their gender identity. Each student has a unique process for transitioning. The school shall customize support to optimize each student's equal access to its educational programs and activities.

XI. Training and Professional Development

The school shall conduct training for all staff members on their responsibilities under applicable laws and this policy, including teachers, administrators, counselors, social workers, health staff, secretaries, and custodial staff. Information regarding this policy shall be incorporated into training for new school employees. To the extent funding is available, the school shall implement ongoing professional development to build the skills of all staff members to prevent, identify and respond to bullying, harassment and discrimination. The content of such professional development shall include, but not be limited to:

- (i) terms, concepts, and current developmental understandings of gender identity, gender expression, and gender diversity in children and adolescents;
- (ii) developmentally appropriate strategies for communication with students and parents about issues related to gender identity and gender expression that protect student privacy;
- (iii) developmentally appropriate strategies for preventing and intervening in bullying incidents, including cyberbullying;

(iv) classroom-management practices, curriculum, and resources that educators can integrate into their classrooms to help foster a more gender-inclusive environment for all students;

(v) school policies regarding harassment, discrimination, bullying, and suicide prevention and responsibilities of staff.

XII. Publication

This policy will be distributed annually to students, parents/guardians, and staff, and it will also be included in any student codes of conduct, disciplinary policies, student handbooks, and the school's website.