

COLLEGE POLICY

POLICY TYPE:	Administrative
POLICY TITLE:	All-Gender Washroom Policy
POLICY NO.:	ADMIN-246
RESPONSIBILITY:	Chief Administrative Officer and Vice-President, Student Affairs
APPROVED BY:	Durham College Leadership Team
EFFECTIVE DATE:	February 2018
REVISED DATE(S):	
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1. Introduction

- 1.1. Durham College strives to promote respect, as well as maintain and advocate for a diverse and inclusive campus for all students regardless of race, sex, religion, gender identity or gender expressions, ethnic background, socio-economic class, ability or sexual orientation.
- 1.2. Gender specific washrooms that are designated for exclusive use by females or males, fail to accommodate all members of the Durham College community. *The Ontario Human Rights Code* (the Code) is clear that everyone has a right to use facilities in accordance with their lived gender identity and/or gender expression. For gender diverse, Trans and intersex persons, finding a safe place to use the washroom is an ongoing challenge and a daily struggle. Often, they are the subject of discrimination, which takes the form of assault, harassment, and threats when using gender-segregated washrooms. Without safe access to public washrooms, these individuals are denied full participation in public life. Making public washrooms safe and dignified for all people is a matter of basic human right.
- 1.3. The Code provides for equal rights and opportunities, and freedom from discrimination. The Code recognizes the dignity and worth of every person in Ontario, in employment, housing, facilities and services, contracts, and memberships in unions, trade or professional associations. Individuals who are discriminated against or harassed because of gender identity and/or gender expression, are legally protected. This includes transsexual, transgender and intersex, cross dressers, gender non-conforming, non-binary, genderqueer, two-spirit, and other people whose gender identity or expression is, or is seen to be, different from their biological sex.

2. Purpose

- 2.1. The purpose of this policy is to ensure all members of our campus community have safe, appropriate washroom facilities available to them that are free of judgment or harassment; and allow individuals to have the option of using a washroom without identifying their gender identity and/or gender expression.
- 2.2. Designated all gender washrooms are available at every Durham College location and that these washrooms are posted with signs that are clear and welcoming to those who choose to access.

3. Definitions

3.1. All-gender

A descriptive phrase denoting inclusiveness of all gender expressions and identities. It is also defined as being free of explicit or implicit reference to sex or gender.

3.2. Cisgender

A person whose gender identity is aligned with their birth-assigned sex on the basis of their physical characteristics or external sex organs at birth.

3.3. Cross-dresser

A person who occasionally wears clothes traditionally associated with people of the other sex. Cross-dressers are usually comfortable with the sex they were assigned at birth and do not wish to change it. *“Cross dresser should **not** be used to describe someone who has transitioned to live full-time as the other sex or who intends to do so in the future”*. This is considered part of the greater trans umbrella community. Cross dressing may be considered “full-time” or “part-time” and is **not** indicative of sexual orientation.

3.4. Gender

A social construct with a combination of identity, expression and social elements all related to masculinity and femininity. It includes gender identity (self-identification), gender expression (self-expression), social gender (social expectations), gender roles (socialized actions) and gender attribution (social perception).

3.5. Gender Identity

A person’s deeply felt internal and individual experience of being man, woman, a combination of both or neither. A person’s gender may or may not correspond with the sex assigned at birth. Since gender identity is internal, one’s gender identity is not necessarily visible to others.

3.6. Gender Expression

The way a person presents and communicates gender identity to society; through clothing, speech, body language, hairstyle, voice and/or the emphasis or de-emphasis of bodily characteristics or behaviors and traits used publicly to express one's gender as masculine or feminine or something else. Gender expression is not an indication of sexual orientation. Gender expression may also be called gender presentation and may change over time, from day-to-day and may or may not conform to an individual's gender identity.

3.7. Intersex

Refers to a person whose biological sex is ambiguous. "Intersex" refers to people whose bodies, reproductive systems, chromosomes and/or hormones are not easily characterized as male or female. This might include a woman with XY chromosomes or a man with ovaries instead of testes. Although intersex people may share issues in common with transgender people, it is inaccurate to describe them as transgender. Transgender people are not born with atypical sexual and reproductive systems. The term *intersex* is **not** interchangeable with or a synonym for *transgender*.

3.8. Sexual Orientation

A person's capacity for profound emotional and sexual attraction to another person based on their sex and/or gender. Gender identity and sexual orientation are not the same.

3.9. Transitioning

Refers to the complex process of altering one's birth sex over a long period of time. Transition includes some or more of all the following personal, legal, and medical adjustments: telling one's family, friends and/or co-workers; changing one's name and/or sex on legal documents; hormone therapy; and possibly (though not always) one or more forms of surgery.

3.10. Transsexual

An older term which originated in the medical and psychological communities to describe a person whose sex assigned at birth does not correspond with their gender identity. Although some transsexual people still prefer to use the term to describe themselves, many transgender people prefer the term transgender to transsexual. Unlike transgender, transsexual is **not** an umbrella term.

3.11. Transgender

An umbrella term describing a diverse community of people whose gender identity differs from that which they were designated at birth on the basis of physical sex characteristics. It also refers to expressions and identities that challenge the binary male/female gender system in a given culture. Transgender people may or may not decide to alter their bodies hormonally and/or surgically.

3.12. Two Spirit

Some Aboriginal people choose to identify as Two-Spirit rather than, or in addition to, identifying as lesbian, gay, bisexual, transgender or queer. Two-Spirited persons were often visionaries, healers and medicine people in their communities. The term Two-Spirit affirms the interrelatedness of all aspects of identity – including gender, sexuality, community, culture and spirituality.

4. Policy Statements

- 4.1. Durham College recognizes the dignity and worth of every member of its community and provides for equal rights and opportunities, free of discrimination and harassment.
- 4.2. Each member of the Durham College community is aware of, and shares, the responsibility for creating and maintaining a working/learning environment free from discrimination, as defined by *The Ontario Human Rights Code*.
- 4.3. The policy, within the college work/study environment, applies to:
 - Students
 - Academic staff
 - Non-Academic staff
 - Members of the Board of Governors
 - Members of standing and ad hoc committees established by the college
 - Members of societies, associations or business partners that have a direct relationship or are under the authority of the college
 - Contractors such as those undertaking construction, provision of service, or research
 - Visitors and guests who have no ongoing connection to the institution, but are on campus

5. Accessibility for Ontarians with Disabilities Act (AODA) considerations

Durham College's commitment to accessibility and AODA standards has been considered in the development of this policy and it adheres to the principles outlined in the AODA standards and Durham College Accessibility policy (ADMIN-203). All communications related to all gender washrooms will be fully accessible and available in multiple formats at the time of the communication as per the AODA standards.

6. Roles and Responsibilities

- 6.1. Together, the chief administrative officer and vice-president of Student Affairs will be responsible for overseeing the implementation of this policy.
- 6.2. The chief administrative officer, or his or her designate, is responsible for ensuring the college is abiding by all applicable legislation and directives as they relate to harassment and discrimination, and that the college properly investigates any harassment or discrimination situation.
- 6.3. The director, Office of Student Diversity, Inclusion and Transitions will implement the procedure.
- 6.4. The manager of Facilities Services will ensure that all single-stalled washrooms will have appropriate signage as “all gender” washrooms.

7. Non-compliance implications

- 7.1. Achieving integration and full participation requires barrier-free inclusive design up front as well as removing existing barriers. Good inclusive design will minimize the need for people to ask for individual accommodation. The Supreme Court of Canada has said that standards should be designed to reflect all members of society, to the extent that it is reasonably possible. They should not create new barriers.
- 7.2. Failure to properly report or act on a harassment or discrimination situation could result in damage to an external or internal member of the campus community and to the college through financial or reputational loss.

8. Communications Plan

- 8.1. Article placed on employee intranet (ICE) with accompanying policy for campus awareness.
- 8.2. Policy will be posted on ICE.
- 8.3. New employees will be made aware of the policy as part of their orientation.
- 8.4. Students will be made aware through ongoing class presentations, training sessions, awareness initiatives and events.
- 8.5. Policy will be included in training with the Student Association leaders and other student groups on an ongoing basis.
- 8.6. Article and location of all gender washrooms will be placed on the Student Diversity, Inclusion and Transitions webpage.

9. Related Policies, procedures and directives

- *Bill 33*, An Act to amend the Human Rights Code with respect to gender identity and gender expression
- Durham College Harassment and Discrimination policy ADMIN-202 and procedure ADMIN-202.1

- Ontario Human Rights Commission, Policy on discrimination and harassment because of gender identity and gender expression (January 2014)
- *The Ontario Health and Safety Act*