


Policy #	HR 111
Approved by:	Lori A. Diduch
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Policy Holder Signature:	
Policy Holder:	Vice President, Human Resources and Organizational Effectiveness
Administrative Contact:	Director, Centre for Human Rights, Equity & Diversity
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Gender Diversity Policy

Purpose/Rationale:

The Humber College Institute of Technology and Advanced Learning and the University of Guelph-Humber (hereafter referred to as “Humber” or “the College”) is committed to fostering a respectful and inclusive culture in which all members of the College community study, work and live free from discrimination and harassment.

The College has the right, as well as the legal and moral responsibility, to ensure that all its members are treated fairly, equitably, and respectfully, in order to provide a learning, working and living environment free from discrimination and harassment on the basis of gender identity and gender expression; and one in which transgender and gender non-binary individuals are included, respected and encouraged to reach their potential as members of the College community.

This Policy outlines Humber's position on the responsibilities of the College, students and employees with respect to protecting gender expression and gender identity consistent with the *Human Rights Code* (hereafter referred to as the “Code”).

While this Policy specifically addresses the particular areas of gender identity and gender expression within human rights, it does not replace or derogate in any way from the College's Human Rights Policy, Human Rights Complaint Resolution Procedure and the Sexual Assault and Sexual Violence Policy; rather the intention of this Policy is to supplement the College's existing Human Rights Policy and Human Rights Complaint Resolution Procedure and the Sexual Assault and Sexual Violence Policy.

This document is available in alternate format on request.

Scope:

This Policy applies to all members of Humber and University of Guelph-Humber community, including, all students, employees, governors, contractors, suppliers of services, individuals who are connected to any College initiative, volunteers and visitors.

Visitors to any College campus will be subject to complaints if they engage in prohibited conduct. The College will take appropriate actions and apply appropriate remedies (e.g. barring them from campus) if harassment or discrimination is found. Such visitors may also be able to initiate a complaint under this Policy.

The Policy includes coverage of incidents of discrimination and harassment that occur both on and off campus, which affect Humber's learning, working and living environments. This may include College-related functions, such as academic placements, off-campus field trips, work or academic related travel as well as virtual environments within the Humber ecosystem, such as our Learning Management system (for example: Blackboard), and virtual social-based environments involving the College community that may be outside Humber College's IT ecosystems (for example: Facebook, Snapchat and Instagram).

Definitions:

See Appendix A.

Policy:

1. General

- 1.1. Every transgender (trans) and gender non-binary (non-binary) student and employee has a right to equitable treatment without discrimination and/or harassment with respect to employment, services, goods, facilities, accommodation and membership in vocational associations in accordance with the provisions of the Code.

2. Self-identification is the sole and whole measure of a person's gender

- 2.1. No person shall be asked or required to produce documents to 'prove' their gender in order to gain access to any facilities, activities, initiatives and opportunities within the College, unless required by law.
- 2.2. A person, having established a relationship with the College which is reflected in documents created and stored by the College (whether electronic or hard copy), who seeks a change in those documents to reflect their gender and/or chosen gender pronoun, may be asked to produce appropriate identification in order to ensure against identity fraud. For this purpose, appropriate identification documents for Ontario Residents may include the [Change of Name](#) document from the Office of the Registrar General.
- 2.3. The College will take every reasonable step to ensure that its learning, working and living environments are maintained free from anti-trans harassment and/or discrimination, as prohibited by the Code including workplace harassment, workplace sexual harassment, and workplace violence, as defined in this Policy and the [Occupational Health and Safety Act](#).
- 2.4. All members of the College community have a responsibility to uphold the principles set out in this policy and to report (to a member of the College's management or the Centre for Human Rights, Equity & Diversity) any incidents of anti-trans harassment and/or discrimination which they experience or witness. This is in order for the College to promptly and effectively respond.

3. Complaints and Enforcement

- 3.1. The College will enforce the right of its trans and non-binary members to equitable treatment without harassment and/or discrimination on the basis of gender identity or gender expression in accordance with the College's Human Rights Policy.

4. Privacy and Confidentiality

- 4.1. The College will endeavour to ensure the privacy and confidentiality of any information related to a trans or non-binary person's gender identity, or to the reasonable extent the trans or non-binary person wishes, unless required by law.
- 4.2. Grounds upon which the 'trans' or 'non-binary' status of a member of the College community may be disclosed include the following:
 - 4.2.1. The trans or non-binary individual has directly given the disclosure explicit and documented permission to disclose the trans or non-binary person's gender identity;
 - 4.2.2. Any reasonable disclosure of private or confidential information shall be limited to only relevant information and provided for the purpose of enabling a Humber employee or agent 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.).
- 4.3. Members of the College community who identify as trans or non-binary are invited to confirm with the College the name(s) and chosen pronoun(s) to be used in external correspondence and communications (e.g. phone calls home, College bulletins, unofficial documentation, websites, online portals, Humber-related articles and promotional material, etc.).
- 4.4. Disclosing the status of a trans or non-binary member of the College community without explicit and directly expressed consent or without the need for reasonable disclosure of private or confidential information is generally known as "outing". Under this Policy, this form of outing constitutes anti-trans harassment and/or discrimination.
- 4.5. The intention of a member of the College community to transition or the fact that they are going through a 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 the College 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 provide reasonable accommodation to and prevent the development of a poisoned learning, working and/or living environment within the College community. Disclosing the transition plans of a current member of the College community may be necessary in this regard to manage expectations and to minimize inappropriate responses from others within the College community.

5. All-Gender Washrooms

- 5.1. All members of the College community have the right to safe washroom facilities that correspond to their gender identity or gender expression.
- 5.2. The College will make efforts to ensure that all members of the College community can use washrooms with safety, privacy and dignity, regardless of their gender identity or gender expression.

- 5.3. Gender-designated washrooms are located throughout the College. All members of the College community may choose to use any accessible all-gender washroom, regardless of their reason(s) for doing so.
- 5.4. The College will make available maps indicating the location of every accessible all-gender washroom available at College campus.
- 5.5. Inclusive signage shall be used to identify every all-gender washroom for College campuses.

6. Change Rooms

- 6.1. All members of the College community have the right to a safe change room that corresponds to their gender identity.
 - 6.1.1. Gender-designated change rooms are located throughout the College. Individuals may use the change room of the gender with which they identify.
- 6.2. Where change rooms do not have separate privacy stalls, reasonable accommodations will be provided on a case-by-case basis that endeavours to effectively meet the individual's particular needs in accordance with the College's applicable accommodation policies and procedures.
 - 6.2.1. Subject to availabilities, such accommodation may include:
 - use of a private area within a public area (a bathroom stall with a door; an area separated by a curtain);
 - access to a restricted area or office;
 - time-limited, exclusive use of a change room;
 - use of a nearby private area (a nearby washroom or office); and/or
 - if fully and freely consented to by the person seeking accommodation, access to the change room corresponding to the individual's assigned sex at birth and/or chosen gender.
- 6.3. Reasonable accommodations shall be made upon the request of the person seeking accommodation, or upon the request of a support person seeking such accommodation on behalf of another member of the College community in accordance with the College's applicable accessibility policies and procedures.

7. All-Gender Residence

- 7.1. The College is committed to providing residence accommodation that is inclusive, safe and respectful of all residents regardless of gender identity and gender expression.
- 7.2. The residence offers all students the option of all-gender residence accommodations, and will ensure that students living in suites who have identified a preference for gender inclusive accommodations are matched only with other students who have identified the same preference.
- 7.3. For a resident in transition or who decides to undergo a transition during their time at Humber, the residence will reasonably accommodate the student's housing needs as these needs change during the transition process in accordance with the College's applicable accommodation policies and procedures.

8. Gender-Inclusive Language

- 8.1. All individuals within the College community are entitled to be referred to by the gender pronoun(s) of their choice.
- 8.2. The College will use gender-inclusive language in official Humber documentation and communications. which includes:
 - Humber's official website
 - Humber News/Humber Today
 - Humber Communiqué and HTV
 - Humber official social media accounts
 - Humber Employment Contracts
- 8.3. All members of the College community are strongly encouraged to and will be supported in their endeavours to communicate using gender-inclusive language that is respectful and recognizes the inherent and equal worth of all gender identities and gender expressions. This includes creating and using documentation that includes options outside of "male" and "female", and that is welcoming of gender diverse people.
- 8.4. Individual members of the College community are strongly encouraged to use gender-inclusive language when it is requested by another individual that they do so
- 8.5. Intentionally addressing a trans or non-binary member of the College community by the incorrect name or pronoun is considered to be a form of anti-trans harassment and/or discrimination.

9. Dress Codes and Grooming

- 9.1. Except where inconsistent with security, health and safety concerns, all trans and non-binary members of the College community are permitted to dress, be uniformed and groom themselves in attire that reflects their own gender identity and chosen gender expression.

10. Athletics

- 10.1. No member of the College community shall be prevented from full and equal participation in Humber's intramural sporting, fitness or athletic activities on the basis of their gender identity or gender expression.

11. Transition

- 11.1. The College will take reasonable steps to be supportive, understanding, respectful, responsive, and provide reasonable accommodation to all members of the College community who plan and/or go through transition while at Humber in accordance with the College's applicable accessibility policies and procedures.

References:

[Canadian Charter of Rights and Freedoms](#)

[Discrimination and Harassment because of Gender Identity Policy](#)

[Freedom of Information and Protection of Privacy Act](#)

[Gender Neutral Pronouns](#)

[Human Rights Code](#)

[Human Rights Complaint Resolution Procedure](#)

[Human Rights Policy](#)

[Ok2BMe](#)

[Preventing Sexual and Gender-Based Harassment Policy](#)

[Pronouns Matter](#)

[United Nations: Gender-inclusive language](#)

Appendices:

Appendix A: Definitions

Related Procedure(s):

[Human Rights Complaint Resolution Procedure](#)

[Sexual Assault and Sexual Violence Policy and Procedures](#)

Appendix A: Definitions

NOTE: *Some of the terms and definitions listed below do not appear in the Policy. These terms and definitions are related to gender diversity, and are included for educational purposes. The definitions provided below are not intended to label an individual but are intended as sometimes helpful functional descriptors. These words, like all words, are social constructs developed over time. New language is constantly formed to unite community members as well as divide groups by experience, politics, and other group memberships.*

These terms and definitions are NOT standardized and may be used differently by different people, and in different regions. Labels and identities should only be self-selected by individuals, not assumed by others. Biology does not imply identity. Nor do behaviour or expression alone constitute identity.

All-Gender: Is a label used to indicate that a good, facility, benefit or service is equally available to all persons regardless of their gender identity.

Anti-Trans Discrimination: Every trans and non-binary student, employee or person in receipt of services from the College has the right to equal treatment, without discrimination on the basis of gender identity or gender expression as set out in the Ontario Human Rights Code. Direct discrimination occurs when a trans or non binary individual is subjected to differential treatment as a result of their gender identification or gender expression, or their association with trans individuals or causes. Such acts are sometimes generally referred to as being "anti-trans". Examples of direct discrimination against a trans person include:

- refusal to provide goods, services or facilities to persons because of an individual's gender identity or gender expression;
- refusal to work with or teach someone because of their gender identity or gender expression.

Anti-Trans Harassment Is prohibited by the Code and generally involves written, verbal and/or physical actions which express negative attitudes, derogation, and/or hate for a person or group of persons based on their gender identity or gender expression. Such acts are sometimes generally referred to as being "anti-trans". This kind of harassment may include, but is not limited to, the following behaviours:

- demeaning comments, unwelcome remarks, jokes, innuendoes or taunting about a person's or group of persons' gender identity or gender expression;
- disclosing a person's trans status without consent or without the presence of a "need to know" circumstance;
- displaying of, derogatory or offensive pictures or sexually explicit materials, either through printed copy or personal computer;
- denial of normal co-operation with an individual because of that individual's gender identity or gender expression;
- insulting gestures or practical jokes based on gender identity or gender expression which cause embarrassment or awkwardness;
- demeaning remarks about trans individuals in the presence of any individual (not

necessarily a member of the group mentioned) that creates a poisoned work/learning environment;

- using pejorative names based on gender identity or gender expression.
- intentionally addressing a trans or non-binary person by the incorrect name or pronoun

Biological Sex: Generally refers to the sex assigned at birth based on external genitalia but also includes internal reproductive structures, chromosomes, hormone levels and secondary sex characteristics such as breasts, facial and body hair and fat distribution.

Cisgender: A label that denotes or relates to a person whose self-identity conforms with the gender that corresponds to their biological **sex**.¹

Cross-Dresser: refers to people who dress in the clothes of the opposite sex for emotional satisfaction and psychological wellbeing. Cross-dresser is preferred over the term 'transvestite' which is seen as a diagnostic term associated with medical identity.

Gender: Refers to the socially constructed roles, behaviours, activities, and attributes that a given society associates with individuals who have particular biological features and/or sexual reproduction organs⁴.

Gender Identity: Concerns an individual's intrinsic or psychological sense of self, particularly their sense of being female, male, a combination of both, or neither, regardless of their biological sex.

Gender Inclusive Language: Using gender-inclusive language means speaking and writing in a way that does not discriminate against a particular sex, social gender or gender identity, and does not perpetuate gender stereotypes. Given the key role of language in shaping cultural and social attitudes, using gender-inclusive language is a powerful way to promote gender equality and eradicate gender bias.

Gender Expression: Refers to how a person publicly presents their gender. This can include behaviour and outward appearance such as dress, hair, make-up, body language and voice. A person's chosen name and pronoun are also common ways of expressing gender.

Gender Non-Conforming: Refers to individuals who do not follow socially dominant ideas or stereotypes about how they should dress, look or act based on the female or male sex they were assigned at birth. This is also called Gender variance and/or Gender Independence. For example, this includes "feminine boys," "masculine girls," and individuals who are androgynous.

A person's gender identity is fundamentally different from and not related to their sexual orientation.

Gender-Based Harassment: A subset of sexual harassment is used as "gender policing tool to reinforce conformity with traditional sex-role stereotypes, or as bullying tactic, often between members of the same sex.

Harassment: Harassment in section 10(1) of the Ontario Human Rights Code and workplace harassment (personal/psychological harassment) in section 1(1)(a) of the Occupational Health

¹ Oxford Online Dictionary: The World Health Organization webpage, What do we mean by "sex" and "gender"?
<http://www.who.int/gender/whatisgender/en/>

and Safety Act are defined as engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome. The College interprets this to include any behaviour that is known or ought reasonably to be known to be offensive, embarrassing or humiliating to other individuals. Such conduct may or may not be based on any of the prohibited grounds identified in the Ontario Human Rights Code, and includes visual representations, electronic messages including emails and social media posts, written messages, and verbal and/or physical conduct. Some examples of harassment are:

- unwelcome remarks, jokes, slurs, innuendoes or taunting;
- hazing, stalking or shunning;
- the repeated mistreatment of one employee or student, targeted by one or more employees or students with a malicious mix of humiliation, intimidation and sabotage of performance (bullying);
- displaying derogatory or offensive pictures, graffiti or materials either through printed copy or personal computer;
- verbal abuse;
- insulting gestures or practical jokes which cause embarrassment or awkwardness;
- unauthorized and/or unnecessary physical contact;
- an impassioned, collective campaign by co-workers to exclude, punish and humiliate a targeted worker.

Note: Harassment or workplace harassment (personal/psychological harassment) does not occur where a supervisor gives legitimate directions or instructions to an employee in the course of employment or conducts performance reviews in accordance with the College's Faculty Evaluation Procedure, or its equivalent.

Learning/Working/Living Environment: Wherever a member of the College community attends for the purpose of learning, working and living, involving activities sanctioned by the College, including virtual environments within the Humber ecosystem, such as our Learning Management system (for example: Blackboard), and virtual social-based environments outside Humber College's IT ecosystem, such as, Facebook, Snapchat and Instagram.

Non-binary: is a spectrum of gender identities that are not exclusively masculine or exclusively feminine—identities that are outside the gender binary. Non-binary people may identify as having two or more genders (being bigender or trigender); having no gender (agender, nongendered, genderless, genderfree or neutrois); moving between genders or having a fluctuating gender identity (genderfluid); being third gender or other-gendered (a category that includes those who do not place a name to their gender).

Poisoned Learning, Working and Living Environment: Occurs when conduct and/or comments related to gender identity or gender expression unreasonably interfere with a trans or non-binary individual's ability to work and/or learn by creating an intimidating, hostile, offensive or threatening environment. Depending on the impact of the comments or conduct on the individual, one anti-trans instance may be sufficient to create a poisoned environment for a trans or non-binary individual or trans people in general. A poisoned environment can create unequal conditions of employment for the person or persons affected by it. It can interfere with an individual's learning and/or work performance and cause emotional or psychological stress not experienced by other individuals.

An individual does not have to be the person targeted by the anti-trans comments to experience a poisoned environment. A person who is subjected to overhearing anti-trans slurs or sexually offensive jokes, or viewing offensive cartoons or sexually explicit, suggestive or demeaning pictures may view the behaviour as poisoning the environment.

Some examples of poisoning the environment are:

- displaying graffiti, signs, pictures or cartoons which would qualify as prohibited anti-trans harassment, either through print or computers;
- making derogatory remarks about trans peoples in the classroom or the workplace.

Reasonable Accommodation: For the purposes of this Policy, reasonable accommodation means changes, arrangements and/or programs that are undertaken for the purpose of removing arbitrary barriers that prevent the right to gender identity and gender expression from enjoying protection that is equal to the protection afforded under the other fifteen protected grounds of discrimination outlined in the [Ontario Human Rights Code](#). Decisions to accommodate will be balanced against several factors including undue hardship, e.g.: the cost of the accommodation to the College; health and safety risks to the person requesting accommodation and to others; and the effect of accommodation on the College's ability to fulfill its duties under other Humber policies and the laws governing the College.

Sex: Refers to the anatomical classification of people as male, female or intersex, usually assigned at birth. *Intersex* means being born with the (full or partial) sex organs of both sexes, or with underdeveloped or ambiguous sex organs. About 4% of all births may be intersex to some degree. This word replaces the inappropriate term 'hermaphrodite'.

Sexual Harassment: A form of sexual violence prohibited by the Ontario [Human Rights Code](#). Sexual harassment is defined as a course of vexatious comment or conduct based on an individual's sex and/or gender that is known or ought to be known as unwelcome. Under [OHSA](#), workplace harassment has been expanded to include workplace sexual harassment, which may or may not include:

- engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity (including transgender) or gender expression, where the course of comments or conduct is known or ought reasonably to be known to be unwelcome; or
- making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

Examples of behaviors of sexual harassment includes but is not limited to:

- any deliberate and unsolicited sexual comment, suggestion or physical contact that creates an uncomfortable learning, working and living environment for the recipient and is made by a person who knows or ought reasonably to know that such action is unwelcome;
- a reprisal or threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the person;
- unwelcome remarks, jokes, sexual innuendoes or taunting about a person's body, attire, sex, personal or social life;

- practical jokes of a sexual nature which cause awkwardness or embarrassment;
- displaying and/or distributing pornographic pictures or other offensive material of a sexual nature, either in print or electronic form;
- leering (suggestive staring) or other gestures;
- unnecessary physical contact such as touching, patting or pinching;
- expressions of gender bias which may include remarks that are discriminatory, degrading or derogatory and create a poisoned work environment;
- requests for sexual favours; and/or
- sexual assault.

NOTE 1: Romantic and sexual relationships between consenting adults that are voluntary and based on mutual attraction do not constitute sexual harassment. If, for example, one of the parties has communicated to the other that they wish for the relationship to end and the other thereafter engages in conduct which is harassing in nature, this would constitute sexual harassment.

NOTE 2: Romantic and sexual relationships between faculty members and students, or between College employees where a significant power differential exists, even if they are between consenting adults, voluntary and based on mutual attraction, are prohibited because of the power differential that exists within the relationship. This power differential casts doubt on the validity of the consent to such relationships, creates a perception of bias in the eyes of the institution, faculty and other students, and constitutes a breach of trust in one's employment with the College as a faculty member or supervisor. Individually or together, such consequences of the inherent imbalance of power within these relationships create a poisoned learning, working, and living environment.

Trans or Transgender: An umbrella term used to describe individuals who, to varying degrees, do not conform to what society usually defines as a man or a woman. This term captures the descriptor, "transgender", which refers to individuals whose gender identity is different from their biological sex assigned at birth, and/or whose gender expression is different from the way males or females are stereotypically expected to look or behave. Individuals who identify as trans may do so because they self-identify as a person who is any one or more of the following: androgynous; bigender; a cross-dresser; gender diverse; gender fluid; gender non-conforming; genderqueer; gender-transitioning; gender-variant; intersex; pangender; queer; a transman; a transwoman; two-spirit.

Sexual Orientation: Is more than simply a status that an individual possesses, it is an immutable characteristic that forms part of an individual's core identity. Sexual encompasses the range of human sexuality from gay and lesbian to bisexual and heterosexual orientations.

Sex-Reassignment Surgery (SRS): Refers to the medical procedure by which an individual is surgically altered to create the physical appearance of the opposite sex.

Transgender: Describes individuals who are not comfortable with, or who reject, in whole or in part, their birth assigned gender identities. The word transgender is generally viewed as an

umbrella term that unifies people who identify as transsexual, transgenderist, intersex, transvestite or as a cross-dresser.

Transgenderist: Self-identifies and lives as the opposite gender but has decided not to undergo sex reassignment surgery.

Transition: The process (which for some people may also be referred to as the "gender reassignment process") whereby people change their appearance and/or bodies to match their internal (gender) identity, while living their lives full-time in their preferred gender role. . A practical minimum duration for this process is about two years but it is not unusual for it to take longer.

Transphobia: Is the unrealistic or irrational fear and hatred of cross-dressers, transsexuals and transgenderists. Like all prejudices, it is based on negative stereotypes and misconceptions that are then used to justify and support hatred, discrimination, harassment, and violence toward people who are transgender.

Transsexuals: Individuals who have a strong and persistent feeling that they are living in the wrong sex. This term is normally used to describe individuals who have undergone sex-reassignment surgery. A male transsexual has a need to live as a man and a female transsexual has a need to live as a woman.

Workplace Harassment - Personal/Psychological Harassment: *The Occupational Health and Safety Act* defines workplace harassment as engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome. Workplace harassment also includes what is often called psychological harassment or personal harassment. The comments or conduct typically happen more than once. They could occur over a relatively short period of time (for example, during the course of one day) or over a longer period of time (weeks, months or years). However, there may be situations where the conduct happens only once).