

# **BURLINGTON SCHOOL DISTRICT PROCEDURE**

## **PROCEDURE CODE C12PT: SUPPORT FOR TRANSGENDER & NON-BINARY EMPLOYEES**

### **Summary**

This procedure sets forth guidelines to address the needs of transgender, nonbinary, and gender non-conforming employees, and clarifies how our non-discrimination laws and policies will be implemented in situations where questions may arise about how to protect the legal rights or safety of such employees. This procedure does not anticipate every situation that might occur with respect to transgender, nonbinary, and transitioning employees; therefore the needs of each employee must be assessed on a case-by-case basis. In all cases, the goal is to ensure the safety, comfort, healthy development, and sense of belonging of transgender, nonbinary, and transitioning employees while maximizing workplace integration and minimizing stigmatization of employees.

This procedure is in accordance with [Equal Employment Opportunity Commission \(EEOC\) guidelines updated and set forth on April 29, 2024](#). Burlington School District (BSD) does not discriminate on the basis of sex, sexual orientation, gender identity, or gender expression. This procedure does not create any new legal obligations for the District but rather applies and explains existing legal obligations through the lens of transgender employees and adopts best practices.

### **Definitions**

The definitions provided here are not intended to label employees but to assist in understanding this procedure and its obligations and protections. Employees may or may not use these terms to describe themselves.

1. **Gender** A set of cultural identities, expressions, and roles – codified as feminine or masculine – that are assigned to people, based upon the interpretation of their bodies, and more specifically, their sexual and reproductive anatomy. Gender is a social construct, and as such it is possible to reject or modify the assignment made and develop something that feels truer and just to oneself.
2. **Gender Binary** A socially constructed system of viewing gender as consisting solely of two categories, “male” and “female”, in which no other possibilities for gender are believed to exist. The gender binary is inaccurate because it does not take into account the diversity of gender identities and gender expressions among all people. The gender binary is oppressive to anyone who does not conform to dominant societal gender norms.
3. **Gender Identity** How an individual identifies in terms of their gender. Gender identities may include, “male,” “female,” “androgynous,” “transgender,” “genderqueer,” and many others, or a combination thereof.
4. **Gender Expression** The multiple ways (e.g., behaviors, dress) in which a person may choose to communicate gender to oneself and/or to others.
5. **Gender Pronouns** The pronoun or set of pronouns that a person would like others to call them by when their proper name is not being used. Examples can include gendered pronouns (such as “she/her/hers” or “he/him/his”) and gender-neutral pronouns (such as “they/them/theirs” and “ze/hir/hirs), or a combination of gendered and non-gendered pronouns (such as “he/them” and “she/them”).
6. **Transgender** An umbrella term that can be used to describe people whose gender is different from the sex assigned at birth. This can include:
  - a. A person whose sex assigned at birth was female but who identifies as male is a transgender man (also known as female-to-male transgender person, or FTM).
  - b. A person whose sex assigned at birth was male but who identifies as female is a transgender woman (also known as male-to-female transgender person, or MTF).
  - c. Some people described by this definition don’t consider themselves transgender – they may use other words or may identify simply as a man or woman.
7. **Nonbinary** An umbrella term for all genders other than female/male or woman/man, most often used as an adjective. Some nonbinary people identify as transgender and some transgender people identify as nonbinary.

8. **Transition** The process of changing one's gender from the sex assigned at birth to one's gender identity. There are many different ways to transition. The transition may be social and/or physical and may include "coming out" (telling family, friends, and coworkers); changing name and pronouns; changing name and/or sex on legal documents; and, for some transgender people, accessing medical treatment such as hormones and/or surgery.
9. **Sexual Orientation** A person's physical or emotional attraction (or lack thereof) to other people. Straight, gay, bisexual, pansexual, and asexual are some ways to describe sexual orientation. It is important to note that sexual orientation is distinct from gender identity and expression. Transgender people can be straight, gay, lesbian, bisexual, pansexual, asexual, or of other orientation, just like non-transgender people.

## Discrimination, Harassment, Reporting

Discrimination on the basis of an employee's actual or perceived gender is considered sex-based discrimination and is prohibited by Federal law and [BSD Policy](#). Unlawful discrimination includes but is not limited to, failure to hire, failure to promote, or unlawful termination. It is also unlawful to retaliate against an individual for expressing opposition to any employment practices that discriminate based on gender or for filing a discrimination charge, testifying, or participating in any way in the enforcement of this policy or the law.

Prohibited harassment includes harassment based on sexual orientation or gender, including how that identity is expressed. Harassing conduct based on sexual orientation or gender includes epithets regarding sexual orientation or gender; physical assault due to sexual orientation or gender; outing (disclosure of an individual's sexual orientation or gender without permission); harassing conduct because an individual does not present in a manner that would stereotypically be associated with that person's sex; repeated and intentional use of a name or pronoun inconsistent with the individual's known gender (misgendering); or the denial of access to a bathroom or other sex-segregated facility consistent with the individual's gender.

BSD is committed to creating a safe work environment free from harassment for transgender, nonbinary, and transitioning employees. Employees should document any incidents of harassment or discrimination using the appropriate form in TalentEd. Any complaint related to an incident of discrimination, harassment, or violence based on gender will be given immediate and effective attention, including, but not limited to, investigating the incident, taking suitable corrective action, and providing any harmed employees with any appropriate supportive resources.

## Procedures

### Dress Codes

BSD does not have a dress code that restricts employees' clothing or appearance on the basis of gender. Transgender, non-binary, and transitioning employees have the right to dress in a manner consistent with their gender.

### Names

An employee has the right to be addressed by the name and pronouns that correspond to their gender. A court-ordered name or gender change is not required. Using correct names and pronouns helps to foster a workplace free of discrimination and harassment and creates an inclusive work environment where all employees are treated with dignity.

### Official Records

BSD will change an employee's official record to reflect a change in name or gender upon request from the employee. Certain types of records, like those relating to payroll, benefits, and retirement accounts, may require a legal name or gender change before the person's name or gender can be changed on those records. Most records, however, can be changed to reflect the names and pronouns employees use to describe themselves. BSD employees may request a name change at any time and can do so using the appropriate form in TalentEd.

BSD schools and District Offices will make every effort to

- use an employee's chosen or preferred name on all outward-facing documents (e.g. newsletters, nameplates, community communications, etc.).
- update any photographs at the transitioning employee's workplace so the transitioning employee's gender is represented accurately.

If a new or transitioning employee has questions about company records or ID documents, the employee should contact Human Resources. **Employees should make a request in writing for formal changes if they note any errors in official records or photographs.**

### Privacy

Transgender, nonbinary, and transitioning employees have the right to discuss their gender identity or expression openly, or to keep that information private. The employee has the right to decide when, with whom, and how much of their private information to share. Information about an employee’s transgender, non-binary, or transitioning status (such as the sex they were assigned at birth) can constitute confidential medical information under privacy laws.

Management, human resources staff, or coworkers should not disclose information that may reveal to others that an employee is transgender, nonbinary, or transitioning. That kind of personal or confidential information may only be shared with the employee’s consent, unless there is a valid business reason such as resolving payroll or benefits issues.

### Pronouns and Misgendering

The intentional or persistent refusal to respect an employee’s gender or gender identity (for example, intentionally referring to the employee by an incorrect name or pronoun) may constitute harassment and be a violation of BSD policy. Employees should document incidents of misgendering and if patterns of misgendering occur should file a claim of discrimination or harassment using the appropriate form in TalentEd.

### Restroom Accessibility

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, regardless of the employee’s sex assigned at birth. Any employee who has a need or desire for increased privacy will be provided access to a single-stall restroom, when available.

### Transitioning on the Job

Employees who transition on the job will be offered the support of leadership and human resources staff who will work with each transitioning employee individually to ensure a successful workplace transition.

- Building administrators or team leaders will support a transitioning employee in managing their workplace transition. (See BSD’s [Developing a Supportive Transition Plan for Managers](#) for supportive measures.)
- Transitioning employees should expect that leadership will support staff to develop an individualized communication plan to share information as needed with coworkers, students, and families.
- Administrators and supervisors should help to build an overall culture of respectful pronoun and name usage and ensure that all employees feel safe and supported in their workplace.
- BSD employees are encouraged to use the benefits of the Employee Assistance Program’s (EAP) counseling, services, resources, and referral information at no cost.

### Clerical Information

BSD Version:	BSD C12PT Procedure
Date Adopted:	October 28, 2024
Legal Reference(s):	N/A Title IX of the Education Amendments of 1972, 20 U.S.C 1681, et seq 20 U.S.C. §1232g, Family Educational Rights and Privacy Act 34 CFR. Part 99, Family Educational Rights and Privacy Act Regulations 34 CFR 106.8, Designation of responsible employee and adoption of grievance procedures. 34 CFR 106.30, Definitions 34 CFR 106.44, Recipient’s response to sexual harassment 34 CFR 106.4, Grievance process for formal complaints of sexual harassment 34 CFR 106.71, Retaliation
Policy Reference:	<a href="#">BSD Policy C12: Prevention of Sexual Harassment As Prohibited by Title IX</a>