



Gender Inclusion Policy Handout For School Boards

Talking Points and Data Points

It is imperative for students to be respected and affirmed in schools to thrive. When students feel bullied or invalidated for being who they are, their ability to learn and thrive in school is greatly diminished. It is the job of school districts, faculty and educators to provide spaces where Minnesota youth feel safe and welcome and are encouraged to live their full identities.

A gender inclusion policy is the best-practice recommendation to ensure that schools are safe and supportive for all students.

Safe, supportive and welcoming schools play a pivotal role in ensuring students are engaged in learning and that nothing hinders their ability to achieve their best in the classroom.

In 2015, the National Center for Transgender Equality found that 77 percent of students who identify as transgender or gender nonconforming reported being harassed at some point between kindergarten and grade 12.2 Specifically, 54 percent of the above individuals were verbally harassed, 24 percent were physically attacked and 13 percent were sexually assaulted during this time because of being transgender. These students faced such severe mistreatment that 17 percent dropped out of school. Additionally, a recent national study of more than 10,000 youth found that 50 percent of gender nonconforming students reported that they did not participate in school activities because they feared being discriminated against, 42 percent were called derogatory names on a consistent basis and 40 percent reported that they were frequently and often excluded from school activities.

In Minnesota, the Minnesota Student Survey data for transgender and gender nonconforming students are consistent with national data. Transgender and gender nonconforming students in the 9th and 11th grades reported elevated levels of bullying and harassment. Additionally, 31 percent of transgender and gender nonconforming students have attempted suicide and 61 percent had seriously considered attempting suicide.

Several Minnesota schools have already drafted school policies on creating a safe, supportive and welcoming environment for transgender and gender nonconforming students. The council has also located several similar policies across the United States that have been used to support transgender and gender nonconforming.

**FAQ from opposition to gender inclusion policies:
Restrooms, Locker Rooms and Hotel Accommodations?**

The gender inclusion policy will not add new rights when it comes to restrooms, locker rooms and hotel accommodations. Title IX and the Minnesota Human Rights Act declare that it is an unfair discriminatory to deny any student the full and equal enjoyment of any educational institution such as a public school. Schools ensure full and equal enjoyment of public accommodations for students where they are not stigmatized or segregated from the rest of the general student population when in exercising their right to the public accommodation.

“A policy that requires an individual to use a bathroom that does not conform to his or her gender identity punishes that individual for his or her gender nonconformance, which in turn violates Title IX.” *Whitaker v. Kenosha Unified School District*, (7th U.S. Circuit Court of Appeals, May 30, 2017).

Within the school setting, school officials and leaders need to ensure that all students have access to restrooms, have access to locker rooms to fully participate in classes, sports and activities and have access to hotel accommodations when travelling with school groups for athletic, educational and/or cultural purposes. Schools should work with transgender and gender nonconforming students to ensure that they are able to access needed facilities in a manner that is safe, consistent with their gender identity and does not stigmatize them. Privacy objections raised by a student in interacting with a transgender or gender nonconforming student may be addressed by segregating the student raising the objection provided that the action of the school officials does not result in stigmatizing the transgender and gender nonconforming student.

Will my daughter have to compete in sports teams against men?

The gender inclusion policy will not add new rights to sports teams at schools. Sports provide youth with unique opportunities to improve their physical fitness and develop valuable life skills such as goal setting, perseverance, teamwork and a commitment to fair play. Title IX requires schools provide transgender students with the right to participate in such activities, including athletics, in a manner consistent with their gender identity.

The Minnesota State High School League allows participation for all students regardless of their gender identity or expression in an environment free from discrimination with an equal opportunity for participation in athletics and fine arts. If a school does not allow a student to participate on the team consistent with their gender identity or gender expression, a student or the student’s family can make an appeal to the Minnesota State High School League (MSHSL).

Terminology

Sex The classification of people as male or female. At birth infants are assigned a sex, usually based on the appearance of their external anatomy. (This is what is written on the birth certificate at birth) However, a person’s sex is actually a combination of bodily characteristics including: chromosomes, hormones, internal and external reproductive organs, and secondary sex characteristics.

Gender Identity One’s internal, deeply held sense of one’s gender. For transgender people,

their own internal gender identity does not match the sex they were assigned at birth. Many people have a gender identity of man or woman (or boy or girl). For some people, their gender identity does not fit neatly into one of those two choices. Gender identity is not visible to others.

Gender Expression External manifestations of gender, expressed through one's name, pronouns, clothing, haircut, behavior, voice, or body characteristics. Society identifies these cues as masculine and feminine, although what is considered masculine and feminine changes over time and varies by culture. Expression may or may not correlate with gender identity and does not imply gender identity. Some transgender people might seek to have their gender expression match their gender identity but not in all cases.

Sexual Orientation Describes an individual's enduring physical, romantic and/or emotional attraction to another person. Gender identity and sexual orientation are not the same. Transgender people may be straight, lesbian, gay, or bisexual. For example, a person who transitions from male to female and is attracted solely to men would identify as a straight woman

Lesbian Can be used as a noun or adjective. A woman who is romantically or sexually attracted to other women.

Gay Can be used as a noun or an adjective. Adjective: Sexually or romantically attracted to someone of the same gender. Noun: A man who is romantically or sexually attracted to other men. Note: Sometimes used as an umbrella term for all LGBTQ people.

Bisexual Noun or adjective. Adjective: Sexually attracted not exclusively to people of one particular gender. Noun: a person who is sexually attracted not exclusively to people of one particular gender.

Transgender Always used as an adjective. An umbrella term for people whose gender identity and/or gender expression differs from what is typically associated with the sex they were assigned at birth.

Queer Umbrella term used for people who are not straight and or who are not cisgender. Originally meaning "strange" or "peculiar", queer came to be used pejoratively against those with same-sex desires or relationships in the late 19th century.

Intersex general term used for a variety of conditions in which a person is born with a reproductive or sexual anatomy that doesn't seem to fit the typical definitions of female or male.

Asexual An asexual person ("ace", for short) is simply someone who does not experience sexual attraction. That's all there is to it. Aces can be any sex or gender or age or ethnic background or body type, can be rich or poor, can wear any clothing style, and can be any religion or political affiliation.

Transgender (adj.) An umbrella term for people whose gender identity and/or gender expression differs from what is typically associated with the sex they were assigned at birth. People under the transgender umbrella may describe themselves using one or more of a wide variety of terms - including transgender. Some of those terms are defined below. Use the descriptive term preferred by the individual. Many transgender people are prescribed hormones by their doctors to change their bodies. Some undergo surgery as well. But not all transgender people can or will take those steps, and a transgender identity is not dependent

upon medical procedures.

Transition Altering one's birth sex is not a one-step procedure; it is a complex process that occurs over a long period of time. Transition includes some or all of the following personal, medical, and legal steps: telling one's family, friends, and co-workers; using a different name and new pronouns; dressing differently; changing one's name and/or sex on legal documents; hormone therapy; and possibly (though not always) one or more types of surgery. The exact steps involved in transition vary from person to person. Avoid the phrase "sex change."

Pronouns A word that takes the place of a noun. Examples: he, she, they, someone, who. In English, people are referred to by pronouns. Some people change their pronouns when they transition. This also includes gender non-binary pronouns such as they or them.

Cisgender A term used by some to describe people who are not transgender. "Cis-" is a Latin prefix meaning "on the same side as," and is therefore an antonym of "trans-." A more widely understood way to describe people who are not transgender is simply to say non-transgender people.

Gender Non-Conforming or Gender Non-Binary A term used to describe some people whose gender expression is different from conventional expectations of masculinity and femininity. Please note that not all gender non-conforming people identify as transgender; nor are all transgender people gender non-conforming. Many people have gender expressions that are not entirely conventional -- that fact alone does not make them transgender. Many transgender men and women have gender expressions that are conventionally masculine or feminine. Simply being transgender does not make someone gender non-conforming. The term is not a synonym for transgender or transsexual and should only be used if someone self-identifies as gender non-conforming.