



# Superintendent's Circular

School Year 2022-2023

**NUMBER:**  
EQT-09

**DATE:**  
September 1, 2022

## **TRANSGENDER AND GENDER NONCONFORMING EMPLOYEE NONDISCRIMINATION ON THE BASIS OF GENDER IDENTITY AND EXPRESSION**

*This policy circular only applies to School Year 2022-2023.*

The Boston Public Schools is committed to maintaining a workplace free of bias-based conduct and discrimination where all employees can flourish. All Boston Public Schools are to be free from bias and discrimination on the basis of sex, sexual orientation, and/or gender identity.

This circular sets forth guidelines to address the needs of transgender and gender non-conforming employees and clarifies the Office of Equity's investigatory process. This circular does not anticipate every situation that might occur with respect to transgender or gender non-conforming employees, and the needs of each transgender or gender non-conforming employee must be assessed on a case-by-case basis.

### **DEFINITIONS**

The definitions provided below are not intended to label or limit employees' individual identities or experiences, but rather to assist in understanding this circular and the district's legal obligations. Although these are the most commonly used terms, employees may or may not choose to use these terms to describe their gender identity, appearance, or behavior.

- **Gender Identity:** Defined under Massachusetts law as "a person's gender-related identity, appearance, or behavior, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth."
- **Gender Expression:** The manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice, or mannerisms.
- **Transgender:** A person whose gender identity or expression is different from that traditionally associated with the assigned sex at birth.
- **Gender Nonconforming:** People whose gender identity and/or gender expression do not conform to traditional societal expectations or norms. The terms "gender nonbinary," "gender variant," or "gender-atypical" may also be used.
- **Queer:** While historically and sometimes currently considered an offensive term, "queer" has been reclaimed by many members of the lesbian, gay, bisexual, and transgender (LGBT) community as a term of empowerment. The term generally refers to a member of the LGBT and/or gender nonconforming community. This term may be used by someone who identifies as a member of the LGBT community, but who does not specifically consider themselves to be

lesbian, gay, bisexual, or transgender. Since this term has a negative history, it should only be used to describe individuals who identify themselves as queer and give permission for others to use that term to describe them.

- **Transition:** The process by which a person goes from living and identifying as one gender to living and identifying as another. Transitions may include physical, social, and/or medical processes. Not all transgender or gender nonconforming people transition or desire to transition in the same way. Transitions are private, and personal information about a transition should not be discussed unless the conversation is initiated and led by the transgender or gender-nonconforming employee.

## **RESPONSIBILITIES**

The Boston Public Schools Office of Equity is responsible for ensuring compliance with this circular, and ensuring that all school administrators and Central Office department heads are trained and prepared to comply with their obligations under this circular.

## **PRIVACY AND CONFIDENTIALITY**

Transgender and gender nonconforming employees have the right to discuss their gender identity or expression openly or keep that information private. The employee has the right to decide when, with whom, and how much to share when speaking about their identity or expression.

BPS Central Office employees, school personnel, and other parties employed, contracted by, or serving as volunteers in the district should not disclose information that may reveal an employee's transgender status or gender nonconforming presentation to others without their express permission. Private and confidential information may only be shared with the transgender employee's consent, and with employees who truly need to know to execute their job requirements.

## **DRESS AND APPEARANCE**

Boston Public Schools does not have dress codes that restrict employees' clothing or appearance on the basis of gender. Transgender and gender nonconforming employees have the right to dress in a manner consistent with their gender identity and/or gender expression.

## **NAMES AND PRONOUNS**

An employee has the right to be addressed by the name and pronoun that corresponds to the employee's gender identity in the workplace, including by their colleagues, and for school-based employees, by their students. A court-ordered name or gender change is not required. The intentional refusal to respect an employee's gender identity may constitute a violation of the district's policy prohibiting, Bias-Based Conduct Toward Employees (please refer to Equity Circular 05 (EQT-05)) and/or state and federal anti-discrimination laws. If you are unsure what pronoun an employee uses, you can ask the employee how they would like to be addressed.

## **PUBLIC FACILITIES ACCESSIBILITY**

Employees have a right to access safe and appropriate facilities, including the right to use a restroom and/or locker room that corresponds to the employee's gender identity, 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 and/or private area, if available. No employee should be required to use a single-stall restroom or a private changing area.

## **TRANSITIONING AT BPS**

Employees who transition during the course of their BPS employment can expect the support of the Office of Human Capital and the Office of Equity. These two offices will work with each transitioning employee individually to ensure a successful workplace transition.

### **BEFORE THE WORKPLACE TRANSITION BEGINS**

Transitioning employees are encouraged to work in partnership with the Office of Equity and Office of Human Capital to learn more about the district's transgender-related policies, and the availability of transition-related health care benefits.

All relevant parties should discuss a workplace transition plan, including the employee, the employee's supervisor, and others as appropriate. A work plan should specify:

- The date selected by the employee for when the transition will officially and formally take place. This date will correspond to the date the employee changes their gender expression, name, and pronouns. Employees may also choose to start using the bathroom and other facilities that correspond to their gender identity on this date. The employee has the right to revise the start date and other aspects of the plan based on their evolving needs and preferences.
- How and in what format the transitioning employee will notify co-workers or personnel who need to know.
- What, if any, training will be provided to co-workers, students, or other appropriate personnel or families.
- What updates should be made to the transitioning employee's records, and when they will be made.
- The dates of any leaves that may be needed for pre-scheduled medical procedures or treatment, if applicable.

## **BIAS-BASED CONDUCT, DISCRIMINATION, AND HARASSMENT**

The Boston Public Schools is committed to maintaining a workplace free of bias-based conduct and discrimination where all employees can flourish.

Reports of bias, discrimination, or harassment based on a person's actual or perceived gender identity or gender nonconformity are handled in the same manner as other reports of bias-based conduct. The Boston Public Schools utilizes the procedures outlined in EQT-05, Bias-Based Conduct Toward Employees. These procedures are designed to facilitate a prompt and effective internal review and resolution of allegations of bias-based conduct, discrimination, or harassment based on sex/gender, gender identity, gender expression, and sexual orientation.

## RELATED RESOURCES

- For more information about the Massachusetts gender identity or expression law, view the Trial Court Law Libraries [here](#).
- Contact the Office of Equity at 617-635-9650 or [bpsequity@bostonpublicschools.org](mailto:bpsequity@bostonpublicschools.org) for information about additional training and support.

### For more information about this circular, contact:

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