

LAKE OF TWO MOUNTAINS HIGH SCHOOL COMPREHENSIVE DRESS CODE REFORM

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INTRODUCTION

Serious concerns pertaining to discriminatory practices in the Lake of Two Mountains High School decency code has been recently expressed by 115 people via our [petition](#).⁵ The decency code of Lake of Two Mountains High School reinforces sex stereotypes that result in a toxic learning environment for many feminine students by selectively enforcing the policies against them. The enforcement of the decency code constitutes gender discrimination, depriving feminine students of class time, unlike their masculine peers, on counts of dress code violations. In summation, Lake of Two Mountain High School's decency code strains compliance with the Canadian Human Rights Act under gender discrimination concerns. We are proposing an alternative decency code, enforcement system, and training recommendations to help combat the issues presented by the current decency code.

This document is derived from [Comprehensive Dress Code Reform](#), a paper written in 2020 detailing student proposals for dress code reform in Seminole County, Florida. With permission and guidance from the original authors, the original document has been adapted to support proposals in Lake of Two Mountains High School. This initiative is led by Sarah-Abigail Blackburn, a Lake of Two Mountains High School student, under mentorship from the Ruth Project (ruthproj.org), a gender equity advocacy organization.

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I. Overview: Problems and Solutions

A. Problem Overview

We identify the problematic characteristics of the current decency⁶ code system at Lake of Two Mountains High School as

1. Containing language that targets predominately feminine students;
2. Imposing an inconsistent, gender-discriminatory enforcement system on students in which the education of feminine students is placed in a secondary role to that of their masculine peers by unequally depriving them of class time.

A. Solutions Overview

1. Reform dress code policy language in the Code of Conduct in the agenda of the Lake of Two Mountains High School.
 - a. This includes: “[t]hese are some of the items that are considered inappropriate and must be avoided: Skirts/skirts or shorts that are too short (higher than mid-thigh), tube, tank, backless, and halter tops, spaghetti strap camisoles, visible cleavage, form-fitting leggings without a mid-thigh length top” (Lake of Two Mountains High School, Code of Conduct 2020-2021).
2. Improve training for school staff on how to approach students who have violated the decency code.

I. The Problem

A. Statement of Facts

Lake of Two Mountains High School states that “these are the some of the items that are considered inappropriate and must be avoided: Skirts or shorts that are too short (higher than mid-thigh), spaghetti strap camisoles, form-fitting leggings without a mid-thigh length top, undershirt style tops (singlets/jerseys), bare midriffs and bare navels.” The policy also declares that “visible cleavage” is banned along with “tube, tank, backless, and halter tops” (LTMHS decency code 2020-2021). **All of the previously listed prohibitions are on clothing items or body parts that pertain primarily to feminine students.** Meanwhile, the dress code makes no mention of any specific predominantly masculine worn items of clothing. Therefore, the Lake of Two Mountains dress code indubitably targets feminine students. Current law states that: “[a]ll Canadians have the right to an environment free of discrimination on the basis of sex.” As

⁶ The terms “decency code” and “dress code” are used interchangeably throughout this document.

students, we simply wish to create an environment for our peers where we are not discriminated against on the basis of our gender.

According to Professor Meredith Johnson Harbach, from the University of Richmond Law Review, “dress codes and their enforcement can impose sexuality on girls even when they do not perceive themselves in sexual terms. Gender study scholars report that dress codes generally have negative ramifications for women, sending a message that exposing the female body is bad” (Harbach).

The process of dress codes sexualizing the school environment begins young. According to student testimonies we’ve received, an anonymous student in Secondary 1 almost got suspended for her bra strap showing “too much.” The idea that a bra strap (something which she has to wear) is considered too inappropriate for school grounds, to the point where her education was neglected plays directly into gender stereotypes. According to the United Nations Human Rights Office of the High Commissioner, gender stereotyping is defined as “a generalized view or preconception about attributes or characteristics, or the roles that are or ought to be possessed by, or performed by women and men. A gender stereotype is harmful when it limits women’s and men’s capacity to develop their personal abilities, pursue their professional careers and make choices about their lives” (OHCHR). They list a key example of gender stereotyping as “the failure to effectively investigate, prosecute and sentence sexual violence against women based on, e.g., the stereotype that women should protect themselves from sexual violence by dressing and behaving modestly” (OHCHR).

Additionally, students who are dress-coded can miss large portions of class time, and as feminine students are targeted by the LTMHS dress code, their educations’ are often interrupted when they violate the dress code. Jaida Wilkins, a student at Lake of Two Mountains High School, told us recalled that “[a teacher]... called me “innocent” because of the length of my skirt. [The next time it happened] she made me walk all the way home, change and come back. I asked what the dress code is for guys, and she replied w[ith] ‘tank tops’ ... implying that guys can wear short shorts or crop tops but girls can’t.” Sarah Blackburn, another student from LTMHS recalled that “[My friend] was crying the entire lunch because she had gained so much confidence to wear [a tight black shirt,] Just to get that confidence taken away.”

Students who are dress coded are also subjected to humiliation and embarrassment when dress coded. A secondary 5 student who has chosen to remain anonymous was told that what she was wearing “was not okay” and had to “cover-up”. She also claimed that “I got yelled at in the hallways during lunch in front of everyone just because a bit of my stomach was showing.”

A student in secondary 2, recounted her experience of being dress coded for saying, “[A]t first [I] was [mad because I] would be walking around with barely any skin showing and then Mrs ... showed up and dress coded me. No warning, no telling me to zip my sweater [, I] just [got] a detention right then and there. I was furious and the [worst] part [was] on my way to detention [I] saw a guy in [S]ec 1’s wearing a skin[-] tight tank top with no sleeves and they weren’t in trouble! [I] found it so unfair... [B]ut [I] got over it[. E]ven now teachers [are] still ... telling me off when [I] see many guys wearing basically nothing.”

A student in secondary 4 said “I only [got dress coded] two times, once ... by [M]r ... who told me to put on a hoodie because I was wearing a crop top with sleeves and sweatpants. [T]he second time [they] asked if I had [something] to put on over my top, which was the same top just with high wa[i]sted jeans.”

Most students have recalled that they have seen masculine students escape dress code infractions. One student recalled that masculine students often “have their underwear stick out and not get dress coded.”

A. Legal Concerns

The Lake of Two Mountains High School decency code prohibits items showing cleavage, a prohibition that primarily applies to feminine individuals due to biological features.

Since this section of the policy mainly applies to feminine students, when the policy is enforced, it is impossible for it to be enforced equally between masculine and feminine students. For example, if there are 10 students sitting in a room, all wearing “low-cut” shirts, and half of them are feminine, those 5 feminine students will be the ones punished, regardless of their male classmates wearing the same types of shirts, simply because they biologically do not have breasts. This provision is clear in its application to feminine students almost exclusively, constituting gender discrimination.

Under this presence of gender discrimination through both the decency code policy itself and the enforcement, we draw concern that the decency code may violate the Canadian Human Rights Act, which prohibits discrimination on the basis of sex.

Dress-coding on the basis of bra straps, while not in the dress code itself, signals gender discrimination because of biological differences between feminine and masculine students creates a disparity in the gender(s) who will be punished for bra straps showing. A student in secondary 3 recalled such an instance, saying, “I have been targeted [by the dress code] ... if my stomach is showing ... or if my bra strap [is] showing[.] I was wearing the same shirt as my

friend and I got dress coded [while my friend] didn't because my shirt was [considered] too revealing and [my friend's shirt] wasn't[.] ... [B]oys wear things more revealing th[a]n what I [wore] and the [boys] don't get dress[-]code[d.] I've tried to talk to different teachers and they don't listen."

As established earlier, any provision of the dress code that addresses areas where there are biological or cultural (referring to fashion trends—for example, masculine individuals are less likely to wear tube tops because of cultural norms) differences between genders engages in gender discrimination. When a student is pulled out of class for wearing a shirt that “reveals cleavage” or a “tube top,” that student is most likely a feminine student. These sections of the dress code will not usually apply to masculine students because of biological or cultural differences, meaning that the masculine students will not be pulled out of class to be dress coded, while their feminine peers will be. Thus, the enforcement that is in response to the dress code policy language is gender discriminatory and may violate the Canadian Human Rights Act.

III. Policy Reform

A. The Current Decency Code⁷

Decency Code

The ultimate decision as to whether clothing is considered to comply with the decency code lies with the administration team.

Bandanas are not permitted anywhere on school grounds at any time.

Hats, caps, hoods, and tuques are to be removed upon entering the school and must be stored in the student's locker.

8.1. Student Appearance

These are some of the items that are considered inappropriate and must be avoided:

Skirts/skirts or shorts that are too short (higher than mid-thigh)

Tube, tank, backless, and halter tops

Spaghetti strap camisoles

⁷ The following policy is the exact dress code policy currently enforced by Lake of Two Mountains High. *See 2021-2022 LTMHS decency code.*

Visible cleavage

Form-fitting leggings without a mid-thigh length top

Undershirt styled tops (singlets/jerseys)

Bare midriffs and bare navels

Visible underwear

Transparent or see-through clothing

Vulgarity, racial or political slurs, drugs, sex, alcohol, profanity or anything viewed as offensive.

This list is not meant to be a complete and exhaustive list. The Administration reserves the right to rule on the appropriateness of dress and appearance.

8.2. Consequences of Decency Code Violations

The consequences for not following the above decency code will be determined by the administration and could be one of the following:

Student may be sent home to return in proper dress.⁸

Student's parents may be asked to drop off appropriate apparel.

Student may not be allowed to participate in activities.

Student may be suspended after repeated violations.

Other consequences as determined by Administration.

B. Our Recommended Replacement Dress Code⁹

The ultimate decision as to whether clothing is considered to comply with the decency code lies with the administration team.

Items worn on the head are to be removed upon entering the school and must be stored in the student's locker.

Students are within their rights to respectfully appeal to the school staff¹⁰ members who dress-coded them if they feel they have been improperly issued an infraction.¹¹

⁸ This provision explicitly permits students to be pulled out of class to be dress-coded. In our recommended dress code, we removed this provision, and would like to stress the importance of removing this in the future dress code.

⁹ The following is an edited version of the current Lake of Two Mountains High School dress code. We do not claim unmodified language as our own, as that belongs to Lake of Two Mountains High School.

¹⁰ School staff, in this context, refers to all staff within a school including teachers and administrators.

¹¹ Although this is already within students rights, by issuing a statement of this, we are trying to make students more aware of this.

8.1. Student Appearance

Decency code standards all students should follow:

- Undergarments must reach below mid-thigh
- Shirts must have a strap

These are the some of the items that are considered inappropriate and must be avoided:

- Undershirt style tops (singlets/jerseys)
- Visible underwear
- Transparent or see-through clothing
- Vulgarity, racial or political slurs, drugs, sex, alcohol, profanity or anything viewed as offensive.

8.2. Consequences of Decency Code Violations

The consequences for not following the above decency code will be determined by the administration and could be one of the following:

- Students should receive a verbal warning in a respectful manner that is not paternalistic, condescending, or inappropriate (sexualizes students).
- Students should not miss any learning time for a dress code infraction.

IV. Dress Code Enforcement Reforms

As discussed in Section II.(A.), upon receiving both testimonies and personal impact statements from students or former students of LTMHS, we have reached the conclusion that the dress code enforcement often unnecessarily disparages students.

Resultantly, we are proposing an alternative way to enforce dress codes that will refrain from interrupting students' class time, and decrease issues with harassment in the following multi-step enforcement plan. This procedure is intended to encourage cohesion in enforcement techniques and protocol, ensuring a system that can decrease the frequency of mishandled¹² dress code infraction cases. During several conversations with teachers, deans, and principles employed by LTMHS, we were apprised of difficulties school staff faced in administering dress code violations in approaching the student— *how* to explain why the student's item of clothing was not admissible under the dress code. A step-by-step procedure offers an enforcement system

¹² Specifically cases in which the student misses large quantities of class-time or is exposed to harassment.

that delivers consistency and ease for those enforcing the policy in question. We feel that given the current dress code enforcement issues, a procedure may allow for a feasible solution to concerns by staff and students alike.

A. Identification of Violations

Teachers and administrators reserve the right to draw attention to dress code violations and bring that up with the student they believe to be out of the decency code as outlined in Section III.(B.). The identification process is as follows.

1. A teacher or administrator notices the student out of the decency code; before approaching the student, they refer to the dress code and identify the specific section that the student is violating.
2. They then notify the student during an off-time (not during a learning period) and refer to specific decency code violations when bringing this up with the student. This should take place away from peers, for respect of students' privacy.
3. If the student is able to fix the violation immediately, no further action is needed.
4. If the student is not able to fix the violation, it would then be filed following the order of punishments listed below.

In the nature of respecting the students' right to due process and sustaining a healthy relationship between student and staff, Section V. (A.) states that it is crucial that students are able to appeal their violation and are made aware of this fact. If the student feels that what they are wearing does not violate the decency code, they are able to express that to the teacher or administrator that brought the violation to their attention. The administrator should hear them out and partake in an orderly discussion about the violation. The administrator should point out the exact infraction to the student and how the item of clothing violates the dress code. If school staff is unable to identify a specific area of the decency code in which the student's item of clothing is in violation, further disciplinary action should be halted.

In addition to appealing the dress code violation in itself, at any point during the identification or punishment process the student feels that the administration is not following the correct order and they are being unfairly punished, they reserve the right to take that up with the administrators. In this case, the student should have access to the dress code so they may cite where the misconduct appeared. This should be made accessible to them by teachers or administration.

If the student feels that they are not being given the opportunity to state their case and/or feel ignored by school officials, they have the right to take that up with the principal or higher officials.

C. Punishment for Violations

In accordance with Section IV. (A.), the order of punishments will conform to the proposed tally system to substitute the existing dress code enforcement policy in Section V.(C). This alternative dress code enforcement plan is visible below from the least severe punishment to the most severe punishment:

Order of Punishments

Tally 1	Verbal Warning
Tally 2	Verbal Warning
Tally 3	Verbal Warning
Tally 4	School-day Detention ¹³
Tally 5+	Suspension From Select School Activity, Face Time Out From Sport, OR Saturday Detention

For each dress code infraction, a tally will be bestowed upon the student using the same system as enforcing masks. A tally will be put on their file and once the student reaches the 4th infraction (as this system states), they will have to comply with the punishments put in place. Teachers and administrators will have the authority to declare and distribute tallies for students violating the dress code. The first three infractions will result in a verbal warning from staff and the fourth infraction will result in school-day detention for the student. The fifth violation warrants suspension from a specific school activity, OR time out from a sport. Every subsequent dress code violation will repeat the consequences listed above for five tallies.

¹³ This particular detention refers to before or after school detention during school days, as opposed to weekend detention which is reserved for infractions above four tallies. The teacher issuing the detention must write down/print the student’s detention slip or wait a full school day to find time after class for the student to receive their detention slip from the front office.

Under this empathy-based system, the student must understand *why* they are being dress coded, *what* they are being dress coded for, and *how* they must be disciplined for it with respect to due process. Henceforth, each classroom should have a visible copy of the approved dress code to foster a teachable moment when the students violate it. The order of punishments and filing of infractions, likewise, must be readily available in paper or poster form. This policy in poster form already exists within classrooms for teachers and students alike. We propose implementing a dress code identification and enforcement poster that allows teachers and students alike to determine how infractions must be acknowledged and handled more readily (See Appendix B). Please note, we do NOT recommend using pictures of individuals violating the policy—rather, the language itself.

C. Dress Code Enforcement Discrepancies

The current punishment system for dress code violations in the Lake of Two Mountains decency code is as follows:

1. *Students may be sent home to return in proper dress.*
2. *Students' parents may be asked to drop off appropriate apparel.*
3. *Students may not be allowed to participate in activities.*
4. *Students may be suspended after repeated violations.*
5. *Other consequences as determined by Administration*

However, the reality of dress code enforcement deviates substantially from the officially listed punishments of dress code violations. A former Lake of Two Mountains High School student has said that “[a staff member] dress-coded me because I was wearing a back top, which ... covered my stomach. She then pushed me into the room at the top of the cafeteria, gave me a gym shirt, and demanded that I change into it. I was refusing though[,] as from the outside of this room you can see everything going on inside. She forced me to[,] saying that she would suspend me if not. I did and felt humiliated[;] I felt super ashamed of myself. **I graduated 4 years ago and I’ll never forget this.**¹⁴” In another case, another anonymous student recalled, “I was wearing a loose crop top and high-waisted leggings which made NOTHING show and Mrs... snapped her fingers at me and told me to change into a gym shirt. She then proceeded to bring me to the janitors closet to change into my more ‘decent clothing’” Another student at Lake of Two Mountains High School described being dress coded, saying, “Staff members have been telling me for my 4 years that I’ve been at this school, that I need to respect my body and my clothing paints an image of me that no one likes or wants to see.”

¹⁴ This student also said that this staff member **still** works at Lake of Two Mountains High School.

In many cases, we have witnessed administrators jumping to hand out detentions when a student violates the dress code as a first offense. Not only is this not in accordance with the policy outlined above, but this is also embarrassing for the student, and can take a significant amount of time away from the classroom. We strongly recommend that LTMHS clarify the dress code infractions protocol to school staff.

D. Elaborations and Exceptions

As explained in Section V.(A.), respecting due process is critical to making dress code infractions teachable moments to prevent the repetition of the student's behavior in the future. By referencing the dress code to explain how the student violated it, the student can better understand what is outlined in the reformed dress code and possibly state their case respectfully. When citing the dress code, avoid showing pictures displaying dress code violations to the student, as that can often objectify the student whom the infraction is levied at. Moreover, pictures may not be inclusive of all students, which would incorrectly reflect the student body and target or exclude a certain student's appearance. Objectifying the student is to be avoided as reducing one to their body and appearance leads them to objectify themselves and believe they are viewed and judged based on their appearance. This student-administrator relationship fosters a hostile work environment and is incongruent with the goal of the school—to establish an environment that promotes student learning and development.

In the event that a student is wearing items of clothing and/or accessories that are deemed as contraband or dangerous to the student or to the school environment, the school staff member may suspend the aforementioned protocol. In these special circumstances, this situation may be handled as needed.

V. Teacher and Administrator Training

We propose that a training program be implemented for teachers and administrators so that when dress coding students, due process is always conducted, the students feel respected, and to minimize the amount of class time missed by a dress-coded student. The following is recommended as a guideline for school staff in which they could effectively respond to dress code violations, all the while treating students correctly¹⁵ in a teachable moment.

¹⁵ We define "treating students correctly," as responding to students in a manner in which they employ dignity, respect, and empathy for the student, with the expectation that the student, too, is respectful.

A. Respecting Due Process¹⁶

In a situation like so many other students when getting dress-coded, an anonymous student from Lake of Two Mountains High School recalled that “I had to sit in front of the vice principal's office while there was a test going [on], only because I asked what I was getting dress-coded for.” To avoid situations in which due process is not maintained for the student, it is *crucial* that a section elaborates on the use of due process when being dress coded to be used during a training program for administrators and teachers on how to appropriately dress code students. Many times students find themselves lacking an opportunity to state their case without being harshly reprimanded. Respecting a student’s right to professionally appeal to their infraction is critical to maintaining a strong relationship between school staff and students as well as providing students with an opportunity to stand up for themselves. Students should be aware of their opportunity to appeal when they feel wrongly dressed, fulfilling due process, without being threatened by school staff.

B. Protocol for School Staff

In order to properly discuss a dress code violation with a student, a tone of professionalism should be applied towards the student. For example, if a student showed up in a tube top to school, an administrator can let them know that “their item of clothing does not adhere to the level of professionalism maintained in a school setting.” The main rule to maintain during a conversation in which school staff is dress coding a student is a sense of neutrality to make sure the student understands that the clothing type that they are wearing doesn’t fit the professional standards that are set in school.

When dress coding, we strongly recommend that the school staff member refers to the dress code policy while dress coding to provide a teachable moment to the student, as well as to justify their cause to cite a violation.

What Not to Do When Dress Coding

When addressing a student’s dress code infraction, it is important that the administrator does not talk about their body or their gender. They should try not to take up students’ class time as it takes away from their learning as displayed in many situations. Staff should not appeal to social norms about the appropriateness/respectability of a certain item of clothing as a reason for a student receiving a dress code infraction—both implicit and explicit references to cultural ideology.

¹⁶ To make students aware of their right to due process, especially when dress coded, we have added a statement of this to our reformed dress code policy suggestion on page 11.

Closing Remarks

As our team talked to students in Lake of Two Mountains High School about the current dress code and listened to their personal accounts, we saw an outpour of students, primarily feminine students, who have been degraded by the current dress code policies and their enforcement. On behalf of the hundreds of feminine students who have been disparately impacted, we implore LTMHS to discuss and implement these proposals with us and build consistent dress code enforcement. This is the question of building an equitable, positive learning environment that is legal, as opposed to the current one that denies accountability for our masculine peers, and instead forces feminine students to conform to oppressive policies.

Lake of Two Mountains High School's agenda states: "We aim to provide a nurturing, supportive, and connected learning environment that will empower students with 21st[-]century skills." But teaching students from a young age that even a feminine individual's shoulders or midriff are 'too sexual' and that masculine individuals are not to be held accountable for sexualizing and harassing feminine individuals will never accomplish that mission. Lake of Two Mountains High School is not a nurturing or supportive environment for the students who are handed decency code infractions at the expense of their right to learn in an equitable environment. We—the students of Lake of Two Mountains High School—bring forth these proposals because we have the right to equity—a right we implore school officials to respect.

References

Canadian Human Rights Act (R.S.C. (Revised Statutes of Canada), 1985, c. H-6.

Harbach, Meredith Johnson. "SEXUALIZATION, SEX DISCRIMINATION, AND PUBLIC

SCHOOL DRESS CODES." *The University of Richmond Law Review*. 22 February 2016.

OHCHR. "Gender Stereotyping." *United Nations Human Rights Office of the High*

Commissioner. n.d.

Appendix A

DRESS CODE ENFORCEMENT

DO

- **REFERENCE** the decency code and enforcement plan for the violation before informing the student.
- **NOTIFY** the student during an off-time (not during a learning period).
- **EXPLAIN** the specific decency code violation and consequence(s).
- **ASK** for proof regarding potential administrative permission (i.e. medical necessity, religious, school-related events) for their garment(s).
- **ALLOW** the student to fix the violation immediately to avoid further action if possible.
- **RESPECT** due process by allowing the student to appeal to their infraction.

DO NOT

- **SHOW** example pictures of the specific violation.
- Forcibly **REMOVE** the article of clothing violating the dress code from the student.
- **USE** gendered language that singles out a student's gender identity as justification for a violation.
- **MEASURE** the length of a student's garments.
- **DEGRADE** the student in any manner.