

 DALHOUSIE UNIVERSITY <i>Inspiring Minds</i> Gender Affirmation Policy	<i>Policy Sponsor:</i> President	<i>Approval Date:</i> November 14, 2018
	<i>Responsible Units:</i> Human Resources Student Affairs Human Rights & Equity Services	<i>Revisions:</i>

A. Background & Purpose

Dalhousie University is committed to providing a safe and respectful environment, free of discrimination and harassment. This Policy actively works to help support Dalhousie faculty, staff and students in expressing and affirming their gender identity. Accordingly, all members of the University community have a shared responsibility to create a living, learning, and working environment where Two Spirit, transgender, gender non-conforming, and all gender variant people may fully participate based on their gender identity and expression.

This Policy is not intended to override the University's Statement on Prohibited Discrimination, the Accommodation Policy for Employees, or the Student Accommodation Policy. This Policy is meant to be interpreted in a manner consistent with those policies.

This policy gives effect to Dalhousie's obligations under the Nova Scotia Human Rights Act not to discriminate in employment or in the provision of services against students, faculty and staff on the basis of gender identity and gender expression.

B. Application

This Policy applies to all Members of the University Community in respect of all University programs, operations, and activities.

C. Definitions

1. It should be noted that language, particularly in relation to human rights, evolves over time. The definitions provided in sections C.2.c, d, and e in particular, are used throughout this Policy but are not meant to label individuals. A more extensive list of terms for information and context is found in the Glossary attached to this Policy as Appendix A. Appendix A may be amended from time to time as determined by the

Responsible Units to ensure appropriate language is reflected in this Policy. Approvals from the Provost Committee and President are not required for these amendments.

2. In this Policy:

- a. “Accommodation” refers to temporary or permanent modifications to a faculty, staff or student’s living, learning, or working environment at Dalhousie that enables full participation in that environment.
- b. “Administrative Head” refers to the appropriate Dean, Director, Chair, Associate Vice-President, Provost, Vice-President, President, or other administrator normally responsible for initiating disciplinary action against an employee.
- c. “Gender Affirmation” refers to affirming one’s gender identity. Affirmation may include both social (e.g., changes to name/pronoun, dress, speech/voice, mannerisms) and/or medical (e.g., gender affirming surgeries, hormone or voice therapies). The nature and path of affirmation is different for each person. An individual’s status of affirmation (e.g., partial, complete, or no affirmation) does not validate or invalidate their gender identity.
- d. “Gender Affirmation Plan” refers to a self-determined personalized approach to ensuring that important details relating to the individual’s affirmation (e.g. any desired name change, timing of the affirmation, communication with colleagues, etc.) can be established in advance and in a way that respects the affirmation process for that person but also adheres to Dalhousie policies, practices, and collective agreement, handbook, or other contractual employment obligations. The Gender Affirmation Plan will address what, if any University Supports or Accommodations may be required and the steps the individual and the University will take in that process.
- e. “Gender Expression” refers to how a person publicly presents. 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 identity. Gender expression and gender identity are not always, and do not have to be, congruent or matched.
- f. “Gender Identity” refers to each person’s internal and individual experience of gender. It is their sense of being a woman, a man, both, neither, or anywhere along or outside of the gender spectrum. A person’s gender identity may be the same as, or different from, the gender typically associated with their sex assigned at birth.
- g. “Member(s) of the University Community” refers to faculty, staff and students of Dalhousie University and others engaged in activities under the auspices of Dalhousie University.

- h. “University Supports” refers to those services that the University provides as a matter of course in relation to supporting Gender Identity and Gender Expression.

D. Policy

1. Members of the University Community have the right to fully and safely participate in all aspects of their living, learning, and working environment at Dalhousie, including social events, in accordance with their Gender Identity and Gender Expression.
2. For the purposes of this policy, a person’s Gender Identity and Gender Expression is assessed only by how that person self-identifies.
3. All Members of the University Community have a shared responsibility to support each other’s full and safe participation in their living, learning, and working environment regardless of their Gender Identity and Gender Expression. Specifically, but not to limit the foregoing:
 - a. Administrative Heads are accountable for:
 - Treating all persons with respect and dignity;
 - Championing and modeling respect and inclusiveness;
 - Establishing a respectful environment for all Members of the University Community that affirms the value of diversity and inclusiveness;
 - Taking personal responsibility to provide informed support for faculty staff and students regardless of their Gender Identity and Gender Expression, particularly as set out in this Policy and its Glossary;
 - Ensuring faculty and staff within their units who require or request education regarding Gender Identity and Gender Expression have the opportunity to participate in such education.
 - b. Faculty and staff are accountable for:
 - Treating all persons with respect and dignity;
 - Affirming the diversity and inclusiveness of all Members of the University community, including creating safe spaces;
 - Taking personal responsibility to provide informed support for faculty staff and students regardless of their Gender Identity and Gender Expression, particularly as set out in this Policy and its Glossary.
 - c. Students are accountable for:
 - Treating all persons with respect and dignity that affirms the value of diversity and inclusiveness.
4. The University will help Members of the University Community in expressing and affirming their Gender Identity by providing support that is:
 - a. Confidential, within the limits defined below;

- b. Respectful of the dignity and privacy of individuals;
 - c. Non-judgmental, empathic, and compassionate; and
 - d. Accessible.
- 5. Requests for University Supports shall be addressed under this Policy and do not need to be accompanied by a request for Accommodation under the Accommodation Policy for Employees or the Student Accommodation Policy, as applicable.
 - 6. Requests for Accommodations shall be made in accordance with the Accommodation Policy for Employees or the Student Accommodation Policy, as applicable.
 - 7. Discrimination, including harassment, on the basis of Gender Identity or Gender Expression is prohibited and shall be addressed under the Statement on Prohibited Discrimination or the Code of Student Conduct, as appropriate. Examples of discrimination include, but are not limited to:
 - a. The deliberate or persistent refusal to acknowledge and respect an individual's Gender Identity or Gender Expression by not using name(s), pronoun(s) or gender markers in ways that the person has requested. This does not include inadvertent errors or honest mistakes when using an individual's identified name, gender marker or pronoun.
 - b. Limiting or modifying the duties or activities of Members of the University Community based on their Gender Identity or Gender Expression when such changes are not requested or agreed to by that member. For example, changing duties or activities based on the concerns or discomfort of others.
 - 8. Human Rights & Equity Services shall develop and disseminate information and training on Gender Affirmation, Gender Identity, and Gender Expression. Requests for education and training can be made to Human Rights & Equity Services.

E. Administrative Structure

- 1. Authority: This Policy falls under the authority of the President.
- 2. Administration: Human Resources is the unit responsible for the day to day administration of this Policy when it applies to Faculty and Staff. Student Affairs is the unit responsible for the day to day administration of this Policy when it applies to Students. Human Rights & Equity Services is the unit responsible for disseminating information and training across the University.
- 3. Review: This Policy will be reviewed within 1 year of initial implementation and at least every 3 years thereafter.

F. Procedures

1. Confidentiality

- a. All Members of the University Community are entitled to privacy regarding their personal and health information. Such information will be requested of a Member of the University Community only to the extent required to access requested University Supports or Accommodations or as required by law.
- b. All information received from a Member of the University Community pursuant to this Policy will be kept confidential, within the limits described in this section.
- c. The University will share information with those within the University Community who need to know the information to carry out their responsibilities under this Policy, including providing supports. In all cases, the University will share the least amount of information possible.
- d. Confidentiality is limited in circumstances where a serious safety risk exists and/or the University has a legal obligation that requires it to act. Examples of such circumstances are where the Vice-Provost Student Affairs or Assistant Vice-President Human Resources, or any other appropriate Member of the University Community, determines that a Member of the University Community poses a serious and credible risk of harming themselves or others; or where there is a legal obligation to act or cooperate in an extra-University judicial processes. Information that must be disclosed pursuant to this section will be limited to the least amount of information possible for the University to fulfill its legal obligation.

2. University Supports

The list of University Supports in this section F.2. are current as of the date this Policy is approved. This list is not intended to be exhaustive and may be amended from time to time as determined by the Responsible Units for the purpose of ensuring the list is an accurate and current reflection of available University Supports. Approvals from the Provost Committee and President are not required for these amendments.

Information regarding how to access University Supports identified in this section F.2 will be available from Human Rights and Equity Services.

a. *Gender Affirmation Plan*

- i. Members of the University Community may request the University's assistance to develop a Gender Affirmation Plan.
- ii. Faculty and staff members will develop this Plan in consultation with their Administrative Head. Human Rights and Equity Services should be consulted in this process. Accommodation requests arising out of a Gender Affirmation

Plan will be made pursuant to the Accommodation Policy for Employees.

- iii. Students will develop a Gender Affirmation Plan in consultation with Student Affairs. Human Rights and Equity Services should be consulted in this process. Accommodation requests arising from a Gender Affirmation Plan (ex: a reduced course load), will be made pursuant to the Student Accommodation Policy.

b. Use of identified name, pronoun and gender marker

- i. Individuals may request that the Department of Human Resources or the Registrar's Office, as applicable, use their identified name, pronoun and gender marker in University communication and records, except where communication and records are legally required to match a person's legal name.
- ii. An individual's previous name, pronoun, and gender marker will only be used by the University where required by law.
- iii. An individual's identified name, pronoun and gender marker (as appropriate) will be used in the following records. This list is non-exhaustive:
 - University websites, including dalonline and mydal;
 - The University's Learning Management System;
 - University identification cards (including updating photos);
 - Email addresses;
 - Student class lists;
 - Student Residence documentation;
 - Convocation programs, the online list of graduates, and namecards used during graduation ceremonies;
 - Dalhousie Student Union voting lists;
 - Organizational charts and directories, business cards, phone lists, mailing lists, email lists, and other references;
 - Databases and mailing lists;
 - Door/desk/cubicle/workstation name plates.
- iv. The University must use a person's legal name for the following records:
 - Transcripts;
 - Parchments;
 - Student loan documents;
 - Canada Revenue Agency documents;
 - Immigration, Refugees and Citizenship Canada documents;
 - Life insurance documents;

- Health benefits;
 - Pension documents.
- v. The University will change the records identified in section F.2.b.iv. to reflect a change in legal name or legal sex designation upon receipt of supporting legal documentation.
- c. *Washroom and change room facilities:*
- i. Individuals have the right to use washroom and change room facilities that feel most safe and comfortable to them and may or may not be in accordance with their Gender Identity and Gender Expression.
 - ii. The University will make reasonable efforts to ensure individuals have access to gender neutral washrooms. Facilities Management will maintain and publicize an up to date inventory and map of gender neutral washrooms available on campus.
- d. *Attire*
- i. Faculty, staff, and students may dress in the manner that reflects their Gender Identity or Expression.
- e. *Health Benefits and Resources*
- i. Faculty, staff, and students have access to a variety of health benefits through their coverage under the applicable Dalhousie health benefits plan and are encouraged to contact the relevant University benefits administrators for specific details.
 - ii. Faculty and staff have access to the Dalhousie Employee & Family Assistance Program.
 - iii. Students have access to the Dalhousie Student Health & Wellness Centre.

G. Resources

1. Supports within the Dalhousie University Community

- Human Rights & Equity Services
<https://www.dal.ca/dept/hres.html>
- Dalhousie Employee & Family Assistance Program (for employees)
<https://www.workhealthlife.com/>

- Dalhousie Student Advocacy Service (for students)
<http://www.dsu.ca/dsas>
- Dalhousie Student Health & Wellness Centre (for students)
https://www.dal.ca/campus_life/health-and-wellness/services-support/student-health-and-wellness.html
- Ombudsperson (independent and impartial support for students)
https://www.dal.ca/campus_life/safety-respect/student-rights-and-responsibilities/where-to-get-help/ombudsperson.html
- South House Sexual and Gender Resource Centre
<https://southhousehalifax.ca/>
- Union or employee group (for employees)

2. Related Policies, Agreements, Handbooks, and Procedures

- Statement on Prohibited Discrimination
https://cdn.dal.ca/content/dam/dalhousie/pdf/dept/university_secretariat/policy-repository/ProhibitedDiscriminationPolicy.pdf
- Accommodation Policy for Employees
https://cdn.dal.ca/content/dam/dalhousie/pdf/dept/university_secretariat/policy-repository/AccomodationPolicy.pdf
- Student Accommodation Policy
[https://cdn.dal.ca/content/dam/dalhousie/pdf/dept/university_secretariat/policy-repository/StudentAccomPolicy_Nov252014-V3\(2017Sept\).pdf](https://cdn.dal.ca/content/dam/dalhousie/pdf/dept/university_secretariat/policy-repository/StudentAccomPolicy_Nov252014-V3(2017Sept).pdf)
- Employment Equity Policy
https://cdn.dal.ca/content/dam/dalhousie/pdf/dept/university_secretariat/policy-repository/EmploymentEquityPolicy2017October2-v2.pdf
- Records Management Policy
https://cdn.dal.ca/content/dam/dalhousie/pdf/dept/university_secretariat/policy-repository/RecordsManagementPolicy-Final-2016Nov.pdf
- Applicable collective agreement or handbook (for employees)

Appendix A – Glossary

Language, particularly in relation to human rights, involves social constructs which evolve over time. The terms and definitions used in this glossary are not meant to label individuals but are meant to be helpful functional descriptors. They are not standardized and may be used differently by different people. The content and language in this Appendix A may be amended as from time to time as determined by the Responsible Units to ensure appropriate language is reflected in this Policy.

“Binary or gender binary”: A system that divides sex and gender into two distinct, opposite and disconnected categories of male/man/masculine and female/woman/feminine. This gender binary does not recognize people who are intersex, transgender or gender nonconforming.

“Cisgender”: Having a gender identity that is congruent with one’s biological sex (e.g., both biological sex and gender identity are female).

“Gender Nonconforming” or “Gender Variant”: Term used to describe people whose gender expression differs from what is considered socially acceptable presentations, and or expectations of masculinity and femininity.

“Genderqueer/Nonbinary” (also Gender Fluid): A term for the experience of individuals whose gender identity is fluid (i.e., subject to change and/or redefinition over time) and falls outside the gender binary. Some trans or genderqueer individuals may choose to use gender-neutral pronouns such as hir (pronounced “here”), ze, or they.

“Intersex”: A general term used to describe natural biological variations in development in which a person is born with combinations of anatomy or physiology that do not fit the normative definitions of biological sex in the binaries of female or male. This could be due to chromosome configuration, hormone levels, or a combination of both.

“Pronouns”: Words used to replace a noun or name. For example: me, she, herself, you, they, few, many, who, whoever. Many people choose pronouns that are gender-neutral, such as they or them. There are many examples of gender-neutral pronouns; the best way to learn somebody’s pronoun is to ask.

“Sex”: A term that identifies a person as female, male, or intersex. It is determined by a person’s sexual anatomy, chromosomes, and hormones. Sex is typically assigned at birth, based on the appearance of the external genitalia.

“Trans” or “Transgender”: A person who does not identify with the sex/gender that they were assigned at birth. People who are trans may identify as and use the terms transgender, trans masculine, trans feminine, genderqueer, gender fluid, bi-gender, nonbinary, ambi-gender, or

polygender. Trans people may also identify in different ways that may not fit into the gender binary structure or the identities listed here.¹

“Two-spirit”: A person who has both a masculine and a feminine spirit, and is used by/for some indigenous people to describe their sexual, gender and/or spiritual identity. As an umbrella term, it may encompass people who identify as queer, gay, lesbian, bisexual, and a wide variety of gender variance, including people who might be described in Western culture as transgender, genderqueer, gender-non conforming, gender variant, non-binary, people who have multiple gender identities, and people whose identity does not conform to the gender binary.
