

Gender Expansive and Transgender Students

I. Definitions

Gender Identity – A person's deeply held internal sense or psychological knowledge of their own gender, regardless of the gender they were assigned at birth.

Gender Expansive - 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 – The way a person expresses gender, in way such as dress, grooming, hairstyle, behavior, activities, interests, speech, mannerisms, etc.

Transgender – A person whose gender identity and/or gender expression is different from that of the gender they were assigned at birth.

II. Guidelines

A. Privacy / Confidential Health or Educational Information

All persons, including students, have a right to privacy, which includes the right to keep private one's transgender status or gender nonconforming presentation at school.

Information about a student's transgender status, legal name, or gender assigned at birth may constitute confidential medical or educational information. Disclosing such information to other students, their parents, or other third parties may violate privacy laws such as the federal Family Educational Rights and Privacy Act (FERPA). Therefore, EASTERN personnel should not disclose information that may reveal a student's transgender status or gender nonconforming presentation to others, including the student's parents/guardians and/or other school personnel who do not have an educational interest in the student, unless legally required to do so or unless the student has authorized such disclosure. Any information shared with school personnel with an educational interest in the student should be limited to just the information the employee needs to know to support the student's educational interests unless the student consents to further disclosure.

Gender expansive and transgender 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 such private information.

When contacting the parent or guardian of a transgender or gender nonconforming student, school personnel 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.

B. Official Records

EASTERN is required to maintain a permanent student record which includes the student's legal name and gender. EASTERN will change a student's official records to reflect a change in legal name or gender upon receipt of:

1. Documentation that the student's legal name or gender has been changed pursuant to a court order or through amendment of state or federally-issued identification; or

2. A written, signed statement explaining that the student has exercised a common-law name change and has changed their name for all intents and purposes and that the change has not been made for fraudulent reasons.

To the extent that EASTERN is not legally required to use a student's legal name and biological sex on school records or documents, EASTERN should, upon request of the student, use the name and gender by which the student consistently identifies.

- EASTERN E-mail Address: Students may request to have their preferred name used in their EASTERN email address.
- Official Transcripts: Official Transcripts will reference the student's legal name.
- Certificate and Student Recognition: Classroom teachers and Student Success Coordinators will meet with their transgender students to determine if they want their EASTERN Certificate in their preferred name in addition to one using their legal name. In cases where students are being recognized through a certificate, press release, or other means, the school will use the student's preferred name with the student's permission.
- NOCTI and other 3rd party testing: Legal names are required for state-mandated testing. Staff members proctoring the exam should use the student's preferred name in interactions and avoid inadvertent disclosure of the student's transgender or gender nonconforming status.

C. Names and Pronouns

Students have the right to be addressed by the name and pronoun that corresponds to their consistently asserted gender identity. A court-ordered name or gender change is not required, and the student need not otherwise change his or her official records in order to be addressed by the name and pronoun that corresponds to the student's consistently asserted gender identity.

Appropriate school employees will privately ask known transgender or gender nonconforming students how they would like to be addressed in class, in correspondence to the student's home, and at conferences with the student's parent/guardian. That information will be included in the electronic student record system along with the student's legal name in order to inform teachers and staff of the name and pronoun by which to address the student. When appropriate or necessary, this information will be communicated directly with staff to facilitate the use of proper names and pronouns.

When communicating with known transgender or gender nonconforming students regarding particular issues such as conduct, discipline, grades, attendance or health, school employees will focus on the conduct or particular issues rather than making assumptions regarding the student's actual or perceived gender identity.

When communicating with parents of transgender or gender nonconforming students, school employees are encouraged to refrain from the use of gender pronouns and refer to the student by name whenever practicable. The legal name must be used with parents unless permission is given by the student, parent or guardian.

EASTERN does not condone the intentional and/or persistent refusal to respect a student's consistently asserted gender identity, or inappropriate release of information regarding a student's transgender or gender nonconforming status. Such conduct shall be a violation of this this Director Procedure and the corresponding Policy.

D. Restroom Accessibility

Students shall be allowed to use the restroom that corresponds to the gender identity they consistently assert at school. No student will be required to use a restroom that conflicts with their consistently asserted gender identity.

Any student who needs or desires increased privacy when utilizing a restroom shall, upon request, be provided with access to a single stall or otherwise private restroom, but no student shall be required to use such a restroom.

E. Locker Room Accessibility

The use of locker areas by transgender or gender nonconforming students shall be reviewed and addressed on a case-by-case basis, but permitted in a way that, to the extent appropriate, maximizes a transgender or gender nonconforming student's social integration, provides an equal opportunity for the student to participate in their program, minimizes stigmatization of the transgender or gender nonconforming student, and ensures student safety. No student will be required to use a locker area that conflicts with his or her consistently asserted gender identity.

In locker areas where students are separated by gender, EASTERN will provide a transgender or gender nonconforming student with access to the locker area that corresponds to the gender identity he/she consistently asserts at school. Any student who needs or desires increased privacy when changing shall, upon request, be provided with access to reasonable alternative locker room conditions which could include, but are not limited to (1) use of a private area (e.g., nearby restroom stall with a door, an area separated by a curtain, an office in the locker room, or a nearby restroom) or (2) a separate changing schedule (i.e., utilizing the locker room before or after the other students).

G. Dress Codes

Gender expansive and transgender students shall have the right to dress in a manner consistent with their gender identity or gender expression to the extent that such dress does not conflict with school rules or other Board policies or procedures.

H. Other School Activities

In any school activity or other circumstance involving separation by gender (i.e. class discussions, field trips), students will be permitted to participate in accordance with the gender identity they consistently assert at school. Activities that may involve the need for accommodations to address student privacy concerns will be addressed on a case-by-case basis.

For overnight field trips, the transgender student should communicate their preferred sleeping arrangement to the school at least a month prior to the date of the field trip. As with any other student, the school should try to pair the transgender student with peers with whom the student feels comfortable. In some cases, a transgender student may want a room with fewer roommates or another alternative suggested by the student or their family. The school should honor these requests whenever possible and make adjustments to prevent the student from being marginalized because of those alternative arrangements. Regardless of whether those roommates know about the student's gender identity, the school has an obligation to maintain the student's privacy and cannot disclose or require disclosure of the student's transgender status to the other students or their parents.

I. Discrimination/Harassment

Incidents or complaints of alleged discrimination, harassment, or violence against a transgender or gender nonconforming student shall be given prompt in the same manner as other discrimination/harassment complaints.

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