

# **RESPECT FOR HUMAN DIVERSITY**

## **Gender Identity Guidelines for Students**

*October 2015*

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## GUIDING PRINCIPLES

It is River East Transcona School Division's (RETSD) responsibility to ensure the physical and emotional safety of all students. Gender identity is a protected ground under the *Manitoba Human Rights Code*. We want to make sure students of all gender identities and expressions feel welcome in our schools.

“It is unlawful under *The Human Rights Code* to discriminate against a person in employment, housing or the provision of services [including schools], on the basis of that person's actual or perceived gender identity, without reasonable cause. It is also unlawful to discriminate against someone based on their association with someone with a particular actual or perceived gender identity, without reasonable cause.”

*Source: Manitoba Human Rights Commission Website*

## PURPOSE

**These guidelines support the RETSD Policies ACF - *Respect for Human Diversity* and AC – *Human Rights*, ensuring a learning environment that is free from discriminatory practices based on gender identity and gender expression.**

These guidelines apply to:

- all employees, students, parents/guardians, trustees, volunteers, and third parties such as in-school child care program employees.
- to situations that occur outside school hours but have an impact on the learning environment of the school.

Guidelines have been designed to raise awareness and help protect against discrimination and harassment and to encourage embracing and learning from diversity and difference. This document is intended to support the transgender and gender diverse students in RETSD. It is important that we recognize that all members of our school communities are entitled to particular supports and protections. This includes students who are transitioning, identify as androgynous, gender creative, gender independent, gender fluid, gender variant, gender diverse, two-spirit, queer, transgender, transsexual or trans\*. RETSD recognizes the importance and life-changing role that inclusive educational environments can play in building the personal resilience of transgender students and their families.

## **ROLES AND RESPONSIBILITIES**

**The division**—under the leadership of the superintendent, will implement board policy and establish administrative procedures and/or regulations on human diversity practices within RETSD. The division will also provide training and professional learning for teachers and other staff in areas of bullying prevention and human diversity. The division sets the standards for conduct and develops procedures and protocols for addressing unacceptable conduct or discrimination. The division will also determine what reporting and data collection will be undertaken.

**Principals**—play a leadership role at the school level in promoting safety and acceptance and in ensuring a safe and inclusive school environment. Principals communicate and reinforce expectations of the respecting human diversity policy to teachers and school staff and encourage their participation in professional learning and training on bullying prevention, human diversity and related topics. Principals hold those who disrespect human diversity accountable by following established processes and protocols and maintain appropriate records at the school level.

**Teachers and other staff**—model inclusiveness and respect for human diversity and play a key role in communicating and reinforcing expectations of the respecting human diversity policy to students. They support students on issues of human diversity and empower them to treat each other with dignity and acceptance. Under the legislation teachers and school staffs have an expanded duty to report matters of cyberbullying to the principal, whether it is believed to be happening at school or outside of regular school hours. Participation in professional development and training is essential in ensuring teachers and school staffs have the tools and knowledge they need to deal appropriately and effectively with sensitive student issues regarding bullying prevention and human diversity.

**Students**—have responsibility to monitor their own interactions and conduct in ways that are respectful and ensure a safe and inclusive school environment, particularly toward those previously identified as being at higher risk for bullying or discrimination.

**Parents and guardians**—play an important role in their children’s understanding and respect for human diversity. Parents have a responsibility to encourage their children to conduct themselves in ways that contribute to a safe and inclusive school environment. Parents also have a personal responsibility to conduct themselves in a way that respects the human diversity policy.

**School community members and groups**—are diverse and the contributions they make to schools are valued and encouraged; they have a personal responsibility to conduct themselves in a way that respects the human diversity policy.

## **PRIVACY/CONFIDENTIALITY**

Students within RETSD have a right to privacy regarding their personal information. Someone’s gender identity or gender expression is to be considered private and confidential information and safeguarded appropriately. Staff are not permitted to disclose a student’s gender identity or gender expression status to others unless the student has given permission or there is a specific situation in which the information must be disclosed.

At times, it may be appropriate for staff to be aware of a student’s transgender status. Where possible, the student is to be allowed to control who is aware of their status. A student’s right to confidentiality is to be strictly maintained at all times.

Staff will disclose a student’s gender identity to others on a “need to know” basis (e.g., to fulfill a specific accommodation request).

Students are encouraged to discuss when, with whom, and how much of their private information they wish to share with others. Staff will offer the student an opportunity to review and/or request deletion of any information relating to gender identity or expression contained in their official records.

Students are encouraged to participate in the education of their classmates at whatever level they are comfortable, however it is not the transgender person’s responsibility to educate others.

## **Parental Consent**

Students may not have discussed their gender identity or gender expression with their parent(s)/guardian(s)/caregiver(s). Staff will support the student so they feel safe and welcome at school and so they can successfully engage in their education.

When a student makes a request related to their preferred name, gender identity, and/or gender expression and when the student has capacity of consent, parental/guardian consent is not required for students in grades 7 to 12. Parental/guardian consent will be requested for students in Kindergarten to Grade 6.

## **SELF-IDENTIFICATION**

A person’s self-identification is the sole measure of their gender. It is not appropriate to question or challenge a student’s gender identity or expression.

## **NAMES/PRONOUNS**

Students have a right to be addressed by a name and pronoun that corresponds to their gender identity or expression. A legal name or gender change is not required, and the student does not need to change their official records for this right to be extended to them.

The intentional or persistent refusal to respect a student’s gender identity or expression may be considered a form of harassment. This does not apply to inadvertent slips or honest mistakes, but it

does apply to the intentional and/or persistent refusal to acknowledge or use a student’s preferred name and pronoun.

In the event that the school must contact the parent or guardian of a transgender student, the student will be referred to by their legal name unless the student, parent, or guardian has specified otherwise.

### **Student Records**

Schools are required to maintain a Student Record with a student’s legal name and sex, as registered under the Vital Statistics Act. Schools are not required to use the student’s legal name, sex or gender in other school records such as letters home.

Schools will use the student’s **legal** name in the TYLER Student Information System as well on report cards, transcripts, diplomas, CUM files and provincial assessments.

In situations where schools are required by law to use or to report a student’s legal name, sex or gender, schools shall adopt practices to avoid the inadvertent disclosure of such confidential information.

Schools will use the student’s **preferred** name wherever possible (e.g. on class lists, timetables, identification cards, letters home and the comments section of the report card), provided this has been requested by the student.

Schools will change a student’s official Student Record to reflect a change in legal name upon receipt of legal documentation that such legal name has been changed.

Schools will change a student’s official Student Record to reflect a change in gender upon receipt of legal (e.g. birth certificate) or medical documentation that sex has been changed.

### **DRESS CODES**

Division and school dress codes should be flexible, gender neutral and in accordance with the division’s Policy JICA – *Student Dress Code*.

### **WASHROOM ACCESS**

Students have the right to access the washroom that corresponds to their gender identity or expression at school and during field trips.

Any student who requests increased privacy will be offered accommodations that meet their needs. For example, access to an all-gender single stall washroom will be provided, where possible. All students have the option to use the all-gender single stall washroom, but no student will be required to use such a washroom.

Access to single-stall facilities is to be an easy process where the student does not have to draw attention or request a key every time access is needed.

## **CHANGE ROOM ACCESS**

Students have a right to participate in physical education classes and team sports in a safe, inclusive, affirming, and respectful environment.

Students have a right to access the change room that corresponds to their gender identity or gender expression.

Any student who requests increased privacy will be offered accommodations that meet their needs. For example, access to an alternate change location will be provided, where possible, but no student will be required to use such a change room.

Other accommodations may include:

- a) A private area within a public area (a bathroom stall with a door; an area with a curtain)
- b) A separate changing schedule
- c) Use of a nearby private area (a washroom, nurse's office)
- d) Access to the change-room corresponding to the student's assigned sex at birth
- e) Completing physical education requirements through independent study outside of gym class as allowed under provincial guidelines

## **GENDER SEPARATED ACTIVITIES**

Students have a right to participate and compete in a safe, competitive, and respectful environment free of discrimination and harassment. Students participating in gender-separated sports, classes, or activities have a right to participate in those activities in accordance with their gender identity or expression, regardless of the gender or sex identified in their student record.

Schools will avoid separating students by gender, when possible.

### **Sports Team Participation**

Students have a right to participate in any gender-separated recreational and competitive athletic activities that are consistent with their gender identity or expression.

For inter-scholastic sports at the senior years level, the [MHSAA Transgender Policy](#) will be adhered to.

### **Washroom and Change Room Access while Travelling for Competition**

Students have a right to access a washroom or change room that corresponds with their gender identity or expression while travelling outside the school for competition. Schools are responsible for ensuring access to appropriate changing, showering, or bathroom facilities, based on the needs of the student.

If school staff are concerned that facilities at another site are not appropriate, the staff should, in consultation with the student, contact the other site in advance to ensure that the student has access to facilities that are comfortable, safe, and in accordance with the student's gender identity.

It is important to maintain the student’s confidentiality by not disclosing their gender identity or expression status without their permission.

### **Field Trips with Overnight Accommodation**

Students have a right to be housed on school field trips in a manner that is safe, inclusive, affirming, and respectful. Students have the right to supports that meet their individual needs and their privacy, ensuring equal opportunity to participate.

Students who request increased privacy will be offered accommodations that meet their needs. For example, in some cases this may mean offering private accommodations at no extra cost to the student.

School staff will assess requests for accommodation.

## **CURRICULUM INTEGRATION**

RETSD supports all schools and staff in delivering inclusive provincially-approved curricula where all members of society are represented.

### **Health Component in Physical Education Curriculum**

The Physical Education and Health Education curriculum develops attitudes and behaviours that promote healthy lifestyle practices for lifelong fitness and social-emotional well-being. Sexual health education provides age-appropriate information and maintains an open dialogue that respects individual beliefs. It is sensitive to the diverse needs of Canadians irrespective of their gender, sexual orientation, ethnicity, culture, and religious backgrounds. All people should see themselves represented in what is taught in health class. Teachers will present the range of human diversity, including, but not limited to: a range of bodies, a range of sexes, a range of gender identities and gender expressions, and a range of sexual orientations. Resources are to be developmentally appropriate and selected or updated in order to promote critical thinking and include materials in the health curriculum as approved.

Sexual health education is considered a potentially sensitive outcome within the Physical Education/Health Education curriculum provided in grades 2 - 12. Student participation regarding potentially sensitive outcomes in Manitoba schools requires parental approval.

### **Library Resources**

School libraries will strive to have the best and most up-to-date collection of age-appropriate books on sexual orientation and gender identity issues and topics, including a variety of novels, short-story collections, movies, and magazines for youth that are affirming of gender variance. Library materials containing transphobic content should be reviewed for possible removal.

Internet software filters should allow access to age-appropriate sites that contain information on sexual orientation and gender identity and gender expression.

## **PROFESSIONAL LEARNING**

Under RETSD policy and provincial legislation, school division leaders must ensure staff are provided with professional development that increases their capacity to support students on issues regarding all aspects of human diversity, including gender identity and expression.

All RETSD employees are required to complete training in the area of promoting respect for human diversity.

## **ADVOCACY SUPPORT**

Schools will designate a staff person within the school, or be notified of a division employee, who can act in an extended advocacy role or be a “safe contact” for students who are transgender.

## **STUDENT ACTIVITIES AND ORGANIZATIONS**

Students who wish to establish and lead groups or activities that promote respect for human diversity and a positive, inclusive and accepting school environment, must be accommodated as per RETSD policy and provincial legislation.

## **REQUESTS FOR ACCOMMODATION**

It is recognized that specific accommodation requests will be assessed on an individualized basis and accommodations will be offered to meet the needs of the student who is making the request.

A student’s needs may change over time and may be different throughout various contexts (e.g., home, school, peers and community). Accommodations must be flexible and unique to each student and decision making must include the student in a way that is age/developmentally appropriate. An accommodation that works for one student cannot simply be assumed to work for another.

Requests to accommodate specific needs should be made to staff with whom the student feels comfortable. For example, although a student does not need permission to use the washroom that corresponds with the student’s gender identity or expression, they may request a change-room accommodation to address a specific concern.

Any staff approached with a request for accommodation should respond with sensitivity and compassion in a prompt and supportive manner. The principal must be notified.

An accommodation request may come in the form of a verbal request, a written request, or by e-mail communication. The request may come directly from the student or the student’s legal guardian(s).

Students and/or parents/guardians are encouraged to put the request in writing

Students of any age can make a request, with or without their guardians’ knowledge.



If staff have concerns about a student’s safety, such as if a student discloses that they may be suicidal, suffering parental abuse, or at risk of hurting themselves or others, staff is legally required to report these incidents to the proper authorities. When reporting incidents to the authorities, staff will comply with the student’s need for confidentiality.

Staff will ensure that the student is referred to a supportive staff member (e.g. school counsellor, “safe contact”, or psychologist) who will determine what further steps are necessary to protect and support the student.

When a student requests that their preferred name, gender identity, and/or gender expression be used, parent/guardian consent will be requested from Kindergarten to Grade 6. From grades 7 to 12, if the student has capacity of consent, parent/guardian consent is not required.

## **RESOLVING CONFLICT**

Issues are to be promptly acted upon by school administration. Students and employees must clearly see that there are swift consequences for transphobic or prejudicial behaviour or attitudes.

Complaints alleging discrimination or harassment based on a person’s actual or perceived transgender status or gender identity status must be handled in accordance with RETSD policies and Code of Conduct, and will reference, as necessary, The Canadian Charter of Rights and Freedoms and the Manitoba Human Rights Code. The divisional policies include, but are not limited to, the following:

- Policy AC - *Human Rights*
- Policy ACF - *Respect for Human Diversity*
- Policy GBA - *Reasonable Accommodation*
- Policy GBA-R - *Reasonable Accommodation Procedure*
- Policy JICDAA - *Safe, Caring, and Respectful Schools*
- Policy JICDAB - *Freedom from Bullying*
- Policy KE – *Concerns and Complaints*
- Policy KE-R – *Concerns and Complaints Procedures*

## DEFINITIONS:

**Ally:** A person, regardless of their sexual orientation, who supports the human, civil, and sexual rights of sexual minorities.

**Androgynous:** Having female and male characteristics in one.

**Biological Sex:** Generally refers to the sex assigned at birth based on external genitalia but also includes internal reproductive structures, chromosomes, hormone levels, and secondary sex characteristics such as breasts, facial and body hair, and fat distribution.

**Cisgender:** Having a gender-identity that is congruent with one’s biological sex. The opposite of transgender.

**Cross-Dresser:** A person who, for various reasons, wears gender atypical clothing. They may or may not self-identify as a cross dresser. “Cross-dresser” is a word that tends to refer to men with sometimes strong preferences for clothing often worn by women.

**Discrimination:** Treating a person or group differently, to their disadvantage and without reasonable cause, on the basis of a protected characteristic, such as ancestry, age or disability. Failure to reasonably accommodate a special need that is based on a protected characteristic, such as disability or religion, is also discriminatory. Harassment based on a protected characteristic, such as sexual orientation, and sexual harassment is prohibited as well. *The Code* prohibits unreasonable discrimination in all aspects of employment, in housing, in the provision of services or contracts, and in signs and notices. In determining whether discrimination has taken place, it is the effect and not the intention that is important. In addition, the Manitoba Human Rights Commission accepts complaints alleging discrimination against people because they belong to other disadvantaged groups not mentioned in the Code. For example, the Commission accepts complaints alleging discrimination on the basis of criminal record or because of disadvantaged social condition.

**Gender:** May be defined in various ways and could include any or all of the following categories: secondary sex characteristics that develop at and after puberty, behaviour and conduct, the mind, and fashion choices. Gender is usually understood to be performative and learned.

**Gender creative:** See gender non-conforming.

**Gender diverse:** 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 assigned at birth (also called **gender variant, gender independent, gender non-conforming** or **gender creative**).

**Gender expression:** How a person signals a gender identity to other people. Gender expression can include clothing choices, what colours someone wears, hair length, jewellery, what scents (if any) a person uses, how a person occupies space, how a person walks among other means.

**Gender fluid:** A gender identity that is not fixed and changes over time.

**Gender identity:** Refers to a person’s internal sense or feeling of being male or female, both, neither, or somewhere in between.

**Gender independent:** See gender non-conforming.

**Gender incongruence / gender dysphoria:** terms commonly used by medical professionals.

**Gender queer:** Used to describe individuals who perceive their gender to be neither that of a male or female but outside of the gender binary.

**Gender variant:** See gender non-conforming.

**GSA:** May stand for Gay-Straight Alliance or Gender Sexuality Alliance.

**Hir:** A pronoun to describe a gender other than male or female; or both male and female.

**Human Diversity:** Encompasses all the ways in which human beings are both similar and different. May include, but is not limited to, gender identity, sexual orientation, age, ethnic origin, ancestry, culture, socio-economic status, religion, family status, mental and physical disability.

**Intersex.** Persons who are intersex are born with both male and female sex attributes. Some persons who are intersex take steps, or seek to take steps, to align their physical appearance with their felt sense of being male or female, including changes to their physical appearance and dress, and medical treatment. The term Hermaphrodite is now considered derogatory in common use.

**LGBTQ:** Stands for Lesbian, Gay, Bisexual, Transgender, Two-spirit, Queer and Questioning.

**Sex:** The legal and medical categories of male, female and intersex. Usually relates to a person’s primary sex characteristics (genitals).

**Sexual Orientation:** Term used to describe an individual’s sexual, psychological and emotional feelings of attraction towards another person.

**Trans\*:** Often used as an umbrella term to refer to anyone who is transgender, transsexual, androgynous, gender creative, gender independent, gender fluid, gender variant, gender non-conforming, or gender queer.

**Transgender:** Refers to a person whose gender identity, outward appearance, expression and/or anatomy does not fit into conventional expectations of male or female. Often used as an umbrella term to represent a wide range of non-conforming gender identities and behaviours. Some might identify as transgender their whole life, or just until they feel comfortable in their own body. The term ‘tranny’ is considered derogatory.

**Transition:** The process (which for some people may also be referred to as the “gender reassignment”) whereby people change their appearance, bodies and identity documents to match their internal

(gender) identity, while living their lives full-time in the gender role they know themselves to be. Transition may or may not include medical treatment such as hormonal therapy or surgery.

**Transsexual:** Persons who are transsexual have a gender identity that differs from their biological sex and take steps, or seek to take steps, to align their physical appearance with their felt sense of being male or female. Steps might include changes to their physical appearance and dress, and/or medical treatment such as hormonal therapy and surgery.

**Two Spirit:** Some Aboriginal people identify themselves as two-spirit rather than as bisexual, gay, lesbian, bisexual, transgender or transsexual. Historically, in many Aboriginal cultures, two-spirit persons were respected leaders and medicine people. Before colonization, two-spirit persons were often accorded special status based upon their unique abilities to understand both male and female perspectives.

**Zhe / Ze / Zer / Zir / They / Them:** A pronoun to describe a gender other than male or female; or both male and female.

#### Sources of the Definitions:

- Halton District School Board. HDSB Guidelines for the Accommodation of Transgender and Gender Creative Students.
- Manitoba Safe and Caring Schools Respect for Human Diversity Policies 2015.  
[http://www.edu.gov.mb.ca/k12/docs/support/human\\_diversity/index.html](http://www.edu.gov.mb.ca/k12/docs/support/human_diversity/index.html)
- Public Health Agency of Canada. (2010) Questions & Answers: Gender Identity in Schools.
- The Houghton Mifflin Canadian Dictionary of the English Language. William Morris, Editor. ©1982.
- The Manitoba Human Rights Commission website.
- Guidelines for Supporting Transgender and Gender-nonconforming Students. Province of Nova Scotia. Department of Education and Early Childhood Development.  
[https://studentservices.ednet.ns.ca/sites/default/files/Guidelines%20for%20Supporting%20Transgender%20Students\\_0.pdf](https://studentservices.ednet.ns.ca/sites/default/files/Guidelines%20for%20Supporting%20Transgender%20Students_0.pdf)