

355 – Transgender Students

Approved by GWA Board of Directors 2/25/2016

Utah State Legislature and the Utah Board of Education require that all programs, activities, and employment practices be free from discrimination based on, among other things; sex, sexual orientation, or gender identity. This policy is designed in keeping with these mandates to create a safe learning environment for all students and to ensure that every student has equal access to all school programs and activities.

This policy sets out guidelines for George Washington Academy (GWA) to address the needs of transgender students and clarifies how state law should be implemented in situations where questions may arise about how to protect the legal rights or safety of such students. This policy does not anticipate every situation that might occur with respect to transgender or gender nonconforming students and the needs of each transgender student must be assessed on a case-by-case basis. In all cases, the goal is to ensure the safety, comfort, and healthy development of the transgender student while maximizing the student's social integration and minimizing stigmatization of the student.

Definitions

The definitions provided here are not intended to label students but rather to assist in understanding this policy and the legal obligations of GWA. Students may or may not use these terms to describe themselves.

1. "Assigned gender" is the gender designated at the time of birth and may also be thought of as the gender corresponding to the individual's original physiology, or biological gender.
2. "Gender identity" is the individual's internal sense of gender, and "identified gender" refers to the gender that matches this internal sense. Gender identity can be shown by information including but not limited to medical history, care or treatment of the gender identity, consistent and uniform assertion of the gender identity, or other evidence that the gender identity is sincerely held, part of a person's core identity, and not being asserted for an improper purpose.
3. "Gender expression" means the external cues or indications used to communicate gender to others, such as behavior, clothing, hairstyles, activities, voice, mannerisms, or body characteristics.
4. "Transgender" means that an individual's assigned gender differs from the individual's gender identity.
5. "Transgender boy" (or "transgender man") is an individual whose assigned gender is female but whose gender identity is male.
6. "Transgender girl" (or "transgender woman") is an individual whose assigned gender is male but whose gender identity is female. Utah Code 34A-5-102(1)(k) (2015)

Records and References

The official records of the student 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. Access to this portion of official student records shall be restricted to maintain the confidentiality of a student's transgender status.

Utah Code 26-2-11 (1995)

Utah Code 42-1-1 (1993)

The unofficial records of the student shall reflect the preferred name and gender identity of the student. Students shall be addressed or referred to by the pronouns associated with the identified gender: transgender boys shall be referred to using "he" "his" and "him" and transgender girls shall be referred to using "she" and "her".

A student's transgender status shall not be disclosed without the student's consent except as expressly authorized by the Executive Director following such legal consultation as the Executive Director determines is appropriate.

Facilities

In determining which gender-segregated school facilities (restrooms) are to be used by transgender students, the Executive Director shall take into consideration the desires of the transgender student and of the student's parents as well as the privacy interests of other students. In addition to having the transgender student use the facilities corresponding with the gender identity, potential accommodations include use of single user restrooms or using facilities at a different time than other students. If the desired use by the transgender student is in significant conflict with privacy interests of other students, the Executive Director should consult with the School Board and as appropriate with legal counsel.

Classes and Activities

When classes or intramural activities are segregated by gender, transgender students are to be grouped according to the student's gender identity. Where students are grouped according to qualities which may have some association with gender (such as vocal quality for singing groups), the pertinent quality shall be evaluated without regard to assigned gender or transgender status. Where school activities involve overnight travel, lodging arrangements for transgender students shall take into consideration the desires of the transgender student and of the student's parents as well as the privacy interests of other students. If the arrangement desired by the transgender student is in significant conflict with privacy interests of other students, the Executive Director should consult with the School Board and as appropriate with legal counsel.

Bullying and Harassment

The Bullying Prohibition and Prevention policy prohibits bullying, cyberbullying and harassment regardless of the motivation for such misconduct, applies to prohibit bullying, cyberbullying or harassment of students because of their transgender status or gender expression. When the parent of a transgender student is given the required notification of a bullying or harassment incident against a transgender student which is motivated by transgender status or gender expression, care should be taken to avoid disclosing the student's transgender status to the student's parents if the student has not consented to such disclosure.

When a student has been bullied, cyberbullied, or harassed because of the student's transgender status or gender expression, consideration should be given to what support, counseling, or other assistance the student may need to prevent such mistreatment from adversely affecting the student's ability to learn and function in the school setting.