Toronto District School Board

Policy P042

Title: **STUDENT DRESS CODE**

Adopted: April 10, 2002

Effected: April 10, 2002

Revised: August 26, 2009**, [Insert new date here]**

Reviewed: March 2012

Authorization: Board of Trustees

1. RATIONALE

The Student Dress Code Policy (“the Policy”) has been developed to provide students with learning environments that are safe, equitable, welcoming and inclusive and recognizes that decisions about dress reflect individual expression of identity, socio-cultural norms, and economic factors and are personal and important factors to a person’s health and well-being.

This Policy operates within the legislative environment of the *Education Act* and the Ontario Human Rights Code (OHRC), and is consistent with the TDSB Equity Policy (P037) and the Human Rights Policy (P031).

1. OBJECTIVE

To establish standards and fair and equitable practices for student dress in schools; centered on student engagement and student voice.

To recognize that students need the freedom to express themselves and experience school as an important social environment, not a professional work environment, and that dress plays a fundamental role in how students build healthy relationships and express themselves

1. DEFINITIONS

*Board* refers to the Toronto District School Board, which is also referred to as “TDSB”.

*Cisnormative* refers to the socially constructed and biased assumptions that all human beings are cisgender (only male or female) and have only a male or female gender identity which matches the biological sex they were assigned at birth and therefore a congruent male or female (binary) gender expression to match.

*Dress Code* refers to the TDSB student dress standard established by this Policy each for all schools and may include a school uniform.

*Differential Treatment* refers to a type of discrimination where in an individual, because of one or more of the prohibited grounds under the OHRC, is treated differently and or excluded from consideration by seemingly standard polices or practices, resulting in substantive unequal treatment, distinction, exclusion or preference that imposes a burden upon, limits and or withholds equal access or benefits (e.g., Rules specifically targeting female identified bodies).

*Heteronormative* is the belief that people fall into only two distinct and complementary gender identities (male and female) with natural roles in life based entirely upon the biological sex assigned at birth. It assumes that heterosexuality is the norm or default sexual orientation, and that sexual and marital relations are most (or only) fitting between people of opposite sex. A "heteronormative" view therefore involves alignment of biological sex, sexuality, gender identity and gender expression and roles. This socially constructed and dominant idea is biased, prejudicial and discriminatory to all non-cis gender identities and non-hetero sexual orientations and is the foundation of heterosexism, transphobia and homophobia.

*Inappropriate Dress* refers to any attire that does not conform to the TDSB Student Dress Standard.

*Parent/ Guardian* refers to an individual who is on record with the school as a parent or legal guardian of a student at the school.

*Uniform* refers to any common standard of attire with respect to colour and design which students are required to wear at school.

*Sizist* or size discrimination refers to prejudice or discrimination on the grounds of a person's size. Size discrimination usually refers to extremes in physical size, such as very tall or short; extremely thin or fat.

*Shaming* in this instance refers to any judgmental behavior that reinforces discriminatory cultural rules/ expectations related to dress, body, gender identity, gender expression and or sexuality. This includes acts of ‘slut shaming and body shaming’ as well as behaviours that negatively impact a person’s dignity and self-worth.

*Student(s)* refers to all individuals registered for attendance at the school.

*TDSB* refers to the Toronto District School Board, which is also referred to as the “*Board*”.

**For a comprehensive list** of equity related definitions, please refer to the TDSB’s [Equity Policy (P037)](http://www.tdsb.on.ca/About-Us/Detail/docId/200)

1. RESPONSIBILITY

The Director of Education holds primary responsibility for this Policy. Within the Director’s Office, the Associate Director, School Operations and Service Excellence, will provide an executive oversight, and the responsibility for the implementation, coordination, and day-to-day management of the Policy is assigned to the school Superintendents.

1. APPLICATION AND SCOPE

This Policy applies to all *students* and employees of the *Board*.

1. POLICY
	1. **TDSB Student Dress Standards**
2. The primary responsibility for a *student’s* attire resides with the *student* and their *parent(s) or guardian(s).* The school is responsible for ensuring that *student* dress does not interfere with *student* and staff health or safety requirements and/or promote offensive, harassing, hostile or intimidating environments. The design, application and enforcement of the *student dress code* must not reinforce or increase marginalization or oppression of any group based on race, sex, gender identity, gender expression, sexual orientation, ethnicity, creed (religion), cultural observance, household income, or body type/size or another factor as defined and covered under the TDSB Equity Policy (P037) and the OHRC.
3. *Students* must have the right to express themselves, feel comfortable in what they wear and the freedom to make dress choices (e.g., clothing, hairstyle, makeup, jewelry, fashion, style, etc.). Schools have the responsibility to balance school health, well-being and safety and foster positive school climates while affirming and respecting *student* choices and freedom of expression. Therefore, *students* may attend school and school-related functions in dress of their choice that conforms to following system standards.
4. *Student* dress must:
* Be worn in a way such that groin, buttocks, nipples and chest are covered with opaque fabric; (Undergarments must be worn under an outer layer of clothing; however straps and waistbands may be exposed.)
* Conform with established health and safety requirements for the intended activity (e.g., gym classes, sporting events, industrial arts, drama/dance classes, etc.)
* Respect the *Board*’s intent to sustain a community that is positive, anti-oppressive, equitable, accepting and inclusive of a diverse range of social and cultural identities;
* Not promote offensive images or language, including profanity, hate and pornography;
* Not promote, nor, could not be construed as or include content that is discriminatory (e.g., racist, anti-Black, anti-Indigenous, anti-Semitic, Islamophobic, sexist, transphobic, homophobic, classist, abelist, *sizist,* etc.), lewd, vulgar, obscene, or that reasonably could be construed as defamatory, threatening, harassing or promoting incitement to violence and/or illegal action;
* Not symbolize, suggest, display or reference tobacco, cannabis, alcohol, drugs, violence, or related paraphernalia or any illegal conduct or criminal activities;
* Not interfere with the safe operation of the school, limit or restrict the rights of others, or create a reasonably foreseeable risk of such interference or invasion of rights; (e.g., except for creed accommodations and safety requirements, no head wear may obscure the face, all other head wear including hoodies, hats, du-rags, bandanas, etc. may be worn);
* Conform with any established standard school uniform.
	1. **STSS Student Dress Code**
1. This Policy establishes the *student* *dress code* for all schools.
2. Any restrictions to the way a student dresses must conform to the TDSB Student Dress Standards (as outlined in section 6.1) and will be necessary to support the overall educational goals and activities of the school (e.g., bathing suits/ swim wear are restricted for pool/ swimming activities.
3. *Student* *dress code* principles will reflect student voice, all aspects of equity and diversity and encourage full participation rather than reinforce systems of oppression or create new barriers that may lead to *differential treatment*.
4. The *Board* will ensure training and professional development support for staff to enhance knowledge and awareness of discriminatory impact of unfair application of the *student* *dress code* (e.g., assumptions or stereotypes about diverse racial heritage, creed beliefs, rigid gender roles, gender identities and expressions, sexuality or perceived sexual behaviour related to hair, clothing colours, fashion choices, etc., that are based on or reinforce bias, prejudice and discrimination.)
5. It is expected that every *student* in the school will comply with the TDSB *student dress code*, subject to the discretion of the school principal to permit exceptions (e.g., OHRC accommodation requests, sports equipment, Halloween costumes that obscure a face, etc.) regarding compliance in appropriate circumstances.
6. The *student* *dress code,* and any discretionary exceptions permitted by the principal *(as per 6.2.e),* must be consistent with the *Canadian Charter of Rights and Freedoms*, the OHRC, and the Equity Policy (P037).
7. The TDSB *student dress code* must be designed inclusively and result in barrier free access to the fullest extent possible (e.g., no zero tolerance head wear, rigid gender stereotypes rules of dress, etc.). The Board is committed to provide individual human rights based accommodations (e.g., creed dress restrictions, gender expression, etc.) short of undue hardship. However, the standard design and application of the student dress code must be flexible enough to account for the diversity, accessibility, safety and dignity of all students up front, thus minimizing the need for individual accommodation requests to ensure inclusivity.
8. The *student* *dress code* must support equitable access and reflect diverse student voices in a manner that does not reinforce stereotypes, bias or discrimination.
9. The *student dress code* must ensure a system standard that does not impose any *differential treatment*, especially those based on race, creed, culture, gender-identity, gender expression, socioeconomic class, sexual orientation, disability and or body type/ size as defined and covered under the TDSB Equity Policy (P037) and the OHRC. Such a description will include attire that is defined by this Policy as inappropriate dress.
10. To ensure effective and equitable enforcement of this Policy, school staff will apply the *student dress code* consistently and in a manner that does not reinforce or increase marginalization or oppression of any group based on race, sex, gender identity, gender expression, sexual orientation, ethnicity, creed, cultural observance, household income, body type/size or any other grounds as defined and covered under the Equity Policy (P037) and the OHRC.
11. A *student* *dress code* may include a school uniform.
	1. **Enforcement**
12. To ensure effective and equitable enforcement of a dress code, staff must be consistent and fair in application of the *student* *dress code*.
13. Staff will not use subjective discretion to vary the requirements in any ways that lead to discriminatory outcomes, *differential treatment* or reinforce and/ or increase marginalization or oppression.
14. Staff will respond to *student dress code* violations in a manner that:
* Ensures no *student* is negatively affected by *dress code* enforcement because of racial identity, sex assigned at birth, gender identity or expression, sexual orientation, ethnicity, creed beliefs, cultural or religious identity, disability, household income, body size/type, or body maturity or any other grounds covered under the OHRC.
* Ensures consistent and fair application of the *student dress code* rules that never results in *differential treatment*.
* Ensures *students* are not *shamed* or required to display their body in front of others (*students*, *parents/guardians*, or staff) in school.
* Treats the violation as minor on the continuum of school rule violations, with the exception of dress choice that threatens health and safety, and/ or promotes and/ or motivated by the bias, prejudice or hate against any individual or identifiable groups.
* Does not require the removal of *students* from a classroom or a loss of class time;
* Does not require a *parent or guardian* to bring extra clothes for their child;
* Does not require the *student* to wear clothing provided by the school;
* Asks the *student* to wear additional clothing of their own to obscure the *inappropriate dress* choice.
	1. **Concern or Complaint Protocol**
1. For concerns or complaints related to *student* *dress code*, *students* are encouraged to put their concerns/complaints in writing that are unable to be resolved by discussions with staff. Written concerns/complaints from students must be reviewed and responded to by the school principal and or the superintendent in a timely manner. *Parents/guardians* may use the Parent Concern Protocol (PR505), Board Code of Conduct (PR585) and the Reporting of Suspected Wrongdoing (Whistleblowing) Procedure (PR710) to address issues related to *student* *dress code* enforcement.
2. If *student* *dress code* issues are unable to be resolved through the related procedures (listed in section 6.4(a)), complainants may use the Caring and Safe Schools Policy (P051) to bring forth issues related to *student* *dress codes*.
	1. **School Uniforms**
3. Schools may, after consultation with *students*, staff, *parents/guardians*, and school councils, seek a vote for approval to establish a (or rescind an existing) *uniform* standard as part of the *student dress code*.
4. Any *uniform* standard must conform to the TDSB Student Dress Standards and comply with the enforcement of the *student dress code*.
5. The discussion about school uniforms must examine any equity impacts of adopting a *uniform* including (but not limited to) financial burden and socio-economic disparity and sexist or *heteronormative/cisnormative* designs.
6. In accordance with the Equity Policy (P037), equity criteria’s must be used to determine and mitigate *uniform* fees and a transparent, socio-economic equity plan created to defray any costs for any families who may require accommodation. No students may be denied program access because of inability to afford uniforms.
7. Before adopting or rescinding a school *uniform* standard, a formal vote of current students and *parents/guardians* of children currently enrolled, will be taken as follows:
8. Each student registered at the school and expected to be at the school in the following year is eligible to cast one vote;
9. Students in grade 7-12 may cast their own vote or request their parents/guardians to vote on their behalf;
10. Students in kindergarten to grade 6 will be represented by their parents/guardians who will vote on their behalf;
11. The vote must have a participation rate of 70 percent of the eligible voters with a 60 percent approval rate by the participating voters to adopt or rescind a *uniform* standard.
12. *Uniform* standard adopted by schools will remain in place for a minimum of three years.
	1. **Communication**
13. The TDSB *student dress code* will be clearly conveyed to students, *parent/guardians* and staff, clearly displayed in schools and posted online, printed in student agendas and highlighted in announcements and newsletters for clear reminders.
	1. **Review**
14. *Student* *dress codes* will be biannually reviewed and monitored by each school using an analysis of recent school climate and safe schools data, as well as, a clear, engaging and transparent process for consultation/feedback with *students*, teachers, staff, volunteers working in the schools, *parents and guardians*, and school councils. The principal may conduct additional reviews upon request or at any time if a conflict or concern arises.
15. SPECIFIC DIRECTIVES

The Director of Education has authority to issue operational procedures to implement this Policy.

1. EVALUATION

This Policy is to be reviewed and updated as required but at a minimum every four (4) years.

1. APPENDICES

N/A

1. REFERENCE DOCUMENTS

Policies:

* Caring and Safe Schools Policy (P051)
* Equity Policy (P037)

Human Rights Policy (P031)

Procedures:

* Appropriate Dress Procedure (PR596)
* Board Code of Conduct (PR585)
* Parent Concern Protocol (PR505)
* Reporting of Suspected Wrongdoing (Whistleblowing) Procedure (PR710)

Other Documents:

* Canadian Charter of Rights and Freedoms
* Education Act
* Ontario Human Rights Code