

Natl CJCR Sp Gp Order 8000-1, Transgender Cadets

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1. Identification

Date of Issue: 2016-03-16

Application: This is an order that applies to members of the Canadian Cadet Organizations and members of the Canadian Armed Forces (CAF) who provide support to the Canadian Cadet Organizations and a directive that applies to Civilian Instructors who provide support to the Canadian Cadet Organizations and employees of the Department of National Defence (DND) employed within the National Cadet and Junior Canadian Rangers Support Group (Natl CJCR Sp Gp).

Supersession: n/a

Approval Authority: This order is issued under the authority of the DComd Natl CJCR Sp Gp.

Office of Primary Interest (OPI): Natl CJCR Sp Gp HQ, J1 Employment

2. Abbreviations

Abbreviation	Complete Word or Phrase
RMLO	Regional Medical Liaison Officer

3. Definitions

Cisgender. Cisgender refers to a person whose gender identity aligns with their biological sex (a person who is biologically female and identifies as a woman or a person who is biologically male and identifies as a man).

Gender Identity. Gender identity is linked to an individual's intrinsic sense of self and their sense of being female, male, a combination of both or neither regardless of their biological sex.

Gender Expression. Gender expression refers to the way an individual expresses their gender identity (e.g. in the way they dress, the length and style of their hair, the way they act or speak, the volume of their voice and in their choice of whether or not to wear make-up).

Gender Non-Conforming. Gender non-conforming refers to individuals who do not follow other people's ideas or stereotypes about how they should look or act based on the female or male sex they were born with (also called Gender Variance and/or Gender Independence).

Intersex. Intersex refers to a person who has male and female genetic and/or physical sex characteristics.

Sexual Orientation. Sexual orientation refers to how a person experiences sexual and romantic attraction. Sexual orientations can include asexual (not experiencing any sexual attraction), heterosexual (experience attraction to opposite sex), lesbian and gay (experiencing attraction to the same sex), bisexual (experience attraction to the same or opposite sex). It is important to remember that all of us have both a sexual orientation and a gender identity. Knowing a cadet's transgender status does not give you any information on their sexual orientation.

Transgender. Transgender refers to individuals whose gender identity is different from their biological sex at birth, and/or whose gender expression is different from the way people are stereotypically expected to look or behave.

Transition. Transition refers to the process (which for some people may also be referred to as the “gender reassignment process”) whereby people change their appearance and bodies to match their internal (gender) identity, while living their lives full-time in their preferred gender role.

Transsexual. Transsexual is a term for a person who undergoes a medical gender reassignment process to change their birth-assigned sex. The term can also be used to describe people who, without undergoing medical treatment, identify and live their lives full-time as a member of the gender different from their assigned sex/gender.

Two-Spirit. Two-spirit is an English term coined to reflect specific cultural words used by First Nation and other indigenous people for those in their cultures who are gay or lesbian, are transgender or transsexual or have multiple gender identities.

4. Policy

Context

4.1 The management of issues regarding a transgender cadet within the CCO requires that guidance be provided to assist adult supervisors of authorized cadet activities and leadership at all levels. The Natl CJCR Sp Gp is committed to ensure that all members of the CCO who are transgender are treated with dignity and respect.

Policy

4.2 The Natl CJCR Sp Gp has an obligation and responsibility to prevent discrimination and harassment because of gender identity differences. The Natl CJCR Sp Gp:

- a. promotes the dignity and equality of those whose gender identity does not conform to what is generally accepted as traditional social norms;
- b. provides education and awareness in an effort to prevent discrimination and harassment based on gender identity; and
- c. provides guidance regarding accommodation of the unique requirements of CCO transgender cadets as they transition (if applicable).

5. Direction

Impact on Training

5.1 Not all aspects of the treatment of transgender cadets will impact the training environment that cadets participate in. However, where the cadets’ environment does become relevant, accommodation of these persons will be required (if applicable) in order to ensure that the dignity of the cadet is respected.

Accommodation

5.2 The Natl CJCR Sp Gp and all adult supervisors of authorized cadet activities shall accommodate the needs of transgender cadets except where the accommodation would constitute

undue hardship. Undue hardship is the limit to which the Natl CJCR Sp Gp and service providers are expected to accommodate, taking into consideration the following factors:

- a. realistic ability to assume the costs associated with the accommodation; and
- b. health and safety of CCO personnel and the public.

Use of Washrooms / Showers

5.3 Any cadets, including those who are transgender cadets, may use the washroom / shower that best correspond to their gender identity. All adult supervisors are responsible to ensure that there is adequate washroom / shower facility space available; this may mean providing a single space facility or setting up a schedule for use of an existing space in order to accommodate all cadets.

Sleeping Quarters

5.4 It is incumbent on the adult supervisor to make arrangements for the transgender cadets in order that they are not discriminated against. This may include, depending on the location and availability, a separate sleeping arrangement away from the group in order to accommodate the cadet. Corps / squadron / CTC COs will, at all times, exercise discretion and be considerate of what state of the transition the transgender cadet is currently going through before making a decision.

Supervision / Instruction of Course Cadets

5.5 Senior cadets / staff cadets (CTC) who have self-identified as transgender and who are filling the role of supervisor over an authorized cadet activity are to instruct, supervise and manage cadets according to existing orders and directives. Until such time as the senior cadets / staff cadets (CTC) have fully transitioned, they will not be permitted to supervise cadets in their sleeping quarters under any circumstances.

6. Considerations

Consultation

6.1 Regular and on-going consultation regarding the needs of the transgender cadet will be required by the cadet's chain of command e.g. corps / squadron CO or any other level deemed necessary. As appropriate, this may require meetings with the transgender cadet and the appropriate adult supervisor of the authorized cadet activity. For international exchanges, Natl CJCR Sp Gp HQ pers will liaise directly with the applicable responsible CO and/or RMLO to ensure host countries are made aware of all the requirements. They will also identify if the host countries will accept transgender cadets and what, if any, laws or customs will apply.

Emotional and Psychological Impacts

6.2 Adult supervisors should be aware of the emotional and psychological impacts of being a transgender cadet. SME and other resources may be able to assist in this regard. For example, at CTCs, the use of Personnel Support Teams may be called upon to assist directly with the transgender cadet and their parent / guardian. Close and careful coordination of SMEs and other resources engaged to assist will be required to ensure no contradictory or duplicated effort.

Needs of All Cadets

6.3 Adult supervisors shall provide an environment free from discrimination and prejudice, and respectful of the transgender cadet's right to privacy and to be treated with dignity. They will need to strike the appropriate balance in meeting the needs of the transgender cadet and that of others in the environment they are placed, in such areas as privacy in the use of public facilities, taking into account the relevant considerations in devising a suitable and appropriate solution.

Harassment

6.4 Incidents regarding harassing behaviour towards cadets who are transgender, like any other complaint, shall be dealt with using CATO 13-24, Harassment Prevention and Resolution.

6.5 In the event that an incident may contravene the Criminal Code, or if there is an immediate danger to the health and safety of the cadet, CAF members or the public, the appropriate authorities shall be contacted to address the situation.

Training Away From the Home Unit

6.6 If a transgender cadet is taking part in training away from their home unit, the cadet's corps / squadron CO should meet with the cadet and the parents / guardian to confirm, what, if any, accommodation measures will be required at the training facility they are attending. The cadet's CO would then communicate, through the appropriate chain of command, the expected requirements to the gaining CO / OIC as early as possible to advise them of any special needs of the incoming transgender cadet. This sharing of information is done with the understanding that the gaining CO / OIC must implement his / her own accommodation plan in consideration of the particular needs / limits of their own unit. There should not be any expectation that an existing accommodation at one unit would imply or obligate a new unit to accommodate the transgender cadet in the same manner.

7. Administrative Guidance

Name and Gender Change

7.1 When there has been no legal recognition of name or gender change, there should be no amendment to the cadet's training file. Each province has its own policy on when the name and/or sex of an individual can legally be changed. RCSU staff should make themselves aware of the applicable legislation in their region and disseminate it to the lowest level for action. For administration purposes the following will apply:

- a. change of name will only be entered in FORTRESSv2 on receipt of appropriate legal documents; and
- b. the cadet's home unit will need to reflect the new entitlement (if any) for uniform in line with the new gender once legal documents have been presented.

8. Transgender Adults

CAF Policy

8.1 CF Mil Pers Instr 01/11, Management of CF Transsexual Members is the instruction that is applicable to any CAF member working with cadets. This instruction is applicable to any other adult supervisor working with the CCO.

9. Responsibilities

Corps / Squadron Commanding Officers and OICs

9.1 Corps / Squadron COs and OICs are responsible for:

- a. ensuring that the rights of the transgender cadet are respected and that the training environment is free from harassment and discriminatory behaviour;
- b. taking a leadership role in education and sensitizing the training environment personnel to the subject of the transgender cadets and the presence of a transgender cadet;
- c. working with the transgender cadet, the individual's supervisor and the appropriate medical personnel, to develop a suitable and appropriate accommodation plan for their unit; and
- d. assigning, as appropriate, the transgender cadet with a "sponsor"; the sponsor would be a volunteer who is willing to provide social and emotional support the transgender cadet.

Transgender Cadet

9.2 The transgender cadet is responsible for:

- a. self-identifying as a transgender prior to any accommodation taking place;
- b. providing the chain of command with as much advance notice as appropriate in advance of beginning the transition process (if applicable);
- c. complying with all relevant orders and directives pertaining to dress and deportment; and
- d. positively contributing to, and participating in, and providing information for the formulation and implementation of a workplace accommodation plan.

RMLO / Transgender Cadet's Physician

9.3 The RMLO / transgender cadet's physician is responsible for

- a. acting as the primary point of contact regarding the medical treatment of the transgender cadet (when applicable);
- b. completing the documentation required to support the administrative processes associated with transition (if applicable); and
- c. assisting the corps / squadron CO, OICs, and the transgender cadet in the development of a workable accommodation plan for the training environment and providing education to applicable personnel as required, if requested.

Adult Supervisor

9.4 The adult supervisor is responsible for ensuring that all CCO personnel and CAF members have the required information and clearly enunciated standards of behaviour that are expected of them as it pertains to the presence of and treatment of a transgender cadets.

CAF Members

9.5 CAF members are responsible for acting in a manner that is consistent with CAF ethics and standards of professionalism.

10. Publication

Frequency of Publication

10.1 Annual or more frequent review and updates, as required.

Errors/Omissions or Suggestions

10.2 Users of Natl CJCR Sp Gp Orders are encouraged to bring any errors, omissions or suggested orders to the attention of Natl CJCR Sp Gp HQ J1 Career.

11. References

Source References

- Canadian Charter of Rights and Freedoms
- Canadian Human Rights Act
- CATO 13-24, Harassment Prevention & Resolution
- CATO 13-12, Supervision of Cadets

Related References

- CF Mil Pers Instr 01/11, Management of CF Transsexual Members
- DAOD 5012-0, Harassment Prevention & Resolution

12. Annex

Annex A

Transgender Cadets Questions & Answers

13. Annex A – Transgender Cadets Questions & Answers

Q1. How do I know if a Cadet is transgender?

A1. It is not the role of anyone to judge who is and who is not a boy or girl. Hair length, interest in sports, interest in makeup or jewellery, or indeed any interest (or lack thereof) does not identify who is and who is not a male or female. It is not appropriate to ask a member if they are transgender. It would be appropriate to listen and believe a person who says they are transgender.

The only way to know if a Cadet member is transgender is if the member tells you they are. Adult Leaders in the CCO are often held in positions of trust and a member in your unit may feel comfortable to reach out to you. They may have already reached out to their parents, or they may not have. In any case, an individual is to be considered the final authority on their own gender identity. Self-identification is more important than either outward appearance or sex marker on government issued ID.

Q2. What pronoun do I use when addressing someone who is transgender?

A2. Regardless of the sex of the individual, use the pronoun that the person considers appropriate for themselves. For example, most transgender boys may have been identified as female at birth, but self-identify as male, and would prefer “he” and “him”. It is always respectful to refer to a person using the pronouns they prefer. If you need to ask a child in your unit how they would like to be addressed, you should do so privately and in consultation with the parent / guardian.

Q3. What should I do with the information that a Cadet is transgender?

A3. Unless otherwise directed by the member, information about a Cadet’s status as transgender should be treated as private, and only shared with others when there is a compelling need-to-know (e.g. the member is receiving medical treatment and their transgender status would be revealed). That said, some transgender individuals may want to share information about being transgender with others in their corps / squadron or at the CTC, and they should be supported to do so in a positive and affirming manner.

Q4. How do I ensure there is appropriate washroom access for a member who is transgender?

A4. Any Cadet in your charge, including those who are transgender, may use the washroom that best corresponds to their gender identity. Although training establishments have little control over the washroom access at their training location, if the Cadet requests a more private washroom, please check to see if your training location has a single stall washroom. You can also ensure privacy by having a policy of pers accessing the washroom one at a time depending on the situation.

Q5. If we have a training exercise at the corps / squadron or RDA / NDA that requires an overnight stay, how do I accommodate the changing and sleeping arrangements for a transgender member?

A5. Similar to washroom access, if the Cadet member is comfortable using a gender-segregated change room, they may have access to an appropriate change room. If they tell you that they are uncomfortable using a shared change room, provide a non-stigmatizing alternative (e.g. single stalled washroom). As a transgender member, they will participate in the same activities as all other members. Sleeping arrangements will have to be made separately depending on the location and the comfort level of all members.

Q6. How do I answer questions from other parents or adults about a transgender member?

A6. In order to protect the privacy of our Cadets it is important that you do not discuss personal information about the members in your corps / squadron or other training establishments. The goal is to create a safe and inviting environment for our members and we do not want to break this commitment by speaking about an individual's situation with other parents and adults. However, if they have specific questions related to what it means to be transgender you can refer them to the applicable resources in your area.

Q7. How should I handle specific questions about a transgender member's body?

A7. As above, information about any transgender member should be treated as private. Remind the person asking questions that bodies are generally considered private, and that in most contexts it is inappropriate to ask about a person's genitals or hormones. It is completely appropriate to let the asker know that many people consider such questions intrusive and offensive. Repeated questions about a person's body are considered harassment, and are not acceptable. If they are looking for information about transgender people and transition, they can look for general information and should not be targeting an individual.

Q8. What if the parent of a non-transgender Cadet is concerned about their child's physical safety and does not want their child using the washroom with a transgender member?

A8. This is often raised in conversations about denying transgender people access to washrooms and should be recognized as a form of discrimination. Violence in washrooms has almost always been directed towards the transgender person. There are no instances of a transgender person being found guilty of going into a washroom to cause violence. You can let the parent / guardian know that you expect all personnel to behave in respectful and appropriate ways in the washroom; that everyone's safety is important to you; that having a transgender member poses no risk to their child; and that you will address any concerns about behaviour in the washroom as they arise.

Q9. How do I answer questions from my corps / squadron or other training establishment about a transgender member?

A9. When answering these questions it is important that you remain a positive role model to all members of your unit. Remember, members of your unit will look to your own behaviour and reactions as something to imitate.

Your answers will depend on how comfortable the transgender member and their parents / guardians are with sharing information. If the transgender member wishes information about them to remain private, respect their privacy and do not reveal to other members that the member is transgender. Instead, you can simply explain that the member behaves a certain way because of a personal choice. For more targeted questions, provide what information you can without revealing anything about the transgender member. Repeated or invasive questions to or about a transgender member can be a form of harassment. If you feel the questions are harassing, or making the member feel unsafe or unwelcome, intervene and address the behaviour as per CATO 13-24 Harassment Prevention & Resolution. If the transgender member would like to share any personal information with other members you may like to research some agencies who can speak to your unit about what it means to be transgender.

Q10. If a member in my corps / squadron or other training establishment discloses they are transgender what can I do to be supportive?

A10. Adult leaders in the CCO are often held in positions of trust by members of the Cadet Program, and there may be times when a member discloses information to you and looks to you for support. They may have already reached out to their parents, or they may not have. If you are in a position where a Cadet discloses that they are transgender and asks you for help, please refer them to the available resources in your applicable area.