

Respect for Human Diversity

Gender Identity and Gender Expression Guidelines for Students

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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*. It is unlawful to discriminate against someone based on their gender identity or gender expression. We want to make sure students of all gender identities and expressions feel safe and welcome in our schools.

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, parent(s)/legal guardian(s), trustees, volunteers, and third parties such as in- school childcare program employees.
- 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 students with all gender identities and gender expressions in RETSD. It is important that we recognize that all members of our school communities are entitled to supports and protections. RETSD recognizes the importance and life-changing role that an inclusive educational environment can play in building the personal resilience of students and their families.

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 written 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 or gender expression 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 or expression to others on a "need to know" basis (e.g., to fulfil 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 trans*person's responsibility to educate others.

Supporting And Affirming the Student’s Individual Process

Students may not have discussed their gender identity or gender expression with their parent(s)/legal 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. Staff will work with parent(s)/legal guardian(s) involving their child, unless it is not in the best interest of the student to do so.

When a student makes a request related to their gender identity, gender expression or chosen name and pronoun, and when the student has capacity of consent, the school will support the student and the parents throughout the process. Confidential information about a student must not be shared, even with the parent(s)/legal guardian(s) without the student’s consent, unless there are overarching safeguarding reasons for sharing the information.

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 chosen name and pronoun. 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 chosen name and pronoun.

If 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 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 will use the student’s **legal** name on transcripts, pupil 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 enter the student’s **legal** name and **chosen** name, if any, in the Student Information System.

The use of a chosen name on the report card is acceptable provided the consent of the student has been obtained. A letter to the principal from the parent(s) or legal guardian(s) is required and is kept on file. If the student is 18 years old or over, a letter from the student requesting the chosen name is required and is kept on file.

Schools will use the student's **chosen** name wherever possible (e.g., on class lists, timetables, identification cards, letters home, report cards and high school diplomas), provided this has been requested by a student in grades 7 to 12. Students in kindergarten to Grade 6 must have the consent of their parent(s)/legal guardian(s) before their chosen name can be used.

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 of their choice 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 of their choice.

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 the gender of their choice, 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. For interscholastic 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 of their choice 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 of their choice, that are comfortable and safe.

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/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 regardless 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 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 to 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 learning 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 promoting respect for human diversity.

ADVOCACY SUPPORT

Schools will designate at least one 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 trans* students.

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 of their choice, 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 email communication. The request may come directly from the student or the student's parent(s)/legal guardian(s). Students and/or parent(s)/legal guardian(s) are encouraged to put the request in writing

If staff have concerns about a student's safety, such as if a student discloses that they may be having thoughts of suicide, suffering parental or other abuse, or at risk of hurting themselves or others, staff is legally required to report these incidents to the proper authorities and to follow the appropriate divisional protocols, such as the Suicide Prevention Protocol. 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 name, gender identity, and/or gender expression be used, parent(s)/legal guardian(s) consent will be requested from kindergarten to Grade 6. From grades 7 to 12, if the student has capacity of consent, parent(s)/legal guardian(s) consent is not required.

RESOLVING CONFLICT

Issues are to be promptly acted upon by school leadership. 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 trans 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 and Accessibility Procedure*
- Policy JICDAA—*Safe, Caring, and Respectful Schools*
- Policy JICDAB—*Freedom from Bullying*
- Policy KE—*Concerns and Complaints Concern Protocol*
- Policy KE-R—*Concerns and Complaints Procedures*

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 annual 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. The division will identify and recognize special days and events related to trans and gender diverse people.

Administrators/Managers/Directors/Supervisors—play a leadership role 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. Administrators/managers/directors/supervisors hold those who disrespect human diversity accountable by following established processes and protocols and maintaining 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 administrator/manager/director/supervisor, whether it is believed to be happening at school or outside of regular school hours. Participation in professional learning 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 a 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.

Parent(s) and legal guardian(s)—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/volunteers—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.

DEFINITIONS AND RESOURCES:

Please note that English is a fluid language in which terms, definitions and meanings change over time, culture, political climate, and geography. Please visit the [Rainbow Resource Centre](#) for current references and additional resources.