



## STUDENTS

### Gender Expression and Gender Dysphoria 4300

#### **Objective**

The Catholic Independent Schools of the Nelson Diocese (CISND) strives to provide learning environments that are safe, welcoming, inclusive and affirming of the uniqueness of every student created in God's image and likeness. The aim of a Catholic school is to promote the spiritual, physical, and intellectual development of students in a loving learning environment.

To ensure that all members of Catholic school communities work together in an atmosphere of safety and respect for the dignity of all students, CISND has adopted policies for the safety, health, and educational needs of all students, including those with gender dysphoria.<sup>1</sup>

#### **Catholic Teaching**

The Catholic Church teaches care and compassion for every person, regardless of age, race, or sexual orientation. Everyone is to be treated with dignity and respect.<sup>2</sup>

The Catholic Church's belief in the dignity of the person teaches us to address the true human needs of our students to be free from hatred, to be loved, to be supported by the Catholic school community in living the Gospel. Respect for the human person proceeds by ways of respect for the principle that "everyone should look upon their neighbour (without any exception) as 'another self,' above all bearing in mind their life and the means necessary for living it with dignity".<sup>3</sup>

The Catholic faith, informed by biblical theology and the official teachings of Church authority, teaches that the body and soul of the human being are so united that sexual identity is rooted in biological identity as male or female.<sup>4</sup> Thus, in Catholic Church teaching, sexual identity is considered "a reality deeply inscribed in man and woman."<sup>5</sup>

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<sup>1</sup> Gender Dysphoria is defined in the *Diagnostic and Statistical Manual* (DSM-5) as the "distress that may accompany the incongruence between one's experienced or expressed gender and one's assigned gender". The diagnostic criteria for gender dysphoria in children are set out in the DSM-5, which criteria is "marked incongruence between one's experienced/expressed gender and assigned gender, of at least 6 months' duration... associated with clinically significant distress or impairment in social, school, or other important areas of function."

<sup>2</sup> CISVA, *Persons with Same-sex Attraction: Pastoral and Educational Considerations*, 2008; cf. *Catechism of the Catholic Church* nos. 1929, 1930 and 1931.

<sup>3</sup> Ibid.

<sup>4</sup> Cf. *Catechism of the Catholic Church* nos. 364, 365, 2332, 2333, 2393.

<sup>5</sup> Congregation for the Doctrine of the Faith, "Letter to the Bishops of the Catholic Church on the Collaboration of Men and Women in the Church and the World" (2004), no. 8. Cf. *Catechism of the Catholic Church* no. 2393: "by creating the human being man and woman, God gives personal dignity equally to the one and the other. Each of them, man and woman, should acknowledge and accept his (and her) sexual identity."

This means that the Catholic Church teaches that gender is given by God and that the body reveals the divine plan. As such, humans are not free to choose or change their sexual identity<sup>6</sup>.

In the Catholic faith, a person's biological sex and his/her gender are treated as one and the same. For the purposes of this policy, the term "gender dysphoria," is used to describe the condition experienced by some who feel that their gender is different from their biological sex.

### **Specific Policies**

CISND has developed this Policy to ensure compliance with provincial legislation, as well as with fundamental rights and freedoms, including those set out in the BC *Human Rights Code* and the Canadian *Charter of Rights and Freedoms*.

Specifically, this Policy has been developed to:

- a. Support and affirm the dignity of all students in every aspect of school life;
- b. Improve the understanding of the lives of all students and find ways to increase respect for the dignity of each other in ways appropriate to the Catholic school setting;
- c. Provide training consistent with the Catholic faith for all teachers and other staff with respect to gender dysphoria and gender expression;<sup>7</sup> and
- d. Provide resources in addition to the Human Growth and Development resources, consistent with Catholic Church teaching, to support students who experience gender dysphoria or who wish to express their gender identity other than in conformity with prevailing gender norms.

### **Administrative Strategies**

Schools must provide opportunities for staff to increase their knowledge and skills in promoting respect for human rights, respecting diversity, and understanding issues of gender dysphoria and gender expression in relation to the Catholic faith and the surrounding society, and addressing discrimination in schools.

CISND has adopted concrete initiatives for educating students, staff and parents regarding gender dysphoria and gender expression. Such initiatives have been developed in consultation with individuals qualified in the areas of counselling, pastoral support and Catholic theology for students on topics of gender expression and/or gender dysphoria. Examples of such initiatives are inclusion in the religious and health curriculum. All initiatives are consistent with the teachings of the Catholic Church and, to that end, any materials should be pre-approved by the Bishop.

With respect to any issues concerning bullying, staff must refer to CISND policy.

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<sup>6</sup> Pope Francis, Address to the Polish Bishops (27 July 2016).

<sup>7</sup> For the purpose of this Policy, the term "gender expression" is defined as the manner in which one expresses their gender, which may be conforming or non-conforming with prevailing gender stereotypes. Gender expression specifically does not include any form of gender transitioning and is not the same as "gender presentation".

## **Gender non-Conforming Behaviours vs. Gender Transitioning**

When considering appropriate administrative strategies for accommodating gender expression and gender dysphoria in students, it is important to distinguish between “gender transitioning” and “gender non-conforming behaviours”.

“Gender transitioning” is a process of actions by which an individual seeks to change one’s gender presentation<sup>8</sup> in a stable or permanent way to accord with the person’s internal sense of his or her gender identity.

The Catholic school has a responsibility for the spiritual development of its students. Gender transitioning is contrary to Catholic Church teaching, and therefore the Catholic school cannot support any transitioning actions.<sup>9</sup>

A Catholic school should always focus on the best interests of the student when considering a request for accommodation. The accommodations outlined below are not considered to be promoting transitioning.

“Gender non-conforming behaviour” is a form of gender expression that refers to behaviours outside of typical gender stereotypes or “norms”. CISND recognizes that what constitutes “gender non-conforming behaviour” depends to a great extent on the social and cultural context. Similarly, the extent of conformity of one’s behaviour with one’s sex is not absolute and often changes according to age. A student may engage in a variety of gender non-conforming behaviours without definitively altering his or her gender presentation to that of the opposite sex.

## **Accommodations for Students**

### **Requests for accommodations**

Gender identity issues are complex, delicate and highly personal. Students with gender dysphoria, or whose gender expression is non-conforming, are often in a vulnerable psychological and spiritual condition. Parent(s)/guardian(s) of such students are understandably concerned about the psychological and physical well-being of their child while at school. Similarly, siblings may be in need of additional support or counselling.

Any educator approached with a request for accommodation should respond with sensitivity, respect and compassion. The educator should explain that requests for accommodation will require consultation with and support from school administration as well as the Superintendent’s Office, and confirm that the student and parents wish to proceed. Regardless of whether a formal request for accommodation is submitted, steps should be taken, where appropriate, to ensure that counselling and support is made available to the student and their family.

Where a request for accommodation is received on the basis of gender dysphoria or gender expression, administrative staff should respond in a prompt and supportive manner, and in accordance with the principles outlined in this policy.

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<sup>8</sup> For the purposes of this Policy, the term “gender presentation” is defined as the gender that a person presents themselves to be, or shows themselves as.

<sup>9</sup> Cf. *Catechism of the Catholic Church* nos 2333, 2393, *Charter for Health Care Workers*, n. 66, footnote 144.

A request for accommodation on the basis of gender dysphoria shall be submitted to the School Principal by that student's parent(s)/guardian(s) using the "Request for Accommodation" form attached to this Policy (see Annex A below).

All requests for accommodation must be promptly forwarded by the School Principal to the Superintendent. The Superintendent in consultation with the Principal will determine the level of response by the Case Management Team ensuring at all times the privacy of the individuals concerned.

Upon receipt of the "Request for Accommodation", the school will convene a Case Management Team meeting with the family to discuss and develop an accommodation plan. The Case Management Team will generally consist of the principal, personal counsellor, chaplain (if available), sponsor teacher and staff member if needed. Once an accommodation plan has been formalized, a second meeting should be convened within 6 months to review progress.

### **Privacy Protections**

At all times, the privacy rights of the student involved are paramount. Any information that must be disclosed for the purposes of accommodations outlined in this Policy must only be disclosed on a need-to-know basis and in accordance with any other legal obligations.<sup>10</sup>

The Superintendent or his/her appointee, is responsible for determining what, if any, information is provided to staff, students or parent(s)/guardian(s) in order to facilitate a request for accommodation, as well as the appropriate manner in which to provide that information.

Parent(s)/guardian(s), staff and students should be notified in a manner that respects the dignity of the student involved.

### **Specific Accommodations - Tier I**

The following accommodations are available in Tier I.

#### **1) Privacy and Confidentiality**

Students have the right to discuss their experience of gender dysphoria openly.

Administration or school personnel should not disclose information that may reveal that a student is gender dysphoric to other parent(s)/guardian(s), students or staff, unless legally required to do so, or unless the parent(s)/guardian(s) of the student have expressly authorized such disclosure.

Where a student approaches a teacher or administrator of the school directly to discuss their experience of gender dysphoria, and where the teacher or administrator suspects that the student has not revealed their experience of gender dysphoria to his or her parent(s)/guardian(s), the school shall keep such information strictly confidential. The school shall not disclose any information obtained from a student except where otherwise required by law and the standards and ethical codes of relevant professional bodies.

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<sup>10</sup> see e.g. the Independent School Act and s.9 of the Independent School Regulation, B.C. Reg. 262/89, for the rules on disclosure of a student's record. See also the Personal Information and Protection of Privacy Act

The student shall be encouraged to share their experience with their parent(s) and advised that any request for accommodation must be submitted by their parent(s)/guardian(s).

## **2) Legal Name Change**

Upon receipt of a written request by a student's parent(s)/guardian(s) using the form included with this policy document below, CISND will change a student's official record to reflect a change in legal name. CISND will require supporting legal documentation to confirm that the name has been officially changed under the Name Act, R.S.B.C. 1996, ch. 328.

## **3) Washroom Accessibility**

Schools shall provide access to a private washroom for use by any student who desires increased privacy.

## **4) Change Room Accessibility**

Schools shall make available a private changing area for the use of any student who is uncomfortable using the common changing facility, whether such discomfort is related to gender dysphoria, gender expression, or another reason.

Upon receipt of a written request by a student's parent(s)/guardian(s) on the attached form, a student will be provided with the available accommodation that best meets the needs and privacy concerns of all students involved.

Based on availability and appropriateness to address privacy concerns, such accommodations could include, but are not limited to, a separate changing schedule (either utilizing the change room before or after the other students); or use of a nearby private area (e.g., a restroom or a nurse's office).

## **5) Physical Education Class and Intramurals**

All students should be able to participate in physical education classes and team sports in a safe, inclusive, affirming, and respectful environment.

Physical Education activities and intramurals shall not be segregated by sex, unless there are safety concerns.

### **Specific Accommodations - Tier II**

All Tier II Accommodations require submission of a formal written request for accommodation and must be submitted to the Superintendent. The Superintendent will establish a Case Management Process. The Case Management Process involves collaboration, as appropriate, among educators, medical professional(s), clergy, other professionals with experience in gender dysphoria, the family and the student.

The Case Management Process shall be guided by the best interests of the child.

A Case Management Plan will be developed, which has the goal of providing a unique set of accommodations based on the particular student's situation.

The Case Management Plan should indicate a clear sense of anticipated actions and adopted strategies for accommodation, as well as short- and long-term timelines for review, evaluation and modification.

### **1) Common/Preferred Names and Pronouns**

In order to request a change in preferred or common name or pronoun, the Superintendent will require a written request by a student's parent(s)/guardian(s) on the attached form.

A court-ordered name change is not required, and the student does not need to change his or her official records for this provision to be extended to them.

In general, all school forms and databases should be updated to ensure that a student's preferred or chosen name can be accurately recorded on class lists, timetables, student files, identification cards, etc. The student's gender recorded on the student record shall accord with the gender registered on the student's birth certificate at birth.

### **2) Transferring a Student to another School**

Whenever possible, administrators should aim to keep students who engage in gender non-conforming behaviours or who experience gender dysphoria at their original school site. School transfers should not be an administrator's first response and should only be considered when necessary for the protection or personal welfare of the student, or when requested by the student or the student's parent(s)/guardian(s). The student or the student's parent(s)/guardian(s) must consent to any such transfer. The problem is often not the student, but a lack of knowledge and understanding of gender dysphoria and gender expression by students or staff, and of ensuing harassment. These must be addressed at the school level.

In the event that a student's family does elect to transfer schools, then any Case Management Plan will accompany the student to the new school.

### **3) Dress Codes**

In order to request a change or accommodation to the prescribed school uniform, the Superintendent will require a written request by a student's parent(s)/guardian(s) on the attached form.

### **4) Competitive Athletics and other activities**

For any accommodations with respect to participation in competitive athletic activities or otherwise gender-segregated activities, the school will require a written request by a student's parent(s)/guardian(s) on the attached form.

Participation in such activities will be resolved on a case-by-case basis, and are subject to any additional informational/documentary requirements or restrictions established by the applicable sports league (for example, BC School Sports), or organization.

## **5) Overnight Field Trips**

Upon receipt of a written request by a student's parent(s)/guardian(s) on the attached form, staff shall make reasonable efforts to provide an accommodation that can best address any privacy concerns of the student.

### **Resolving Conflict**

If a dispute arises with regard to a request for accommodation, the dispute shall be resolved in a manner that involves the parent(s)/guardian(s) and student (as appropriate) in the decision-making process.

The principles of ensuring for reasonable accommodation, maximizing inclusiveness, and addressing the best interests of the student and the other students in the school, including the spiritual development of the student, shall be the guiding framework used to assist in the collaborative decision-making process. Where the parent(s)/guardian(s), who requested the accommodations, are not satisfied with a decision by the Superintendent with respect to each request for accommodation, the first step is for the parent(s)/guardian(s) to apply to have the decision reconsidered by the Superintendent. The parent(s)/guardian(s) shall promptly notify the Superintendent, in writing, of their request for a reconsideration, the basis for the request, what aspects of the decision they are seeking to have reconsidered, and shall submit any additional material or information in support of their request for a reconsideration. The Superintendent will be responsible for reviewing the additional information for the purposes of reconsidering the decision, and may, for that purpose, meet with the parent(s)/guardian(s), request additional information from the parent(s)/guardian(s), or engage the Case Management Process. The Superintendent will notify the parent(s)/guardian(s) of his/her decision, confirming, reversing or modifying the initial decision, in a prompt manner.

If the parent(s)/guardian(s) requesting the accommodation are not satisfied with the decision of the Superintendent following the reconsideration, the parent(s)/guardian(s) may file a written appeal of the decision to the CISND Board of Directors. The Board of Directors will strike a sub-committee, consisting of, at minimum, a lay person, a Pastor and a professional educator, to investigate the concerns and determine how to best resolve the conflict. The sub-committee will present its findings to the CISND Board of Directors, which will then issue a formal decision on the appeal.

Where the parent(s)/guardian(s) are not satisfied with the determination of the Board of Directors and wish to make a further appeal of that determination, the parent(s)/guardian(s) shall contact the Independent Schools Ombudsperson.

<b>Date Approved:</b> November 2014
<b>Date(s) Revised:</b>
<b>Date Reviewed:</b> April 2021 (SO)

## Annex A - Request for Accommodation

I, \_\_\_\_\_ parent/guardian of \_\_\_\_\_ wish to make a formal request for accommodation on the basis of gender dysphoria or gender expression.

I request that my child be given the following accommodations:

1) Change of common name from \_\_\_\_\_ to \_\_\_\_\_

2) Change of legal name from \_\_\_\_\_ to \_\_\_\_\_  
(please provide supporting legal documentation)

3) Change room accessibility – please specify request:  
\_\_\_\_\_  
\_\_\_\_\_

4) Dress code – please specify request:  
\_\_\_\_\_  
\_\_\_\_\_

5) Participation in sports – please specify request and indicate whether request is being submitted with respect to physical education classes, or competitive or intramural athletics:  
\_\_\_\_\_  
\_\_\_\_\_

6) Field trip accommodation – please specify request:  
\_\_\_\_\_  
\_\_\_\_\_

7) Additional accommodations – please specify request  
\_\_\_\_\_  
\_\_\_\_\_