



POLICY FOR GENDER IDENTITY AND ACCESS

The purpose of this policy is to assist Illinois College employees regarding issues relating to transgender and gender nonconforming students in order to create and maintain a safe learning environment for all students and to ensure that every student has equal access to the College's educational programs and activities.

This policy sets out guidelines for College staff to address the needs of transgender and gender nonconforming students and explains how Title IX regulations and non-discrimination laws should be implemented in situations where questions may arise about how to protect the legal rights or safety of students. This policy does not anticipate every situation that might occur with respect to transgender and gender nonconforming students, and the needs of each 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 all students, including transgender and gender nonconforming students, maximizing inclusion and social integration while minimizing exclusion and stigmatization.

Definitions

These definitions are not meant to label any student, but are intended as functional descriptors. Students may or may not use some of these terms to describe themselves:

Gender: The complex relationship between physical traits and one's internal sense of self as male, female, both, or neither (gender identity), as well as one's outward presentation and behaviors (gender expression).

Gender Expression: A person's gender-related appearance and behavior, whether or not stereotypically associated with the person's assigned sex at birth.

Gender Fluid: Persons who do not identify as, or who do not express themselves as, solely male or female.

Gender Identity: A person's internal sense of gender, which may or may not be the same as one's sex assigned at birth. All people have a gender identity, not just transgender people.

Gender Nonconforming: A person who displays gender traits that are not consistent with stereotypical characteristics associated with one's biological sex assigned at birth, or others' perceptions of that sex. This term can be used to describe people whose gender expression differs from stereotypical expectations about how boys and girls are "supposed to" look or act.

LGBTQ: A common acronym that stands for "lesbian, gay, bisexual, transgender, and questioning."

Sex: The biological condition or quality of being a female or male human being.

Sexual Orientation: A person's romantic or sexual attraction to people of the other and/or same gender. Common terms used to describe sexual orientation include, but are not limited to, heterosexual, lesbian, gay, and bisexual. Sexual orientation and gender identity are different. Transgender students may identify as gay, lesbian, bisexual, or heterosexual.

Sexualized Bullying: Unwanted or demeaning conduct or comments directed at or about an individual on the basis of

actual or perceived gender, gender identity and expression, sex, sexual behavior, sexual orientation, or other related personal characteristics. Anti-gay and sexist epithets are common forms of sexualized bullying.

Transgender: A person whose gender identity does not correspond to that person's biological sex assigned at birth. Transgender is not a sexual orientation; transgender people may have any sexual orientation.

Cisgender: A term for people whose gender identity aligns with the sex they were assigned at birth.

Transition: The process through which people begin to live as the gender with which they identify, rather than the one typically associated with their sex assigned at birth.

Determining a Student's Gender Identity

The responsibility for determining a student's gender identity rests with the student.

The College shall accept a student's asserted gender identity. The College may not question or disregard the student's assertion of their gender identity.

There is no threshold medical or mental health diagnosis or treatment requirement that any student must meet in order to have their gender identity recognized and respected by the College, nor can a student be required to provide any medical documentation. Similarly, a student is not required to have obtained a court-ordered name or gender change in order to have the student's requested name and gender identity recognized and respected by the College.

Privacy

All persons have a right to privacy. This includes the right to control dissemination of highly personal and private information such as one's gender identity.

College employees shall not disclose a student's gender identity to others, including but not limited to, other students, parents, and/or other school employees, unless they are legally required to, the student has authorized such disclosure, or there is a specific and compelling "need to know" reason in order to protect the student's interests. In those rare circumstances where disclosure is deemed to be absolutely necessary, before making any disclosure, College officials shall inform the student of the need to disclose and provide them with the opportunity and resources they may need to make the disclosure themselves.

College employees may encounter situations where a transgender or gender nonconforming student has not disclosed their gender identity to their parents. Whenever possible, school personnel shall speak with the student to confirm the manner in which the student will be referred to in conversation with the parent/guardian, if a FERPA release is on file granting permission for College employees to speak with the parent/guardian. Generally, when contacting the parent/guardian of a transgender or gender nonconforming student, College employees should use the student's legal name and the gender pronoun that corresponds to their legal sex, unless the student has specified otherwise.

All students, including transgender and gender nonconforming students, have the right to openly discuss and express their gender identity and to decide when, with whom, and how much to share that private information. In sharing this information, a student does not give up the right to privacy and at no time may the College use a student's self-disclosure as grounds for sharing information about the student's gender identity without the student's permission.

Names/Pronouns

Upon the request of a student, the student shall be addressed by the name and pronoun that corresponds to the student's gender identity asserted at College, without obtaining a court order, changing the official records or obtaining parent/legal guardian permission. The requested, or preferred, name shall be included in the College's electronic database in addition to the student's legal name, in order to inform employees of the name and pronoun to use when addressing the student.

Every effort shall be made to use the preferred names and pronouns consistent with a student's gender identity. While inadvertent slips or honest mistakes in the use of names or pronouns may occur, employees or students intentionally and persistently refusing to respect a student's gender identity by using the wrong name and gender pronoun is discriminatory and is a violation of this policy.

School Records

The College is required to maintain official records which includes the legal name of the student, as well as the student's gender. The official records may include but are not limited to: transcripts, assessment data, health records, discipline records, Individualized Education Programs (IEP), Section 504 Plans, standardized testing and the cumulative file. The College shall change a student's official records to reflect a change in legal name or gender upon receipt of documentation that such legal name and/or gender have been changed pursuant to Illinois legal requirements.

The College shall permit a student to use a preferred name and gender on unofficial records. The unofficial records may include but are not limited to: identification badges, classroom rosters, certificates, programs, announcements, office summons and communications, team and academic rosters, diplomas, newspapers, newsletters, yearbooks, and other site-generated unofficial records. The preferred name shall also appear on the student's cumulative folder (official record) as "Also Known As" (AKA).

Transgender or gender nonconforming students who transition after having graduated may ask the College to amend a transcript that includes the student's birth name and gender. Upon receipt of documentation that the student's legal name and/or gender have been changed pursuant to Illinois legal requirements, the College will reissue a transcript that reflects the student's current name and gender.

Restroom Accessibility

The College will maintain separate restroom facilities for male and female students. However, students shall have access to the restroom that corresponds to their gender identity. Where available, a "gender neutral" restroom may be used by any student who desires increased privacy, regardless of the underlying reason. The use of such a "gender neutral" restroom shall be a matter of choice for a student and no student shall be compelled to use such a restroom.

Locker Room Accessibility

The College will maintain separate locker room facilities for male and female students. However, students shall have access to the locker room facility that corresponds to their gender identity. If any student has a need or desire for increased privacy or safety, regardless of the underlying reason, they will be provided access to a reasonable alternative changing area such as:

1. Use of a private area in the public area of the locker room facility (i.e., a nearby restroom stall with a door or a designated changing area within the locker room)
2. A separate changing schedule (either utilizing the locker room before or after other students)
3. Use of a nearby private area (i.e., a nearby restroom or an office with a door)

However, use of such an alternative changing space shall be a matter of choice for a student and no student shall be compelled to use such an alternative. The College will also work to de-stigmatize the use of such options, as well as to establish clear guidelines and expectations with regard to respecting privacy and boundaries in changing areas and other close quarters.

Dress Codes

All students have the right to dress in accordance with their gender identity and gender expression. Any course-related dress codes shall be gender-neutral, and shall not restrict students' clothing choices on the basis of gender or traditional stereotypes about what males and females "should" wear.

School Activities and Programs

Students have the right to equitable access to activities and programs at the College. Students may not be excluded from participation in, be denied the benefits of, or be subjected to harassment or other forms of discrimination on the basis of gender identity in any program or activity. These activities and programs may include but are not limited to: homecoming, spirit day, celebrations, assemblies, acknowledgments, clubs, and all extra-curricular activities.

Gender Segregation in Other Areas

As a general rule, in any other circumstances where students are separated by gender in College activities or programs (i.e., class discussions, field trips), students shall be permitted to participate in accordance with their gender identity as expressed by the student and asserted at College. Activities that may involve the need for accommodations to address student privacy concerns will be addressed on a case-by-case basis. In such circumstances, employees shall make a reasonable effort to provide an available accommodation that can address any such concerns.

Harassment and Bullying

Complaints alleging discrimination, harassment, or bullying based on a student's gender identity, gender expression, or gender nonconformity, are to be handled in the same manner as other complaints submitted to the Title IX Coordinator under the Illinois College Policy on Discrimination, Harassment, and Title IX Sexual Misconduct. Consistent with the policy and procedures, complaints alleging discrimination or harassment based on a student's gender identity, gender expression, or gender nonconformity shall be given immediate attention, fully and appropriately investigated in a timely manner, and resolved through appropriate corrective action.

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