

I. Introduction

This Procedure sets forth Evanston/Skokie Community Consolidated School District 65's ("District") protocol to:

- address the needs and concerns of transgender and gender non-conforming ("TGNC") employees
- ensure a safe, supportive, and affirming workplace for all employees
- facilitate compliance with District Policy and Illinois & federal laws and guidance concerning sex-based discrimination and harassment

This Procedure applies to all school activities and school-sponsored events regardless of where they occur.

The Building Principal, Nondiscrimination Coordinator, Complaint Manager, and/or Employee Support Team are responsible for the implementation of this procedure. They will consult with other employees and representatives of the District where appropriate, including the Board Attorney concerning issues of legal compliance.

This Procedure does not and cannot anticipate every situation that might occur with respect to TGNC employees. Consequently, the needs, requests, and support of each TGNC individual must be assessed and addressed on a case-by-case basis.

This Procedure is supported by:

- District Policy
 - 5:10 Equal Employment Opportunity and Minority Recruitment
 - 5:20 Workplace Harassment Prohibited
 - 5:100 Staff Development Program
 - 5:120 Employee Ethics; Conduct; and Conflict of Interest
 - 5:130 Responsibilities Concerning Internal Information
 - 2:260 Uniform Grievance Procedure
 - 2:265 Title IX Sexual Harassment Grievance procedure
- State Law
 - 775 ILCS 5/ Illinois Human Rights Act
 - 5 ILCS 430/705(a) Sexual harassment prohibited by the State Officials and Employees Ethics Act
- National Law
 - Title VII of the Civil Rights Act of 1964
 - Title IX of the Education Amendments of 1972 (34 CFR Part 106 Subpart E § 106.51 -106.62)
 - United States Constitution (14th Amendment, Equal Protection Clause)

II. Definitions

Understanding the terminology associated with gender identity and expression is essential in providing a safe and supportive workplace environment. These definitions are provided not for the purpose of labeling individuals but rather to assist in understanding this Procedure and the District's legal obligations.

- **“Transgender and Gender Non-Conforming” or “TGNC”** is a categorization used here to refer to individuals who identify as transgender, gender non-conforming, nonbinary, genderfluid, and/or any other identity in which the individual’s gender identity and/or gender expression does not align with the ‘traditional’ expressions and/or categories associated with the sex they were assigned at birth.
 - “transgender” or “trans” is an umbrella term which indicates that a person has a gender identity that is different from their sex assigned at birth.
 - “gender non-conforming” is an umbrella term used to describe individuals who do not behave in a way that conforms to the ‘traditional’ expectations of their gender, or whose gender expression does not fit neatly into a category.
- **“Sex”** is an internal and external experience that includes invisible and visible markers such as one’s chromosomal makeup, genitalia, reproductive anatomy, hormone levels, and secondary sex characteristics.
 - “Sex Assigned at Birth” is a label an individual is given at birth, often based on a medical professional’s interpretation of the physical characteristics as a newborn. Common examples may be “male” or “female.” This binary assignment does not reflect the natural diversity of bodies or experiences. This is typically the sex reflected on one’s original birth certificate.
- **“Gender identity”** is one’s deeply held, innate sense of one’s gender. A viable internal experience that cannot be debated or determined based on external markers
- **“Gender expression”** is one’s communication of their gender to the world (clothing, hairstyle, mannerisms, personality). It’s an external phenomenon that does not necessarily refer to one’s gender identity.
- **“Sexual orientation”** is a self-identification used to describe patterns of emotional, romantic, and/or sexual attraction to another person(s). An individual may be attracted to a person(s) of the same or different sex(es) or gender(s).
- **“Legal name”** refers to the name that appears on an individual’s identifying documentation such as their birth certificate, social security card, or Driver’s License.
- **“Legal sex/gender marker”** refers to the “M” for ‘male’, “F” for ‘female’, or “X” for ‘non-binary’ that appears on an individual’s identifying documentation such as their birth certificate or Driver’s License.
- **“Affirming”** refers to behaviors, processes, policy, procedures, and actions which acknowledge and support an individual’s identity.
- **“Affirmed Name” or “Chosen Name”** refers to the name (first and/or last) by which an individual identifies and should be referred to and called by. This name may or may not align with the individual’s legal name.

See Addendum A for more comprehensive definitions and information on Gender Identity and Expression Terminology.

III. Privacy & Confidentiality

Employees have the right to disclose and discuss their gender identity, gender expression, family structure, and sexual orientation openly, with other staff, parents, or/and students; or to keep any or all the above-listed information private.

The determination of:

- Whether information on an employee's gender identity & expression is shared with others,
- When that information is shared,
- With whom that information is shared,
- By whom that information is shared, and
- By which means that information is shared, is made by the employee.

These decisions are to be documented in the employee's Gender Support Plan.

District Administration, Representatives, Human Resources staff, and other employees shall not disclose an employee's gender identity, sex assigned at birth, or any information that may reveal an employee's TGNC identity, to anyone--including, but not limited to, other District administration, representatives, employees, parents, or students. Information about an employee's TGNC identity can constitute confidential medical information under privacy laws like the Health Insurance Portability and Accountability Act (HIPAA) and the disclosure of such information would violate District Policy 5:130 (Responsibilities Concerning Internal Information).

This information may only be shared:

- with prior discussion with and the consent of the employee
- in alignment with the employee's Gender Support Plan
- in the case of any disclosure to other employees, in addition to the above-listed requirements:
 - this information may only be shared with those who truly need to know this information to do their jobs
 - must be documented in writing and recorded in the Gender Support Plan

IV. Official Records

Employees have the right to request that their name, gender marker, pronouns, and/or title be changed in District records via their Gender Support Plan and/or submitting an Employee Information Change Request Form (Addendum B2) to the Assistant Superintendent of Human Resources.

Some District records, such as those categorized as Group 1 in Addendum C of this document, are not required to match the employee's identification documents (such as their birth certificate or social security card) nor is the employee required to obtain or provide any additional documentation (including a record of legal name change or declaration from a medical professional) to change these District records.

Other records that the employee submits to the District for employment purposes and that the District generates for employment purposes, such as those categorized as Group 2 in Addendum

C of this document, are required by local, state, and/or federal law to align with the employee's legal name and/or gender marker and thus require legal documentation for a change to be made in the District's records.

If an employee has questions about employee records or ID documents, they should contact the Assistant Superintendent of Human Resources.

V. Discrimination & Harassment

It is the policy and goal of the District to create and maintain a safe & supportive school community and workplace for TGNC employees. It is the responsibility of every District employee and representative to ensure that employees are protected and that work environments are free from sex, sexuality, and gender identity/expression-based discrimination and harassment.

District policy, consistent with the Illinois Human Rights Act and Title IX of the Education Amendments of 1972, prohibits discrimination, harassment, intimidation, violence, bullying, and the engagement in any abusive conduct on the basis of an individual's, actual or perceived, sex, sexual orientation, gender, gender identity, gender expression, and TGNC identity.

Thus, complaints alleging discrimination or harassment based on an employee's actual or perceived TGNC identity must be handled in accordance with the District's Uniform Grievance Procedure (2:260), Workplace Harassment Prohibited policy (5:20), and Title IX Sexual Harassment Grievance Procedure (2:265).

District employees shall respond to incidents of TGNC identity-based harassment or discrimination by promptly making or forwarding the complaint/report to the Nondiscrimination Coordinator (Assistant Superintendent of Human Resources).

VI. Names, Pronouns, & Titles

An employee has a right to be addressed by the affirmed name, pronouns, and title of their choosing by all members of the school community, including but not limited to, administration, staff, parents, and students. An employee is not required to provide any documentation to be addressed by the affirming name, pronouns, and/or title of their choosing and the affirming name, pronouns and/or title are not required to align with the employee's legal name or gender marker.

In everyday interactions and communications, all District employees and representatives should use the name, pronouns, and/or title requested by the employee in accordance with their Gender Support Plan.

The District may facilitate the sharing of a change in name, pronouns, and/or title at the request of the employee, in accordance with the employee's Gender Support Plan.

The intentional and/or persistent refusal by District employees and representatives to use the affirming name, pronouns, and/or title constitutes harassment and is in violation of this Procedure and District Policies 5:20 & 2:265.

VII. Employee Gender Support Team & Plan

TGNC employees can expect the support of management and District Human Resources staff. From the time of hiring and at any point in the employee's career, Human Resources staff will work individually with each TGNC employee to help ensure the employee's social, emotional, and professional success at the District. At any point in their employment, transition, and/or disclosure of TGNC identity, an employee may request that the District provide an Employee Gender Support Team to collaborate in the development of an Employee Gender Support Plan.

This team shall consist of the Assistant Superintendent for Human Resources, the employee's building administrator, and the employee. The employee may also request additional members be added to the team to provide support such as a coworker, union representative, a member of the District Gender Support Team, or their direct supervisor.

The purpose of this Team is to support the employee and work with them to ensure their needs and requests are clearly documented and addressed. The Team shall at all times respect the choices and self-determination of the employee in all decisions and actions concerning or related to their TGNC identity.

To that end, the Team will create an individualized Employee Gender Support Plan for the employee to document and plan all actions by the District to ensure a safe, supportive, and affirming workplace for the TGNC employee.

The Employee Gender Support Plan, guided by the Employee Gender Support Plan Form, shall address:

- Privacy, confidentiality, and disclosure of employee's TGNC identity to District stakeholders and in District personnel records and information systems
- Changing of employee's name, gender marker, pronouns, and/or title in District personnel records, documents, information systems, and communications
- Ensuring access to restrooms, locker rooms, and any other traditionally sex-segregated facilities, activities, and assignments that align with the employee's gender identity
- Safety and security concerns
- Plans and actions by the District, Building Administrators, District Human Resources, and/or any other relevant District employees/representatives on whether, how, and to whom information about an employee's gender identity or expression and/or any related changes in how the employee is addressed or referred to is disseminated
 - o For Example:
 - Email communication to parents about a change in name and pronouns
 - Convening a meeting to inform relevant staff about employee's gender identity and related rights and accommodations
 - District Supervisor will start staff and/or team meetings for next 60 days with self-introductions of name and pronouns of all participants to aid the employee in informing others of their affirmed name and pronouns
- Additional staff training/professional development to increase capacity and knowledge around supporting TGNC employees

- Other issues, concerns, or requests of the employee

The Employee Gender Support Plan is a living document and should be modified as needed to reflect and respond to the ongoing needs and concerns of the employee. The employee may request a meeting with their Employee Gender Support Team, and/or a review/revision of their Employee Gender Support Plan.

The Employee Gender Support Plan Form and any accompanying documents shall be maintained in the employee's personnel file by the Assistant Superintendent for Human Resources.

VIII. Access to Gender-Segregated Facilities, Activities, and Assignments

(a) Restrooms & Locker rooms

Employees shall have access to the restroom and locker room facilities that align with their gender identity. Under no circumstances may employees be required to use sex-segregated facilities that are inconsistent with their gender identity or required to use a single-stall restroom because they are TGNC. The District will post signage at sex-segregated facilities indicating that people may use the facilities that correspond to their gender identity.

Any individual, regardless of the underlying reason, who has a need or desire for increased privacy shall be provided with reasonable alternative arrangements. Reasonable alternative arrangements may include the use of a private area, a separate changing schedule, or use of a single-stall restroom, if available. Under no circumstances may employees be required to use an alternative arrangement.

These restroom & locker room access and accommodations should be assessed on an individual basis to ensure that the employee feels supported, safe, and affirmed.

(b) Overnight Trips

No employee shall be denied the opportunity to participate in a school trip, including an overnight trip, on the basis of their TGNC identity.

(c) Assignments

For sex-segregated assignments, transgender employees will be classified and assigned in a manner that aligns with their gender identity.

XI. Training & Staff Development

All new employees will be trained regarding this Procedure as part of orientation. All District staff shall be provided training regarding this Procedure and provided updated information and/or training related to any modifications/amendments to this Procedure. Additional training related to this procedure may be requested for Building staff, Departments, and/or individual staff members by contacting Human Resources.

Staff members shall receive annual training, as part of the Staff Development Program, to develop understanding, competency, and best practices on ensuring equal employment opportunities and affirming and supportive behavior towards TGNC individuals.

The District shall make available education and training opportunities for additional stakeholders including parents and community members. In addition to existing training and staff development, the District shall also explore additional strategies, policies, and procedures that will help to create a safe and affirming environment for all staff.

XII. Reporting & Responding to Violations of this Procedure

(a) Violation of this Procedure by a District Employee/Representative

District employees who refuse to abide by this Procedure's prohibition of discrimination, harassment, intimidation, violence, bullying, and engagement in any abusive conduct on the basis of an individual's, actual or perceived, sex, sexual orientation, gender, gender identity, gender expression, and TGNC identity, may be subject to disciplinary actions, up to and including termination, as set forth in the relevant employee discipline policy and pursuant to relevant collective bargaining agreement provisions.

The District Administration shall enforce these Procedures and respond promptly and effectively to any employee complaints of discrimination, harassment, or violations of these Procedures, and consistent with the process and timelines set forth in the District's Uniform Grievance Procedure (2:260) and/or Title IX Sexual Harassment Grievance Procedure (2:265).

An employee, who experiences or witnesses a violation of this Procedure, may make a verbal or written complaint to the District's Assistant Superintendent for Human Resources, the District's Nondiscrimination Coordinator, Complaint Manager, Building Principal, Assistant Building Principal, Dean of Culture and Climate, and/or any employee with whom the person is comfortable speaking.

District employees shall respond to incidents and complaints of TGNC identity-based harassment or discrimination by promptly making or forwarding the complaint/report to the District's Nondiscrimination Coordinator. An employee who fails to promptly make or forward a report may be disciplined, up to and including discharge.

The District Administration will consider any such complaint as a formal complaint and will investigate and respond pursuant to the timelines and documentation requirements in the Uniform Grievance and/or Title IX Sexual Harassment Grievance Procedures. With the consent

of the parties involved in any complaint, the District may engage in a restorative process for resolution of any violation of this Procedure.

(b) Violation of this Procedure by a Non-Employee, Adult Member of the School Community

Violations of the Procedure by a parent, guardian, substitute teacher, volunteer, visitor, third-party provider, or other non-employee, adult member of the school community can be reported by a verbal or written complaint to the District's Assistant Superintendent for Human Resources, the District's Nondiscrimination Coordinator, Complaint Manager, Building Principal, Assistant Building Principal, Dean of Culture and Climate, and/or any employee with whom the person is comfortable speaking. District employees shall respond to such incidents and complaints by promptly making or forwarding the complaint/report to the District's Nondiscrimination Coordinator.

The District, in coordination with the employee (and if applicable, the employee's Gender Support Team) shall promptly put in place a plan to protect and support the employee, including but not limited to:

- creating a safety plan
- preventing the person from accessing the employee
- refusing parent requests to transfer a student out of the employee's classroom
- any other necessary measures consistent with Board Policy.

Any plans shall be documented and reflected in the employee's Gender Support Plan. The employee's building administrator shall be primarily responsible for implementing these measures.

XIII. Committee

The District's Superintendent shall establish a District Gender Support Team to support transgender and/or gender expansive employees. This Team will work to identify additional actions and initiatives that can assist in making the District a supportive and welcoming environment to all employees, including inclusive health care and additional training and/or professional development. Additionally, the Team will monitor and review the efficacy and implementation of these procedures. Policies and procedures should be reviewed annually and any recommended revisions will be shared with the District Superintendent.

This Team shall meet at least quarterly and include board members, employees, administrators, legal counsel (as needed), and expert facilitators. The District Superintendent may add to or change the membership of this Team as necessary.

XIV. Online Accessibility and Publication

Reference to this Procedure will be made in any applicable Board policies and on the District's website.

Appendix

Addendum A: [Additional/more in depth LGBTQIA2S+ definitions](#)

Addendum B1: [Employee Gender Support Plan Form](#)

Addendum C: Employee Records Information

- If you need to change your legal name, complete the [Employee Information Change Form](#) and email it to askHR@district65.net.
- If you need to provide your affirmed name, complete the [Name Change](#) Form and email askHR@district65.net.

Addendum D: Contact and Resource List

- Name and Contact Info of District Employees involved in this procedure and their role
 - If you have experienced TGNC discrimination:
 - To explore restorative justice options: **Mr. Terrance Little**
 - To file a Title IX complaint: **Ms. Tiffany Taylor**
 - To speak with a mental health professional: **Dr. Corina Herrera**
- [Community Organizations & Resources](#)

Addendum E: Examples of Behavior that Violates this Procedure

- Refusing to call a transgender employee by their chosen name, such as calling a transgender person "Sally" when their name is "Sal";
- Repeatedly using the incorrect pronouns even after being informed of their correct pronouns (this is called "misgendering");
- Refusing to allow transgender staff to use restrooms that correspond to their gender identity;
- Dehumanizing transgender people by calling them "thing" or "it";
- Ridiculing a transgender person because their appearance or behavior does not conform to the harasser's belief about what the transgender person's gender "should be";
- Inappropriate comments concerning a specific employee's gender identity or transgender people in general

District Policies

- 2:265 Title IX Sexual Harassment Grievance procedure
- 5:100 Staff Development Program
- 7:190 Student Behavior
- 7:180 Prevention of and Response to Bullying, Intimidation, and Harassment