

## **470 STAFF GENDER INCLUSION POLICY**

### **I. PURPOSE**

Intermediate School District 917 does not discriminate in any way on the basis of sex or sexual orientation (as defined by Minn. Stat. 363A.03), gender identity, or gender expression. This policy is intended to create a safe and productive work environment for all employees. In addition to this policy, other district policies apply, including, but not limited to Harassment and Violence (policy 413) and Public and Private Personnel Data (policy 406).

This policy sets forth guidelines to address issues concerning transgender and gender non-conforming employees in the workplace. This policy does not, nor is it intended to anticipate every situation that might occur with respect to transgender or gender non-conforming employees. The concerns and needs of each transgender or gender non-conforming employee will be assessed on a case-by-case basis. In all cases, the goal is to ensure the safety, comfort, and healthy development of transgender or gender non-conforming employees while maximizing the employee's workplace integration and minimizing stigmatization of the employee.

### **II. DEFINITIONS**

The following definitions are provided to assist in understanding this policy.

- a. **Assigned Gender** – An individual's gender assigned at birth, which correlates to the biological, genetic, and anatomical makeup of a body.
- b. **Gender Expression** – The manner in which an individual expresses their gender.
- c. **Gender Identity** – An individual's sense of being male, female, or otherwise on a continuum of gender.
- d. **Gender Dysphoria** – A conflict between an individual's physical or assigned gender and the gender with which they identify.
- e. **Gender Non-Conformity** – Behaviors and interests that fit outside of stereotypical behaviors and interests for an individual's assigned sex.
- f. **Transgender** – An individual whose gender is different from the gender assigned to them at birth.
- g. **Transition** – The process of changing one's gender from the sex assigned at birth to one's gender identity.
- h. **Sexual Orientation** – A person's physical or emotional attraction to people of the same and/or other gender.

### **III. OFFICIAL RECORDS**

A transgender or gender non-conforming employee has the right to be addressed by the name and pronoun corresponding to the employee's gender identity. Upon request, email address and district identification cards can be changed to reflect the employee's preferred first name. In the case of

district identification, Intermediate School District 917 will update the photograph to reflect the employee's gender identity and expression. Due to state and financial restrictions, official employment records will be changed to the employee's new name and gender upon receipt of official documentation, including but not limited to, a court order, passport, social security card, and/or driver's license.

Requests mentioned above should be directed to the district's human resources department.

#### **IV. NAMES/PRONOUNS**

An employee has the right to be addressed by the name and pronoun that corresponds to their gender identity, upon request. A court-ordered name or gender change is not required. The intentional or persistent refusal to respect an employee's gender identity (for example, intentionally referring to the employee by a name or pronoun that does not correspond to the employee's gender identity) can constitute harassment and is a violation of this policy. If an employee is unsure about what pronoun a transitioning co-worker might prefer, one can politely ask their coworker how they would like to be addressed.

#### **V. RESTROOM ACCESSIBILITY**

Employees shall have access to the restroom corresponding to their gender identity. Any employee who has a need or desire for increased privacy, regardless of the underlying reason, will be provided access to a single-stall, individual, or gender-neutral restroom, when available. No employee, however, will be required to use such a restroom. All employees have a right to safe and appropriate restroom facilities, including the right to use a restroom that corresponds to the employee's gender identity, regardless of the employee's sex assigned at birth.

#### **VI. DRESS CODES**

Intermediate School District 917 does not have dress codes that restrict employees' clothing or appearance on the basis of gender. Transgender and gender non-conforming employees have the right to comply with district dress codes in a manner consistent with their gender identity or gender expression.

##### *Legal Reference:*

Minn. Stat. § 121A.031 (Safe and Supportive Minnesota Schools Act)

Minn. Stat. § 121A.03, subd. 2 (Sexual, Religious and Racial Harassment and Violence Policy)

Minn. Stat. § 363A (Minnesota Human Rights Act)

20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments of 1972)

34 C.F.R. Part 106 (Implementing Regulations of Title IX) *Montgomery v. ISD No. 709*, 109

F.Supp. 2d 1081, 1093 (D. Minn. 2000).

##### *Cross References:*

Policy 102 (Equal Educational Opportunity)

Policy 413 (Harassment and Violence)