

**Approving University Official(s):** Board of Governors

**Responsible Office:** Human Resources, Registrar's Office, Student Services, Academic Accommodations and Accessibility Office

**Effective date:** January 17, 2021 (draft- new policy)

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**Next review date:** 1 year

## **[AD- Gender Inclusion Procedures]**

### **Purpose**

This Gender Inclusion Policy (the "Policy") is intended to provide Yorkville University and Toronto Film School and their affiliates (collectively, "Yorkville") with the necessary framework and guidance to facilitate the following:

- that employees and students are aware of their rights and responsibilities towards Inclusion of persons of all Gender Identities and Gender Expressions and removal of related Barriers to ensure full participation in the workplace and learning environment;
- guidance for management and administration to help facilitate Accommodations related to the gender Transitioning process for employees and students;
- the promotion of a respectful, discrimination- and harassment-free workplace and learning environment, and providing workplace and academic Accommodations pursuant to the applicable provincial human rights legislation and Yorkville's policies (such as the Discrimination and Harassment Policy and Program, and Workplace Accommodation Policy, and Accommodations and Accessibility Policy and Procedures);
- the development and provision of training, education, resources and tools to raise awareness about gender Inclusion and increase the related knowledge and skills of all employees and students; and
- an understanding of when to consult with the Equity, Diversity, and Inclusion Office (EDIO), the Mental Health and Wellness department, and make referrals to the Employee Assistance Program.

## **Audience**

This Policy applies to all academic and academic support activities and departments of Yorkville.

For any concerns regarding discrimination or harassment, employees and students should refer to the Discrimination and Harassment Policy and Procedures that applies to them.

For further information related to workplace Accommodations and Individual Accommodation Plans, employees should refer to the Workplace Accommodation Policy and Procedures. For further information related to student Accommodations and academic Accommodation Plans, students should refer to the Academic Accommodations and Accessibility Policy and Procedures.

## **Procedures**

### Self-Identification

#### *Changes to name and/or gender*

If an employee or student seeks to change the way their name appears in Yorkville documents (hard copy and electronic) to reflect their gender and/or Gender Pronouns, appropriate identification documents may be required in order to ensure against identity fraud.

Employees can make changes to their Preferred/Chosen Name, gender and Gender Pronouns in the Humi Human Resources information system. Only Preferred/Chosen Names are shown publicly whereas an employee's legal name is only seen by Human Resources, Payroll and the employee's supervisor/manager. Legal names are typically shown on official and government-issued documents such as a T4 tax slip, Record of Employment, pay statements, etc.

It is the sole responsibility of the employee/student/graduate to resolve or deal with issues resulting from a name change. To navigate such issues, if required, a student may request a letter from the Registrar's Office confirming their name and student status.

Students can make changes to their Preferred/Chosen Name, gender and Gender Pronouns through completing the applicable Change of Name Form (see Appendices A and B) and sending it to the applicable Student Services or Registrar Office as per the directions on the form. Changes to name will be reflected on a student's official academic record, transcript, and diploma/degree. Please note that if a student's name has been changed to something other than their legal name (e.g. Preferred/Chosen Name) future employers, licensing bodies, student loan issuers, and other educational

institutions may require legal proof that the transcripts and diplomas/degrees being used legitimately belong to the student.

For information on the relevant federal and provincial/territorial government contacts for legal name and gender change processes, please see Appendix C.

### Gender Pronouns

Employees and students may also indicate their Gender Pronouns in their official email signatures, name tags, social media and other profiles, etc. This allows everyone to know what pronouns to use when addressing that individual in order to respect and affirm their Gender Identity and/or Gender Expression. It also creates a safe and inclusive space for people to bring their whole selves to workplace and the learning environment and shows a willingness to respect self-identified Gender Pronouns.

### Washroom access

Yorkville will make efforts to ensure that all members of the Yorkville Community can use washrooms with safety, privacy, and dignity, regardless of their Gender Identity or Gender Expression. All individuals on Yorkville premises have the right to use the washroom that corresponds with their Lived Experience and self-identified Gender Identity and/or Gender Expression without fear of discrimination, harassment, reprisal, or harm. Security on all campuses are stationed near the reception area and individuals are able to get security assistance at any time by approaching them directly in the event that it is required.

Inclusive signage may be used to identify gender Inclusion in washroom facilities, but access is available regardless of whether signage is present or not. Please see Appendices D and E for examples of signage that is recommended to be placed in washroom facilities in order to encourage all-gender Inclusion.

Yorkville employees and management should not direct people to a gendered washroom but should instead inform people of the various washroom options available so they can decide which one to use for themselves. Transgender individuals will not be required to use a separate facility because of the preferences or negative attitudes of others and discrimination and/or harassment will not be tolerated.

### Confidentiality of Information

All members of the Yorkville Community are provided with legal rights to privacy under the applicable national and provincial privacy legislation, which includes the protection of information relating to an individual's Gender Identity and/or Gender Expression. As such, the Transgender status of all members of the Yorkville Community must be kept confidential, except as permitted or required under such legislation. The privacy and confidentiality of any information related to a Transgender individual's Gender Identity will be maximized to the extent possible. This includes information that directly or indirectly identifies that a person's Birth-Assigned Sex is different from their Gender

Identity. An individual's Transgender history and medical information will be kept private and confidential, and limited to only relevant information and the people directly involved in helping to meet that individual's needs.

Yorkville is committed to protecting the confidentiality of employee and student personal and medical information. All parties involved in the workplace and academic Accommodation process (including but not limited to: employees, Human Resources, Yorkville departments, supervisors/managers, healthcare professionals, subject matter experts, etc.) shall protect the confidentiality of employee personal and medical information. Records of personal and medical information are kept confidential and separate from employee Human Resources and student records. Human Resources staff and the Academic Accommodations and Accessibility Office staff are responsible for the safekeeping and protection of confidential documents. All confidential information will be kept in a secure location and will be used solely for the purpose for which it was released. The information will be housed in the Human Resources department and Academic Accommodations and Accessibility Office for employees and students respectively.

Grounds upon which the Transgender status of a member of the Yorkville Community may be disclosed as per the applicable national and provincial privacy legislation include the following:

- the Transgender individual has directly given the discloser explicit and documented permission to disclose their Gender Identity
- the disclosure is made to an employee of Yorkville on a "need to know" basis for the purpose of enabling the employee to carry out their duties (e.g. to fulfill a specific Accommodation request, to allow for the provision of serious medical attention that attends to or prevents impending and significant harm, issuing of payroll or benefits, etc.).

Members of the Yorkville Community who identify as Transgender must confirm with Yorkville the name(s) and pronoun(s) by which they prefer to be referred to in external correspondence and communications (e.g. phone calls home, e-mails, Yorkville communications bulletins, unofficial documentation, websites, online portals, Yorkville-related articles and promotional material, etc.).

Disclosing the status of a Transgender member of the Yorkville Community without explicit and directly expressed consent or in the absence of a "need to know" circumstance is generally known as "outing". Under the Discrimination and Harassment Policy, this form of outing is recognized as a form of harassment and/or discrimination on the basis of Gender Identity and/or Gender Expression that puts the individual's physical, emotional and psychological safety at risk.

The intention of a member of the Yorkville Community to transition genders or the fact that they are going through a gender transition process must be kept confidential. Without clear, explicit, and documented permission from the person intending or undergoing a transition, disclosure is prohibited, except where such disclosure is necessary to protect the rights of the individual (including the provision of

Accommodation), to change documentation kept by Yorkville or if required by legal process. If such a disclosure is appropriately made it must always be limited and only go as far as what can be reasonably determined to help prevent the development of a poisoned working and/or learning environment within the Yorkville Community. Disclosing the transition plans of a current member of the Yorkville Community may be necessary in this regard to manage expectations and to minimize inappropriate responses from others within the Yorkville Community.

### Gender Transition Guidelines

Yorkville will take reasonable steps to be supportive, understanding, respectful, responsive, and provide reasonable Accommodation to all members of the Yorkville Community who undergo a gender transition while at Yorkville. The following are guidelines and considerations which should be addressed when implementing an Accommodation Plan for an employee or student that is experiencing a gender transition and is requesting Accommodation. These guidelines and any associated timelines should be reflected within the Accommodation Plan which sets out the responsibilities and expectations of all parties involved, and mechanisms for monitoring and review of the plan.

- Employees may contact the health insurance provider Industrial Alliance to inquire into specifics on benefits coverage under the group policy through the secure website My Client Space accessible via [ia.ca](http://ia.ca), or toll-free at 1-877-422-6487 if offered as a part of their plan.
- Name and gender title changes – Updates to name and gender changes within the applicable Yorkville information systems will take place as soon as reasonably possible as per the procedures mentioned above. Name changes within the Yorkville information systems may take time to process depending on the circumstances and any issues related to integration of different systems. As a best practice the use of gender titles (Ms., Mr., Mrs., etc.) should be avoided unless it is clear what title the individual prefers to use. The only exception to this provision is for any records that must match a person's legal name. The plan should also address any implications from the transition related to benefits as well.

It is important to recognize that some Transitioning individuals may not be able to change their identity documents legally. This may be because they are born in a jurisdiction that does not allow a change at all, or which requires proof of gender-affirming surgery, which is difficult to access, inappropriate or unavailable for many Transgender individuals. This underlines Yorkville's obligation to use a person's Preferred/Chosen Name without requiring a legal name change or any changed identity documents. Transitioning members of the Yorkville Community can be referred to Appendix C's list of federal and provincial/territorial government contacts should they wish to initiate a change in their legal name and/or gender.

- Gender Pronouns and Gender-Inclusive Language - The correct use of pronouns is an important component of accommodating based on Gender Expression and/or Gender Identity.
- Informing others about name and gender changes – The Accommodation Plan should address if, when and how other members of the Yorkville Community will be informed of the individual’s new name and Gender Identity. For example, some Transitioning employees/students may request that a supervisor/manager/other Yorkville official inform colleagues for them by sending an email to others. Other Transitioning employees/students may opt to inform their colleagues themselves through email or individual/group meetings. The way that colleagues are informed, if at all, might also depend on the size and type of workplace/program/class. It is up to the Transitioning individual to decide how communication of these changes to others not involved in the Accommodation process will occur, if at all.
- Change-room facilities - All members of the Yorkville Community have the right to a safe change-room that corresponds to their Gender Identity and/or Gender Expression. Where change-rooms do not have separate privacy stalls, reasonable Accommodations will be provided on a case-by-case basis that endeavors to effectively meet the individual’s particular needs.
- Dress codes and grooming - Except where inconsistent with security, health and safety concerns, all Transgender members of the Yorkville Community are permitted to dress, and groom themselves in attire that reflects their own Gender Identity and/or Gender Expression.
- Athletics - No member of the Yorkville Community shall be prevented from full and equal participation in Yorkville’s intramural sporting, fitness, or athletic activities on the basis of their Gender Identity and/or Gender Expression.
- Gender-affirming surgery and transition related medical appointments – Members of the Yorkville Community may seek Accommodation for gender-affirming surgery and time off for medical appointments if that is part of their transition. Members who require leave for surgeries/medical appointments may be required to provide medical documentation to verify the need for leave in accordance with the appropriate type of leave. This information must be treated confidentially.
- Training needs – The Accommodation Plan should address when and how training for members of the Yorkville Community will occur to help them understand the transition process and their involvement in the plan, if applicable.