

GENDER DESIGNATIONS ON UNIVERSITY FORMS

Brock University
Human Rights & Equity
June 20, 2017

To All Departments:

In an effort to ensure that the University is inclusive of all individuals and does not discriminate against people based on gender identity or expression, this memo is being sent to all departments to explain best practices with regards to including gender designations on University forms.

If you have any questions about this, please contact a representative of Human Rights & Equity at humanrights@brocku.ca. Thank you for your attention to this important matter,

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This memo will answer the following question: Should gender designations, such as male or female, be removed from University forms? This question should be considered with recognition of the context of gender designations on forms in Ontario. Recently, the Ontario Government has taken steps to be more gender inclusive. For example, changes have been made with respect to gender identification on Ontario university admission forms,¹ Ontario health cards, and Ontario drivers licences.² This is consistent with changes to the Ontario *Human Rights Code* that prohibit discrimination on the basis of “gender identity” and “gender expression”.

For Brock University, removing gender designations from University forms would support Brock community members who identify outside of the binary of male and female. People who do not identify as male or female may face barriers in filling out forms that do not include an option for them to indicate the gender identity that they identify with. To remove this barrier, the following options should be explored:

- (1) If there isn't a legitimate need to ask about gender, then it **should not be a required field** on university forms.
- (2) If there is a legitimate need to ask about gender, then it should be **requested in an inclusive way**.
- (3) If there is no inclusive way to ask about gender or there is a legitimate need to define persons within the binary of male and female, then considerations for an **accommodation** should be made when requested.

¹ <http://www.cbc.ca/news/canada/kitchener-waterloo/university-of-waterloo-leads-gender-change-for-application-forms-1.3597576>

² <https://news.ontario.ca/mgs/en/2016/06/ontario-boasts-gender-inclusivity-with-changes-to-official-documents.html>

Each Form Considered Individually

Each University form must be considered individually. Generally speaking, gender designations should be removed unless there is a *legitimate need* to collect information about gender.³

Under the Ontario *Human Rights Code*, every person has a right to equal treatment with respect to services, goods and facilities, without discrimination because of gender identity or gender expression.⁴ Brock community members who do not identify as male or female may experience barriers in accessing University services that require them to indicate a gender that they do not identify with. Therefore, unnecessary gender designations should be removed from University forms in an effort to eliminate the potential barrier a person may experience in accessing University services.

The department responsible for collecting, using, and maintaining the information provided on a University form is in the best position to determine whether there is a *legitimate need* for the gender designation in the circumstances. The department should make the final determination of whether there is a *legitimate need* for gender designations on that specific university form. Accordingly, Human Rights & Equity will only provide this statement to the University to help the appropriate personnel to decide whether the gender designation should be removed from a particular University form. If you are unsure of whether there is a *legitimate need* to include a gender designation, staff of Human Rights & Equity can offer guidance.

Inclusive Options

If there is a *legitimate need* to ask about gender, then options beyond the binary of male or female must be considered. The most inclusive option is to provide an open text field and allow people to self-identify.

Another inclusive option is to have three choices: ‘male’, ‘female’, or ‘another gender identity’. Ideally, if you include an option to select ‘another gender identity’, you should also include a text box to allow the individual to identify their specific gender identity. To the greatest extent possible, University forms should allow people to self-identify their gender identity.⁵

However, this may not be possible where there is a *legitimate need* to identify individuals within the binary of male and female. If so, then consideration should be given to accommodate people who request an accommodation based on gender identity. In accordance with the Ontario *Human Rights Code*, individuals who do not identify as male or female must still have equal access to the University’s services, goods, and facilities. Accommodations may need to be considered to ensure that gender nonconforming people have equal access to services on campus. If you are unsure of whether there is a *legitimate need* to limit options to the binary of male or female, staff of Human Rights & Equity can offer guidance.

³ [Policy on preventing discrimination because of gender identity and gender expression - Appendix C: Best practices checklist](#)

⁴ [Human Rights Code](#), RSO 1990, c H.19 section 1

⁵ See note 3 above.

Conclusion

It would be ideal to remove gender designations on forms altogether. However, if the department or appropriate personnel determine there is a *legitimate need* to know the gender or sex of an individual, then inclusive options should be considered where possible. If you are struggling to determine whether there is a *legitimate need* to ask for gender designations on a university form, whether more inclusive options are possible, or whether accommodations are necessary, then you may consult with Human Rights & Equity at the contact information below.

Contact Information

Email: humanrights@brocku.ca

Website: <https://brocku.ca/human-rights>