



INTERIM GUIDELINES: GENDER & SEXUALITY PROTECTIONS FOR CPS ADULTS

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I. PURPOSE

These Guidelines set forth protocols for schools to understand the gender and sexuality protections for all CPS community members with special considerations for the needs of Lesbian, Gay, Bisexual, Transgender, and Queer or Questioning (LGBTQ+) community members. These Guidelines cannot anticipate every situation that might occur with respect to individuals' gender identity and/or sexuality. Consequently, the needs of each individual must be assessed on a case-by-case basis.

These Guidelines take a gender-affirming approach. The goal is to create an environment in which all individuals are able to identify and express their gender and sexuality, and express themselves personally in a welcoming and affirming environment.

II. DISCRIMINATION AND HARASSMENT

It is the goal of the Chicago Board of Education to create a learning environment in all CPS communities where all individuals are protected from discrimination, harassment, and retaliation. It is every community member's responsibility to ensure that all individuals have a safe and welcoming school environment that welcomes and affirms them, regardless of their gender, gender expression, transgender status, and/or sexuality. This includes ensuring that any incident of discrimination, harassment, retaliation, or violence is handled in accordance with the Anti-Bullying Policy (13-0724-PO2), Comprehensive Non-Discrimination, Title IX and Sexual Harassment Policy (24-0725-PO1) and Student Code of Conduct (15-0722-PO1).

A. National Legal Protections

In 2020, the Supreme Court held in *Bostock v. Clayton County*, Georgia 590 U.S. 644 (2020) that Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§2000e et seq., includes specifically protecting employees from discrimination on the basis of sexual orientation and gender identity. All CPS employees are protected from discrimination, harassment and retaliation on the basis of gender, gender identity, gender expression, and/or sexuality by Title IX. In 2024, the federal government issued updated Title IX Regulations, which clarified that all LGBTQ+ individuals in educational institutions, including students and employees, were protected by Title IX's non-discrimination provisions, extending the *Bostock* court's reasoning to Title IX. A number of Illinois State and City of Chicago laws, including the Illinois Human Rights Law (775 Ill. Comp. Stat. Ann. 5/1-101, et seq.) and the Chicago Human Rights Ordinance (Chicago Municipal Code § 6-10-010 et seq.), also specifically protect LGBTQ+ individuals.

B. CPS Policies

These Guidelines are supported by the following CPS policies:

- [Comprehensive Non-Discrimination, Harassment, and Retaliation Policy](#)
- [Addressing Bullying and Bias-Based Behaviors Policy](#)

- [Student Code of Conduct](#)
- [Comprehensive Mental Health and Suicide Prevention Policy](#)
- [Local School Wellness Policy](#).

As these Guidelines are supported by the above CPS policies, it is the expectation that all CPS schools, including all District, Charter, Contract, and Options schools, regardless of school governance, adhere to the Guidelines set forth in this document. All students, staff, vendors, and volunteers are required to adhere to these guidelines, and administrators are responsible for community members' awareness and compliance to these guidelines.

C. Reporting

Complaints regarding LGBTQ+ discrimination, harassment, retaliation, or bias-based harm can be filed with the Equal Opportunity Compliance Office (EOCO) for adult victims. Any employee who witnesses discrimination, harassment, retaliation, or bias-based harm against a person based on their gender identity or sexual orientation has an obligation to report this discrimination and/or harassment to the Office of Student Protections (OSP - student victims) and/or EOCO (adult victims).

School-based staff who witness or become aware of discrimination, harassment, and/or retaliation must report any and all instances of bias-based behaviors to the principal who must complete an Aspen Report and answer the question regarding bias-based harm. Staff who are the victims of discrimination, harassment, retaliation, and/or bias-based harm on the basis of gender identity or sexual orientation are encouraged, but are not required, to report these incidents to EOCO.

III. GUIDANCE

All CPS-affiliated staff, including employees, charter school staff, vendor employees, and volunteers are entitled to a safe and supportive workplace free from discrimination, harassment, and/or retaliation based on any protected category, including gender identity and sexual orientation. LGBTQ+ community members have a right to enroll their children in public school, and be treated with dignity and respect. CPS administrators, faculty, staff, and students all play an important part in creating and sustaining a supportive environment. School administration and their designees are responsible for ensuring these Guidelines are implemented at the school-level. Department Chiefs are responsible for ensuring these guidelines are implemented at the Departmental level.

A. Self Determination

All individuals have a right to self-determination. This includes the right to keep their gender identity and sexuality, including transgender, non-binary, or gender nonconforming identities, confidential.

All staff, including LGBTQ+ staff, have the right to openly discuss and express their sexuality, gender identity, and gender expression at school and school activities and to decide when, with whom, and how to share private information.

B. Names/Pronouns

Staff Rights: All individuals have the right to be addressed by a name and pronouns that correspond to the gender identity they consistently assert at school. No person is required to obtain a court-ordered name change or submit medical or psychological documentation as a prerequisite to being addressed by their affirmed name and pronouns.

Prohibition of Disrespect: Intentional or persistent refusal by students or school staff to respect a person's gender identity—such as deliberately using a name or pronouns that do not correspond to the person's gender identity—is a violation of these Guidelines. While using the wrong name or pronouns for a person may occur accidentally, if the conduct is pervasive and ongoing after being corrected, it is a violation of the [Comprehensive Non-Discrimination Policy](#). Staff members should follow reporting procedures outlined in these guidelines and the Comprehensive Non-Discrimination Policy.

C. Official Records

To support transgender, non-binary, and gender non-conforming individuals, no school, Department, or administrative unit shall require an employee to provide a former name on any document or form, except as otherwise required by law (e.g. background checks). Furthermore, all individuals shall be permitted to use an affirmed name for all purposes, except as otherwise required by law. Nothing in this section shall provide any individual with any private right of action or other right, except as required by law.

Individuals may change their name and gender marker in the district's HR-related personnel databases. Individuals are not required to obtain a court ordered name change and/or submit medical or psychological documentation to affect these changes. When a transgender, non-binary, or gender non-conforming individual begins at CPS, they shall be permitted to provide their affirmed name to Information Technology Services (ITS) immediately, so that the individual does not need to proceed with an administrative process to change their name once onboarded. Applicants for employment shall be permitted to apply for any open position using their affirmed name during the application, interview, and hiring process, except as required by law (e.g. background checks and licensing).

D. Dress Codes

All individuals have the right to dress in a manner consistent with their gender identity or expression within the constraints of the dress codes adopted for all staff and in accordance with all appropriate collective bargaining agreements. In general, schools, Departments, and administrative units shall not adopt dress codes that restrict

individuals' clothing or appearance on the basis of gender. Gender neutral dress code applies to regular work days as well as any special events including graduation ceremonies and prom. No school may adopt a dress code that requires individuals of different genders to dress differently, e.g. allowing female-identifying individuals to wear earrings, but not male-identifying individuals. No one shall enforce a dress code more strictly against LGBTQ+ individuals than other individuals.

E. CPS Caregivers

All adults on CPS property, including but not limited to the parents/guardians of students, are expected to follow these guidelines and Board policies. Violations of these guidelines and CPS policies will be reviewed on a case-by-case basis, including with respect to volunteer status

F. Restroom Accessibility

All schools must have signs designating specific restrooms for adults and students. Students may use designated "Girls+," "Boys+," and "Student Gender-Neutral" restrooms, while staff may use "Men+," "Women+," and "Staff Gender Neutral" restrooms. It is a violation of the Comprehensive Non-Discrimination Policy to deny a person access to a facility that corresponds to their gender identity, or to require a court-order name change or other documentation as a condition to use a specific facility.

Individuals must be allowed to use facilities in a manner that makes them feel safest and most included in the school. All individuals are allowed to use role-appropriate (e.g student or adult) restrooms and locker rooms that correspond with their gender identity.

G. Training

All CPS staff members are required to complete annual training on non-discrimination, harassment, and retaliation in order to comply with the CPS Comprehensive Non-Discrimination Policy, including the [Guidelines Regarding Gender and Sexuality Protections]. This training has important information on how our non-discrimination policies specifically protect transgender, non-binary, and gender nonconforming individuals, and includes important information about best practices. The [Supporting Gender Diversity Toolkit](#) also includes important resources to help support all staff, including administrators, central office staff and students, implement our policies and procedures, including these guidelines, with fidelity. Please ensure that you have carefully read these guidelines and completed the required training; if you are a supervisor, you are responsible for ensuring that your employees have done the same.

H. Employment, Onboarding, and Hiring Practices

No CPS employee or applicant for employment shall be subjected to any form of discrimination, harassment, or retaliation on the basis of their LGBTQ+ status in any employment policy, practice, or receipt of benefits.

CPS is committed to ensuring that onboarding and hiring practices treat all individuals equally and fairly, and that all people, including transgender, non-binary, and gender nonconforming individuals, are treated fairly, respectfully, and with dignity throughout all hiring practices. Individuals in the application process should not be required to provide their full legal name, unless it is necessary for the onboarding process as required by law (e.g. background checks).

III. GLOSSARY

The definitions provided here are not intended to label individuals but rather to assist in understanding these Guidelines and the legal obligations of Chicago Board of Education staff and students. Individuals might or might not use these terms to describe themselves.

Cisgender: A person whose gender identity and expression are aligned with the gender they were assigned at birth.

Intersex: A general term for a person born with sex characteristics that do not fit the definitions of either male or female. People who are intersex are usually assigned male or female sexes at birth. Some, but by no means all, students who are intersex may identify their gender or express their gender in ways that are captured by these Guidelines' definitions of Transgender or Gender Nonconforming.

Gender Affirming Care: A range of services, such as social, medical, and legal, that help youth align their bodies with their gender identity and improve their overall well-being.

Gender Expression: An individual's characteristics and behaviors such as appearance, dress, mannerisms, speech patterns, and social interactions that are perceived as masculine or feminine.

Gender Identity: The deeply held sense that individuals have of their gender, regardless of the sex they were assigned at birth. Everyone has a gender identity. Common examples may include "male/man/boy," "female/woman/girl," "non-binary," "agender," "trans/transgender," "gender expansive," "gender nonconforming," any combination of these terms or something else.

Gender Nonconforming (also known as Gender Expansive, Gender Variant, or Gender Creative): A term that refers to individuals whose gender expression does not follow traditional or societal expectations or stereotypes based on their sex assigned at birth. Keep in mind that these expectations can vary across cultures and have changed over time.

Gender Pronouns: The set of pronouns that an individual would like others to use when referring to that individual. Common examples include, "she/her/hers," "he/him/his," "they/them/theirs," and "ze/zir/zirs." Transgender, non-binary and gender nonconforming students may wish to use a different set of gender pronouns than the pronouns associated with their sex assigned at birth. These are sometimes called

“affirmed gender pronouns” or “preferred gender pronouns.” Staff should always use the gender pronouns which affirm a student’s gender identity.

LGBTQ+ (also known as LGBT+ or LGBTQIA+): An umbrella term referring to people who identify as lesbian, gay, bisexual, transgender, queer and/or questioning. The acronym can also include additional letters, in reference to other identities that do not conform to dominant societal norms around sexual orientation and gender identity and expression.

Non-binary: A term used to describe people whose gender identity is not exclusively male or female, including those who identify as a gender other than male or female, as more than one gender, or as no gender.

Transgender: A term used to describe people whose gender identity is different from the sex they were assigned at birth. This is an umbrella term for a variety of gender identities.

Transition: The process for individuals to begin living as their affirmed gender identity. Transitioning may be social (changing gender expression, accessing facilities, using a different name/pronouns), medical (hormones and/or surgeries), and/or legal (changing name/gender marker on identity documents). Transitions are different for every individual and it is increasingly common for gender transition to be fluid, meaning that gender expression may vary from day to day.

Sexuality (used interchangeably with Sexual Orientation): The inner feelings of who a person is attracted to emotionally and/or physically.

Sex Assigned at Birth: A label a person is given at birth, often based on a medical professional’s interpretation of the newborn’s physical characteristics. Common examples may be “male,” “female,” or “intersex.” This is typically the sex reflected on one’s original birth certificate.

Student Administrative Support Team: A group that receives information on a confidential need-to-know basis and is convened to coordinate the appropriate supports for transgender and gender nonconforming students. The team should consist of the school principal or Support Coordinator, the student, individuals the student identifies as trusted adults, and individuals the principal and student determine may have a legitimate interest in the safety and healthy development of the student. The members may include, but are not limited to, the parent/guardian, school counselor, school social worker, assistant principal, a teacher, and/or school nurse. If the student requests a support plan and one is created in collaboration with the team and the student, the support plan shall be kept in the student’s confidential health folder and may be shared only with staff members who have a legitimate health, safety, or educational interest in the information. It is not required for parents to participate on a Student Administrative Support Team.

Support Coordinator: An individual, appointed by the principal or principal’s designee, on the Student Administrative Support Team. The Support Coordinator is responsible for convening Student Administrative Support Team meetings. If a plan is requested by the

student or the student's parent(s)/guardian(s), the Support Coordinator is responsible for the development of and/or revisions to the student's Gender Support Plan.

Questioning: Being unsure of and/or exploring your gender identity, your sexual orientation, or both. Many people go through stages of questioning as they learn new words that fit them better or as their feelings change over time.

IV. RESOURCES

For additional support in implementing these Guidelines, please refer to the Supporting Gender Diversity Toolkit, available on the [Employee Intranet](#). For questions about these Guidelines, please contact:

Office of Student Health and Wellness

oshw@cps.edu

(773) 553-3560

Concerns or Inquiries regarding Title VII, IX, or the ADEA and related regulations concerning discrimination, harassment or retaliation on the basis of race, color, gender identity/expression, age, national origin or sexual orientation should be made to:

Office of Equal Opportunity Compliance and Title IX

110 N. Paulina St.

Chicago, IL 60612

eoco@cps.edu

osp@cps.edu

773-535-4400