

# Toronto District School Board

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Policy P042

Title: **STUDENT DRESS**

Adopted: April 10, 2002

Effectuated: April 10, 2002

Revised: August 26, 2009; **May 22, 2019**

Reviewed: March 2012; **May 22, 2019**

Authorization: Board of Trustees

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## 1.0 RATIONALE

The Student Dress 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.

Historically, school dress codes have been written and enforced in ways that disproportionately and negatively impact: female-identified students, racialized students, gender diverse, transgender and non-binary students, students with disabilities, socioeconomically marginalized students and Indigenous, First Nation, Métis, and Inuit students. Focused, explicit, persistent and determined action is required to challenge and overcome this history. The Student Dress Policy draws on the principles of equity, anti-oppression, anti-racism, non-discrimination, equitable and inclusive education.

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).

## 2.0 OBJECTIVE

- To establish fair and equitable standards and practices for student dress in all schools.
- To ensure that these standards and practices centre student engagement and student voice.
- To recognize that students have both the right to express themselves and the shared responsibility to maintain respectful, safe and positive school climates.

- To recognize that students primarily experience school as a learning environment and a social environment.
- To recognize that dress plays a fundamental role in how students build healthy relationships and explore self-identity.
- To ensure that the design, application and enforcement of the student dress code does not reinforce or increase marginalization or oppression of any individual or group based on race, colour, creed, culture, ethnicity, linguistic origin, disability, socio-economic status, age, ancestry, nationality, place of origin, sex, gender identity, gender expression, sexual orientation, citizenship, immigration status, family status, and marital status or body type/size or another factor as defined and covered under the TDSB Equity Policy (P037) and the OHRC.

### 3.0 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.

*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 policies 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* refers to 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-heterosexual sexual orientations and is the foundation of heterosexism, transphobia and homophobia.

*Inappropriate Dress* refers to any attire that does not conform to the student dress code.

*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.

*Size* 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 obese.

*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.

*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 \(P037\)](#)

## **4.0 RESPONSIBILITY**

The Director of Education holds primary responsibility for the implementation of 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.

## **5.0 APPLICATION AND SCOPE**

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

## **6.0 POLICY**

This Policy establishes the student dress code for all schools.

### **6.1 Shared Rights and Responsibilities for Student Dress**

#### Students

- (a) The primary responsibility for a student's attire resides with the student and their *parent(s) or guardian(s)*.

- (b) Students 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.).
- (c) Students have the responsibility to respect the rights of others, support a positive, safe and shared environment and to comply with the Student Dress Policy P042.

### Staff

- (a) Staff are 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.
- (b) Staff have the additional responsibility to balance student health, well-being and safety and foster positive school climates while affirming and respecting student choices and freedom of expression.

## **6.2 Student Dress Code**

- (a) Students may attend school and school-related functions in dress of their choice that conforms to following system standards.
- (b) Student dress must:
  - Be worn in such a way that all bottom layers cover groin and buttocks and top layers cover nipples, both with opaque material.
    - Tops may expose shoulders, abdomen, midriff, neck lines and cleavage.
    - Bottoms may expose legs, thighs and hips.
    - Undergarments may not be substituted as outerwear and, if worn, should be worn beneath a layer of outer wear.
    - Straps and waistbands may be exposed however.
    - Any headwear that does not obscure the face may be worn.
  - Conform with established health and safety requirements for the intended activity (e.g., health and physical education classes, science and chemistry classes, sporting events, technical education, 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, lewd, vulgar, or obscene 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, ableist, *sizist*, etc.), or that reasonably could be construed as defamatory, threatening, harassing or promoting bias, prejudice or hate;
- Not symbolize, suggest, display or reference: tobacco, cannabis, alcohol, drugs or related paraphernalia, promotion or incitement of violence 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 may be worn);
- Conform with any established standard school uniform.

### **6.3 Discretionary Restrictions**

- (a) Any restrictions to the way a student dresses must conform to the student dress code 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.)
- (b) Any discretionary exceptions to the student dress code must be authorized by the principal or delegate and must be consistent with the *Canadian Charter of Rights and Freedoms*, the OHRC, and the Equity Policy (P037) (e.g., OHRC accommodation requests, sports equipment, Halloween costumes that obscure a face, etc.).

### **6.4 Human Rights Accommodations**

The student dress code must be implemented with every student in mind 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.

## **6.5 Professional Development and Student Education**

- (a) As part of the Leadership Capacity Plan, 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, socioeconomic status, disabilities, sexuality or perceived sexual behaviour related to hair, clothing colours, fashion choices, etc., that are based on or reinforce bias, prejudice and discrimination.).
- (b) Students will receive regular education on topics of: boundaries, consent, healthy relationships, sexual harassment and bullying and violence prevention, to enhance the knowledge, skills, attitudes and behaviours that ensure diverse student dress choices are fostered in a respectful, inclusive, safe and positive school climate.

## **6.6 Enforcement**

- (a) To ensure effective and equitable enforcement, staff must be consistent and fair in application of the student dress code and base decisions on objective, verifiable evidence of impact.
- (b) 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.
- (c) Student dress code violations that threaten health and safety, and/ or promote violence, illegal activity, bullying, harassment, and/ or are motivated by the bias, prejudice or hate against any individual or identifiable groups, are serious violations of the Caring and Safe Schools Policy (P051) and must be responded to in accordance with P051 and associated procedures.
- (d) Staff will respond to all other student dress code violations in a manner that:
  - Treats the violation as minor on the continuum of school rule violations.
  - 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.
  - Does not require the removal of students from a classroom or a loss of class time as a disciplinary consequence.
  - Offers a continuum of choices to remedy any *inappropriate dress*:
    - 1) Ask the student to wear additional clothing of their own to obscure the *inappropriate dress* choice;
    - 2) Allows the student to seek out and borrow additional clothing from a another peer;
    - 3) Allows the student to contact *parent or guardian* to bring extra clothes;
    - 4) Allows the student to wear clothing provided by the school;
- (e) Students who refuse to comply with choices provided to remedy inappropriate dress and/ or who repeatedly violate the student dress code may be subject to progressive discipline under Caring and Safe Schools Policy (P051) and must be responded to in accordance with P051 and associated procedures.

## 6.7 Concern or Complaint Protocol

- (a) 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.
- (b) If student dress code issues are unable to be resolved through the related procedures, complainants may use the Caring and Safe Schools Policy (P051) to bring forth those issues.

## 6.8 School Uniforms

- (a) 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.

- (b) Any *uniform* standard must conform to the student dress code (as outlined in 6.2).
- (c) 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.
- (d) In accordance with the Equity Policy (P037), equity criteria must be used to determine and mitigate any barriers to access or participation imposed by *uniform* fees/ costs 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.
- (e) Before establishing or rescinding a school *uniform* standard, a formal vote of current students and *parents/guardians* of children currently enrolled, will be taken as follows:
  - i. Each student registered at the school and expected to be at the school in the following year is eligible to cast one vote;
  - ii. Students in grade 7-12 may cast their own vote or request their parents/guardians to vote on their behalf;
  - iii. Students in kindergarten to grade 6 will be represented by their parents/guardians who will vote on their behalf;
  - iv. 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.
- (f) *Uniform* standard established by schools will remain in place for a minimum of three years.

## **6.9 Communication**

The 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.

## **6.10 Review**

Successful implementation and enforcement of the student dress code will be biannually reviewed and monitored by each school using an analysis of their most recent school climate and school incident and code of conduct 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.

## **7.0 SPECIFIC DIRECTIVES**

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

## **8.0 EVALUATION**

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

## **9.0 APPENDICES**

Appendix A: Student Dress Examples

## **10.0 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)
- Promoting a Positive School Climate Procedure (PR697)
- Progressive Discipline (PR702)

### Other Documents:

- *Canadian Charter of Rights and Freedoms*
- *Education Act*
- *Ontario Human Rights Code*
- *Education Act*, R.R.O. 1990, Regulation 298, Operation of Schools General Section 11 (19.1.ii)

**STUDENT DRESS EXAMPLES**

All students must wear a top and bottom layer of clothing of opaque material. Bottom layers must cover groin and buttocks and top layers must cover nipples.

Tops may expose shoulders, abdomen, midriff, neck lines and cleavage. Bottoms may expose legs, thighs and hips. Undergarments may not be substituted as outerwear and if worn, should be worn beneath a layer of outer wear. Straps and waist bands may be exposed however. Any headwear that does not obscure the face may be worn.

Students may wear tops and bottoms that conform with the student dress code including the following examples:

**Students may wear:**

- Tops: shirt/ T-shirts/ sweater / vest / midriff baring shirts / tank tops, including spaghetti straps, halter tops, and “tube” (strapless) tops, backless tops, V-neck, plunging necklines, etc.
- Bottom: pants / jeans/ sweatpants / shorts / skirt / dress / leggings/ fitted pants, including leggings, yoga pants, ripped jeans and “skinny jeans”, etc.
- Clothing that conforms to established health and safety requirements in classes where protective or supportive clothing is needed, such as chemistry / biology (eye or body protection), dance (bare feet), or health and physical education (athletic attire / specific footwear/ protective gear/ sports equipment/ shower flip-flops).
- Headwear: hats, du-rags, bandanas, hoodies, creed-based headwear, etc.
- Pyjamas/ onesies
- Attire that leaves waistbands or straps on undergarments visible
- Athletic attire

**Students may not wear:**

- Violent language or images or messages that promote, threaten or incite violent behaviours
- Images or language promoting or depicting drugs, illegal items, activity, promotion or incitement of criminal behaviours
- Images or language promoting or depicting discrimination, hate, profanity or pornography
- Images or language motivated by bias, prejudice or hate or that promote or incite harassment, bullying, hostile or intimidating environments for any individual or group based their race, colour, creed, culture, ethnicity, linguistic origin, disability, socio-economic status, age, ancestry,

nationality, place of origin, sex, gender Identity, gender expression, sexual orientation, citizenship, immigration status, family status, and marital status or body type/size or another factor as defined and covered under the TDSB Equity Policy (P037) and the OHRC.

- Any clothing that threatens health and safety or presents a foreseeable risk to the school, the wearer or others based on objective, verifiable evidence
- Underwear as the only layer of clothing

**Students may seek permission to wear:**

- Bathing suits/ swim wear for pool/ swimming activities
- Halloween costumes/ sports helmets that obscure a face
- Sports bras as outer wear for athletic activities
- Dress requirements to support a creed practices and similar human rights accommodations