



Transgender Student Policy

Objective. Birch Creek is a private educational institution that promotes a safe environment for the development of musical skills and public enjoyment of student and faculty musical performances. Birch Creek shall comply with all applicable state and federal laws and regulations concerning nondiscrimination and accommodation for recognized disabilities under state and federal law. It shall further take proactive steps to provide accommodation for transgender and gender nonconforming students as governed by the particular circumstances of Birch Creek and the interests of privacy and confidentiality.

Policy Statement. Birch Creek accepts and encourages the participation of students with transgender and gender nonconforming concerns. This policy is established to explain our approach to help in the assimilation of transgender or gender nonconforming students into the student population.

Legal and Legislative Responsibility.

Under the Americans with Disabilities Act, Birch Creek is committed to providing “auxiliary aids and services” to students with transgender or gender nonconforming issues qualified for admission, so long as these accommodations would not change the fundamental nature of the program or result in significant difficulty or expense.

Practices for Accommodation.

1. **Privacy.** All students have a right to privacy regarding transgender status or gender nonconforming presentation. Information about a student’s transgender status or birth gender shall be protected within the confines of Birch Creek practices, subject to the limitations set forth in this policy. Transgender and gender nonconforming students have the right to discuss and express their gender identity and expression openly and to decide when, with whom, and how much to share private information.

2. **Information and Application Process.** All applicants shall be advised of the opportunity to address confidential matters relating to transgender and gender nonconforming concerns prior to submission and consideration for acceptance to Birch Creek music education programs.

3. **Personal Contact and Communication.** Applicants and parents or guardians are encouraged to make personal contact with Birch Creek through

communications explained in the application. All such communications shall receive prompt and confidential attention.

4. **Consideration of Special Needs.** Applicants and parents or guardians shall be free to express concerns and inquire about accommodation for special needs requested for transgender or gender nonconforming students prior to final submission and consideration of applications.

5. **Scope of Accommodation.** Accommodations can be made available for individual students within the reasonable scope of practices outlined in this policy. Any accommodations other than those set forth below shall not be permitted except as expressly permitted by Birch Creek in its sole discretion. Wisconsin law, as set out in Section 78.21(7) of the Wisconsin Administrative Code, prohibits the comingling of males and females in dormitory arrangements. We cannot make adjustments for dormitory arrangements for transgender or gender nonconforming students in violation of this law. However, to the extent that special individual sleeping arrangements expressly requested and approved by parents or guardians can be worked out within our limited dormitory facilities, Birch Creek will consider such proposals

6. **Mental Health and Safety Concerns.** Birch Creek is a private educational facility which cannot provide professional counseling or services related to mental health of transgendered or gender nonconforming students. Any such counseling or mental health services are the responsibility of the student, parents or guardians.

Guidelines for Accommodation.

1. **Dormitory Residence and Accessibility.** Students will be assigned to dormitory accommodations according to birth gender identification. Transgender students are to be housed with others of the same birth gender. Gender selection or preference is not sufficient to permit dormitory assignment or accommodation for non-biological gender identification. In the same manner, transgender or gender nonconforming students are not allowed in the dormitories and accommodations of the opposite birth gender.

2. **Restroom Accessibility.** Transgender Students shall have access to the restroom that corresponds to their birth gender. Any student who has a need or desire for increased privacy, regardless of the underlying reason, will be provided access to gender neutral restroom at the Miller Music Center, but no student shall be required to use such a restroom.

3. **Shower Room Accessibility.** Transgender students shall have access to the shower room facilities that corresponds to their birth gender and will shower with others of the same birth gender. Use of private shower room facilities in other campus

buildings is not permitted due to lack of availability and adequate supervision. Any student who has a need or desire for increased privacy, regardless of the underlying reason, will be provided private access to shower room facilities that correspond to their birth gender at such times and with reasonable limitations in time and supervision to assure privacy.

4. Special Accommodations. Off Campus housing and other arrangements may be available upon careful review subject to request at the time of application by the parents or guardians of a transgender or gender nonconforming student and approval of Birch Creek of appropriate conditions. Subjects for special accommodations include, but are not limited to, permission to reside off campus with parents or guardians at the family's expense and special arrangements for privacy, scheduling and supervision in restroom and shower room facilities.

Any questions or concerns, please contact Mona Christensen, Executive Director.
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