

RESPECT FOR HUMAN DIVERSITY: GENDER IDENTITY AND EXPRESSION

Policy C.2.K

Guiding Principles

Frontier School Division (FSD) is responsible for providing fair and equitable access and participation for all people and providing safe, welcoming and inclusive working and learning environments. All students and staff regardless of their gender identity or expression have the right to be open about who they are and have the right to privacy and confidentiality. Students and staff are protected from discrimination on the basis of gender identity and sexual orientation by the Human Rights Code.

This policy applies to and is intended to support all students, staff, parents and guardians, and volunteers in FSD. It is the responsibility of FSD to consider requests for reasonable accommodation and assess how to offer a reasonable accommodation based on any protected characteristic, including gender identity, up to the point of undue hardship. FSD has developed this policy to ensure that transgender and gender non-conforming students have equitable access to all aspects of student life: academic, extra-curricular and social in ways that promote dignity, respect, and equity.

Adopted September 1, 2019		
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Purpose

- To strengthen the capacity of students, and staff, in FSD in supporting gender diversity.
- To create learning environments that are welcoming, caring, respectful and safe for students, staff, families and all other members of the school community.
- To protect and respect students within the broader context of gender identity and gender expression.

1. Responsibilities

All employees, students, and Trustees are responsible to ensure their conduct contributes to a welcoming, caring, respectful and safe learning and working environment for everyone. All staff should consider each student's needs and concerns individually, as each LGBTTQ student is unique with different needs. An accommodation that works for one student cannot be assumed appropriate for another.

School Board Trustees:

- Model respect, understanding, and affirmation of inclusion and diversity in the decision making and policy making environments.
- Ensure that divisional policies, procedures, and practices are inclusive of all students.
- Ensure that all students have equitable access to appropriate education, facilities, services, and resources.
- Provide opportunities for training and professional learning for teachers and other staff.

Chief Superintendent or Designates:

- Oversee the implementation of this policy.
- Recognize gender diversity within school communities.
- Address issues related to gender discrimination.
- Provide opportunities for training and professional learning for teachers and other staff.

Principals and Vice-Principals:

- Model inclusiveness and respect for human diversity in the implementation of this policy.
- Ensure staff training and curriculum implementation, where appropriate.
- Provide leadership and safety, respect, and inclusiveness in the school and community.

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- Communicate and reinforce expectations of this policy to teachers and support staff.
- Ensure staff are using inclusive and appropriate language, educational resources and practices within the school community.
- Support individual and team planning for gender diverse students and families when accommodations are requested or required.
- Maintain appropriate training and student school records, as required.

Teachers:

- Model inclusiveness and respect for human diversity.
- Ensure curriculum and classroom materials are inclusive and age appropriate.
- Support students on issues of human diversity and empower students to treat each other with dignity and acceptance.
- Communicate and reinforce expectations of this policy to students.
- Report to school administration where incidents of bullying, including cyberbullying, occur.
- As appropriate, refer students to their parents for answers to questions of a sexual nature.

Support Staff:

- Model inclusiveness and respect for human diversity and reinforce this policy.
- Ensure they are aware of the issues around gender diversity and how to support these issues.
- Support students on issues of human diversity and empower students to treat each other with dignity and acceptance.
- Communicate and reinforce expectations of this policy to students.
- Report to school administration where incidents of bullying, including cyberbullying, occur.

Students:

- Monitor their own interactions and behaviours in ways that are respectful and ensure a safe and inclusive learning community.
- Report situations of bullying, including cyberbullying, to an adult.

Parents and Guardians:

- Encourage their children to conduct themselves in ways that contribute to a safe and inclusive school environment.
- Take personal responsibility to conduct themselves in a way that respects the rights of all members of the school community with regards to gender expression and the human diversity policy.

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2. Guidelines for Supporting and Affirming Gender Diverse Students

a. Privacy/Confidentiality and Parent Consent

Students within FSD have a right to privacy regarding their personal information. A student's gender identity or gender expression is to be considered private and confidential and information will be 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, including for safety reasons or according to legislation.

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. A staff member will refer the student to a trained, professional staff member in the school if a student is seeking support. The teacher will offer to accompany the student to talk to the trained person.

Staff will disclose a student's gender identity to others on a "need to know" basis and only to the extent necessary (e.g., to fulfill a specific accommodation request). Where an accommodation request is made, the Principal must be notified and that information shared with senior administration.

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, to a preferred name, gender identity, and/or gender expressions, will be requested for students in Kindergarten to Grade 6.

b. Requests for Accommodation

It is recognized that specific accommodation requests will be assessed on an individualized basis 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.

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Requests for accommodations are encouraged to 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 timely 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). Division or school administrators should meet with the student, and if appropriate, the student's parents/guardians to develop a plan to accommodate the student's needs and request.

Students of any age can make an accommodation request, with or without the knowledge of their parents/guardians.

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 to the proper authorities. When reporting to the authorities, staff will comply with the student's need for confidentiality to the extent possible.

Staff will ensure that a student is referred to a supportive staff member who will determine what further steps are necessary to protect and support the student.

c. Names/Pronouns

Students have a right to be addressed by a name and pronoun that corresponds to their gender identity or expression. 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. 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.

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d. 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*. As per *Manitoba Provincial Report Card Policy and Guidelines*, if consent from a student has been given and a letter is on file from a student's parent/guardian, schools are not required to use the student's legal name in other school documents such as letters home or report cards. Schools will use the student's legal name in FSD's student information system as well as on transcripts, provincial assessments, and in CUM files.

Transgender students may be identified by their preferred name on their high school diplomas.

For student services personnel, both the student's legal name and preferred names should be placed in clinical documents and reports.

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, and letters home), 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.

e. Washroom Access

All students have the right to privacy when using washrooms. A student who requests increased privacy will, where possible, 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. Students have the right to access the washroom that corresponds to their gender identity or expression at school and during field trips should they choose not to access the all-gender single stall washroom.

f. 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

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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.

3. Gender Separated Activities and Athletic Teams

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.

For inter-scholastic sports at the senior years level, schools will adhere to the Manitoba High School Athletic Association Transgender Policy.

a. Washroom and Change Room Access while Travelling for Field Trips or Competitions

Students have a right to access a washroom or change room that corresponds with their gender identity or expression while travelling outside the school. 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.

b. Educational Trips with Overnight Accommodation

Students have a right to be housed on school educational 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.

c. Dress Code

Dress codes should be gender neutral. All students have the right to dress in a manner consistent with their gender identity or gender expression, within the context of Divisional and school dress code procedures.

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d. **Support for Student-initiated Groups**

Another step in providing support and creating a safe environment for all students is providing support for student-initiated groups that promote gender equity, anti-racism, the awareness and understanding of and respect for people who are disabled by barriers, or the awareness and understanding of, and respect for, people of all sexual orientations and gender identities, such as a GSA (Gay Straight Alliance). Students coming together to share, educate, and support each other models for all individuals that respecting differences makes people stronger.

Where students request, GSA clubs will be given administrative approval and school support.

e. **Classroom/Library Resources**

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 who are affirming of gender variance. Library materials containing transphobic content should be reviewed for possible removal.

f. **Curriculum Integration**

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

g. **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 the population 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 under FSD policy. 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.

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h. Staff Training

In order to support teachers in Frontier School Division to treat students whose gender identify is different than their anatomical sex and/or students whose sexual orientation is not exclusively heterosexual with courtesy, consistency, fairness, respect, and in a non-discriminatory manner, Frontier School Division will provide teachers opportunities to seek training on gender identity and youth sexuality. Frontier School Division will provide training and professional learning for teachers and support staff in areas of bullying prevention and human diversity. This training could be taken through Frontier School Division, university courses, Regional Health Authorities, or private organizations which provide training for staff in other school divisions in Manitoba.

Frontier School Division expects that, at a minimum, guidance counsellors, clinicians, principals, vice-principals, and resource teachers are trained in gender diversity, bullying prevention, and strategies for promoting respect for human diversity and a positive school environment. In an effort to treat all students with courtesy, consistency, fairness, respect, and in a non-discriminatory manner, all staff will receive gender diversity awareness information at their school, provided by trained teachers at their school. Principals will communicate the names of trained teachers to the entire staff, so that school staff knows who they can go to for support.

Recognition for training, such as certificates or cards, should become part of the teacher's professional portfolio, like other training certificates such as but not limited to WEVAS (Working Effectively with Violence and Aggressive Students), Restitution, Cognitive Coaching.

i. Resolving Conflict

Education is necessary in promoting human diversity as well as addressing potential conflicts and incidents of discrimination. Incidents of discrimination towards transgender and gender diverse students are to be reasonably and appropriately acted upon by school administration as is consistent with the Code of Conduct.

Students and staff may be subject to disciplinary measures for conduct that occurs at any time including after school hours, as well as off school property, where there is evidence of behaviour which may result in a disruption in the school community or is harmful to the physical or mental well-being of students or staff or may reasonably be seen as intended to create a negative school environment for another person.

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Every staff who is a witness to disputes or conflict has the responsibility to make meaningful efforts to resolve the manner and report to the school administration as required.

To reflect a caring and inclusive environment, all staff should challenge inappropriate comments as they arise, where it is safe to do so.

This policy is consistent with applicable Federal and Provincial legislation, and Divisional Policy including but not limited to:

- Policy B.1.I – Board of Trustees Code of Conduct
- Policy B.2.F – Area Advisory Committee Code of Conduct
- Policy B.3.F – School Committee Code of Conduct
- Policy C.2.G – Workplace Safety and Health
- Policy E.1.B.1 – Staff Conduct
- Policy E.5.C – Workplace Harassment and Discrimination Prevention, Intervention and Resolution
- Policy G.1.A – A Safe and Inclusive Learning Environment
- Policy G.2.C – Student Complaints and Grievances

TERMS

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.

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: The way a person presents and communicates gender identity to society, through behaviours and traits such as clothing, speech, body language, hairstyle, voice, and/or the emphasis or de-emphasis of bodily characteristics used publically to express one's gender as masculine or feminine or something else. These and other traits and behaviors associated with masculinity and femininity can be culturally specific and change over time.

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

Gender Identity: A person's deeply felt internal and individual experience of gender – one's internal sense of being male, female, or another gendered being entirely. A person's gender may or may not correspond with the sex assigned at birth. Since gender identity is internal, one's gender identity is not necessarily visible to others.

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

GSA: Gay-Straight Alliance or Gender Sexuality Alliance.

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.

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

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

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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 and/or gender expression does not conform to that typically (socially and culturally) associated with the sex to which they were assigned at birth. Often used as an umbrella term to represent a wide range of non-conforming gender identities and behaviours.

Transition: The process whereby people change their appearance, bodies and identity documents to match their internal (gender) identity. Transition may or may not include medical treatment such as hormonal therapy or surgery.

Two-Spirit: Some Aboriginal people identify themselves as two-spirit rather than as bisexual, gay, lesbian, 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 on their unique abilities to understand both male and female perspectives.

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There are many different terms that are used to describe gender expression and gender identity. Labels and identities should only be self-selected not assumed. Biology does not imply identity, nor do behaviour and expression alone constitute identity.

Sources of the Definitions:

- Canadian Teachers' Federation – Supporting Transgender and Transsexual Students in K- 12 Schools
<http://gendercreativekids.ca/wp-content/uploads/2013/10/Supporting-Transgender-and-Transsexual-Students-web.pdf>
- Egale Every Teacher Project
<http://egale.ca/every-teacher-project/>
- Egale MyGSA\
http://egale.ca/wp-content/uploads/2015/09/MyGSA_ON_Resource_CompleteKit.pdf
- Manitoba Safe and Caring Schools Respect for Human Diversity Policies 2015
http://www.edu.gov.mb.ca/k12/docs/support/human_diversity/document.pdf
- Public Health Agency of Canada – Gender Identity in Schools
<http://www.phac-aspc.gc.ca/std-mts/rp/gi-is/ident-eng.php#t>
- Sexuality Education Resource Centre Manitoba
<https://serc.mb.ca/>
- 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

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