

**PHILADELPHIA COMMISSION ON HUMAN RELATIONS
REGULATION NO. 9
UNIFORM POLICY OF NON-DISCRIMINATION AS TO TRANSGENDER AND
GENDER NON-CONFORMING YOUTH**

9.0 SCOPE. This regulation, promulgated by the Commission pursuant to its authority under Section 9-1133 of the Home Rule Charter and Section 9-1111 of the Fair Practices Ordinance, applies to conduct that takes place in institutions serving youth, on their property, at their sponsored functions or activities. This regulation also pertains to the usage of electronic technology and electronic communication that occurs in institutions serving youth, including but not limited to, on their property, at their sponsored functions and activities, and on their computers, networks, forums, and mailing lists.

9.1 DEFINITIONS.

- a. Youth.** Shall have the meaning given in § 9-1133(1).
- b. Institution or Institutions.** Shall have the meaning given to the term “Institutions Serving Youth” in § 9-1133(1).
- c. Gender identity.** Shall have the meaning given in § 9-1102(1).
- d. Transgender.** Individuals whose self-determined gender identity is different from the sex classification assigned to them at birth. Included are individuals making social and medical transitions in accord with their self-determined gender identity.
- e. Gender expression.** The way a person expresses gender to others through behavior, clothing, hairstyles, activities, voice, or mannerisms.
- f. Gender nonconforming.** Shall have the meaning given in § 9-1133(1).
- g. Gender-neutral pronouns.** Pronouns, such as they/them/their (singular), which are used by some transgender and gender non-conforming individuals. Gender neutral terms also include “parent/legal guardian” instead of “mother” or “father” and “child/youth” instead of “girl” or “boy.”

9.2 GUIDANCE.

- a. Names/Pronouns**
Institutions shall use the name and pronouns with which a youth identifies in all interactions between the youth and the institution as well as in written correspondence, records or communication of the institution. The intentional or persistent refusal to respect a youth’s gender identity or gender expression (for example, intentionally referring to the youth by a name or pronoun that does not correspond to the youth’s gender identity or gender expression) is a violation of

this regulation. Upon receipt of a complaint alleging such violation, the Commission shall investigate the complaint pursuant to the practices and procedures set forth in Regulation No. 2.

b. Hate Speech

Institution personnel shall not use derogatory or offensive terminologies when communicating with or referring to a transgender or gender nonconforming individual. Institution personnel shall take reasonable steps to prevent and promptly correct any derogatory or offensive terminologies used in communication with or in reference to a transgender or gender nonconforming individual. Offensive slurs when used in any context may be considered hate speech.

c. Privacy/Confidentiality

Institution personnel shall not disclose information that may reveal a youth's transgender identity or gender nonconformity to others, including staff, peers, parents, and other members of the public, unless the youth has authorized such disclosure. Institution personnel shall take reasonable steps to prevent and promptly correct any disclosure of information that may reveal a youth's transgender identity or gender nonconformity to others, including staff, peers, parents, and other members of the public, unless the youth has authorized such disclosure. The intentional or persistent disclosure of a youth's gender identity, or gender nonconformity, or the failure to secure documents or other information pertaining to the youth's gender identity or gender nonconformity is a violation of this regulation. Upon receipt of a complaint alleging such violation, the Commission shall investigate the complaint pursuant to the practices and procedures set forth in Regulation No. 2.

d. Gender-Expansive Activities

To the extent possible, institutions should reduce or eliminate the practice of segregating youth by gender. In situations where youth are segregated by gender, youth shall be assigned and permitted to participate in any such activities consistent with their gender identity.

h. Gender-Neutral Language

To the extent possible, institutions should use gender-neutral language in written communication, regardless of a youth's gender identity. This includes using "they" (singular) instead of "he/she." This also includes using "parent/legal guardian" instead of "mother" or "father" and "child/youth" instead of "girl" or "boy."

e. Restroom Access

Youth shall have access to the restroom that corresponds to their gender identity. Any youth who has a need or desire for increased privacy, regardless of the underlying reason, should be provided access to a single-stall restroom, but no youth shall be required to use such a restroom. To the extent a single-stall

restroom is unavailable, the institution shall provide a reasonable alternative arrangement that is agreeable to the child/youth.

f. Locker/Dressing Room Access

Children/youth shall have access to the locker/dressing room that corresponds to their gender identity. Any youth with a need or desire for heightened privacy, regardless of the underlying reason, should be provided with a reasonable alternative arrangement that is agreeable to the youth. Any alternative arrangement should be provided in a way that protects the confidentiality of a youth's gender identity.

g. Dress Codes/Uniforms

Where dress codes exist, youth shall be permitted to dress in clothing that corresponds to their gender identity or gender expression, including maintaining a gender-neutral appearance.

9.3 DISCRIMINATION/ HARASSMENT.

a. Discrimination

Section 9-1102(1)(e) of the Fair Practices Ordinance defines Discrimination as: Any direct or indirect practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, differentiation or preference in the treatment of a person on the basis of actual or perceived race, ethnicity, color, sex (including pregnancy, childbirth, or a related medical condition), sexual orientation, gender identity, religion, national origin, ancestry, age, disability, marital status, source of income, familial status, genetic information or domestic or sexual violence victim status, or other act or practice made unlawful under this Chapter or under the nondiscrimination laws of the United States or the Commonwealth of Pennsylvania as unlawful.

Any violation of Section 9-1133, as explained in these regulations, may create a presumption of discrimination under the Fair Practices Ordinance. Upon receipt of a complaint alleging such violation, the Commission shall investigate the complaint pursuant to the practices and procedures set forth in Regulation No. 2.

b. Investigation

It shall be the responsibility of each institution to ensure that any incident of discrimination, harassment, or violence is immediately and thoroughly investigated. The institution shall fully communicate the process which will be used during the investigation and communicate the status of the investigation to the youth. The institution shall take appropriate corrective action to remediate discrimination or harassment.

9.4 TRAINING AND POSTING REQUIREMENT. Institutions shall regularly conduct training for all staff members on their responsibilities under the uniform policy of non-discrimination set forth in applicable laws and this regulation. To the extent possible, institutions

shall implement ongoing professional development to build the skills of all staff members to prevent, identify, and respond to bullying, harassment, and discrimination against transgender and gender nonconforming youth. The institution shall make the uniform policy of non-discrimination known to the youth population it serves in English and the primary languages of youth who commonly access the institution. The institution shall post the written policy in a location accessible to all, on its organizational website, and by such other notification measures as the institution determines will reasonably provide notice of the policy.

9.5 EXEMPTIONS. Any institution or program claiming exemption from compliance with the uniform policy of nondiscrimination based on bona fide religious purposes or any other legal basis shall raise such affirmative defense in its Answer to the Complaint, in accordance with the practices and procedures set forth in Regulation No. 2. The Commission shall grant exemptions to the extent required by applicable legal precedent at the time of the request.