



Human and Gender Diversity

Administrative Procedure 1.A.80

Board Governance Policy Cross Reference: 1, 2, 3, 16, 17

Legal Reference: Canadian Charter of Rights and Freedoms, Manitoba Human Rights Code, United Nations Universal Declaration of Human Rights, Supporting Transgender Gender Diverse Students in Manitoba Schools

Date Adopted: April 2005

Date Amended: September 2006; March 2018

HUMAN RIGHTS

Evergreen School Division promotes and respects Human Rights in its policies, procedures and practices, in compliance with the Manitoba Human Rights Code, the Canadian Charter of Rights and Freedoms, and the United Nations Universal Declaration of Human Rights.

HUMAN DIVERSITY

Respect for human diversity is a fundamental principle of the Human Rights Code which recognizes the individual worth and dignity of every person.

Human diversity encompasses all the ways in which human beings are both similar and different. It means understanding and accepting the uniqueness of individuals, as well as respecting their differences.

Diversity may include, but is not limited to, gender identity, sexual orientation, age, ethnic origin, ancestry, culture, socioeconomic status, religion, family status, mental and physical disability.

Evergreen School Division shall develop and maintain policies and procedures to deal with issues such as harassment and discrimination within the Division, and within organizations outside the Division which offer services to its students. This does not preclude the right of anyone to access the Human Rights Commission, or any other appropriate legal authority.

Evergreen School Division is committed to creating and maintaining an environment in which students, parents and employees respect and protect the rights, dignity and diversity of others. Evergreen School Division is also committed to recognizing, acknowledging and celebrating the diversity of our students and to fostering inclusion.

“Inclusion is a way of thinking and acting that allows individual to feel accepted, valued, and safe. An inclusive community consciously evolves to meet the changing needs of its members. Through recognition and support, an inclusive community provides meaningful involvement and equal access to the benefits of citizenship.” Manitoba Education

GUIDELINES FOR SUPPORTING HUMAN DIVERSITY:

Division and School Leaders:

- promote safety and acceptance to ensure a safe and inclusive school environment
- communicate and reinforce expectations of respecting human diversity to all staff
- encourage staff participation in professional development and training on human diversity and related topics
- hold those who disrespect human diversity accountable by following established procedures and protocols; investigate and follow – up promptly
- *for students refer to **1.A.30 Code of Conduct***
- *for staff refer to Procedure **8.91 Harassment Prevention***
- 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 that resulted in, or had the potential to result in a disruption in the school community or harm the physical or mental well-being of students or staff
- accommodate students who want to establish and lead activities and organizations that promote areas of human diversity; *refer to **1.B.180 Student Government***

Staff:

- model inclusiveness and respect for human diversity
- communicate and reinforce expectations of respecting human diversity to students
- support students on issues of human diversity
- empower students to treat each other with dignity and acceptance
- challenge inappropriate comments as they arise, where it is safe to do so
- report all matters of bullying to the principal, whether it is believed to be happening at school or outside school hours; refer to **1.A.30 Code of Conduct**
- participate in professional development and training on human diversity and related topics
- provide resources that support learning about human diversity (consult Manitoba Education for recommended resources)

Students:

- monitor their interactions and conduct themselves in ways that ensure a welcoming, safe and inclusive environment for all, both in and out of school, particularly toward those at higher risk for bullying and discrimination

Parents / Guardians:

- encourage their children to conduct themselves in ways that ensure a welcoming, safe and inclusive environment for all, both in and out of school, particularly toward those at higher risk for bullying and discrimination

SPECIFIC TO GENDER DIVERSITY

Evergreen School Division wants to ensure that LGBTTTQ students, employees and families are welcomed and included in all aspects of education and school life and that they are treated with equity, respect and dignity. We want to respect each individual's right to be open about who they are and their right to privacy and confidentiality.

"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 identify, without reasonable cause. It is also unlawful to discriminate against someone based on their association with someone with a particular actual or received gender identify, without reasonable cause."

Manitoba Human Rights Commission

GUIDELINES FOR SUPPORTING GENDER DIVERSITY:

- use language that affirms all sexual orientations as being equal
- do not tolerate any language or behaviour that deliberately degrades, denigrates, labels, stereotypes, incites hatred, prejudice, discrimination, harassment towards students or employees on the basis of their real or perceived sexual orientation, gender identity or gender expression
- listen to concerns brought forward by LGBTTTQ youth and their designated support groups and take action on these concerns
- organize specific professional development and training on sexual diversity / gender identity for all staff
- identify a "key" staff person in each building in regard to being educated in the knowledge and skills required to support students with LGBTTTQ concerns, and in regard to knowledge around related policies and procedures (usually the school counsellor)
- identify staff "allies" to students (staff that have agreed to be safe contacts for students who identify themselves on the basis of sexual orientation or gender identity)
- provide staff support and supervision for Gay/Straight Alliance clubs (GSAs) if students request such
- implement appropriate provincially approved curricula that supports student learning about human sexual diversity
- provide resources that support this learning (consult Manitoba Education for recommended resources)

For All Requests

- student's requests related to their preferred name, gender identity, and/or gender expression and any related accommodation requests, will be considered on an individual basis, taking into account their age, mental capacity, emotional – social maturity, etc.

- the need for parental consent / parental involvement will also be considered on an individual basis and in consideration of the above listed factors
- schools should ensure that the wishes of individual students are taken into account, as far as is possible
- generally speaking, the older students are, the more they will be involved in any decision making
- an accommodation that works for one student cannot simply be assumed to work for another; a student's needs may change over time and may be different in different environments

Privacy/Confidentiality and Parent Consent

- a student's gender identity or gender expression is to be considered private and confidential information and 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
- an individual's right to discuss and express their gender identity and/or expression openly and to decide when, with whom, and how much private information to share shall be respected

Requests for Accommodation

- requests may come directly from the student or the student's legal guardian(s)
- students of any age can make an accommodation request, with or without the knowledge of their parents/guardians
- requests may come in the form of a verbal request, a written request, or by e-mail communication
- requests for accommodations are encouraged to be made to staff with whom the student feels comfortable
- 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 of any requests
- 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

- 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 are 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
- if an employee is transitioning, they are encouraged to meet with their immediate supervisor in confidence; workplace and supervisor support are critical before, during and after a medical and/or social transition

Names/Pronouns

- if a student's gender identity and expression changes or transitions, they will be supported by school staff through the process
- students have a right to be addressed by a name and pronoun that corresponds to their gender identity or expression
- 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
- 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 will use the student's legal name on transcripts, provincial assessments, and in cumulative files
- schools are *not* required to use the student's legal name in other school documents such as letters home, report cards; schools will use student's preferred name if requested to do so
- transgender students may also choose to 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 used in any clinical documents / 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

Washroom / Change Room Access

- all students have the right to privacy when using washrooms and change rooms
- students have the right to access the washroom / change room that corresponds to their gender identity or expression at school
- 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 or an alternate change location
- all students have the option to use these alternate spaces, but no student will be required to use such

Gender Separated Activities

- 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
- to the extent possible, schools will avoid separating students by gender (example: "boys versus girls dodge ball"; "boys' line / girls' line", etc.)
- for inter-scholastic sports at the senior years level, schools will adhere to the MHSAA Transgender Policy.

When Off – School Site

- while travelling outside the school students have a right to access a washroom or change room that corresponds with their gender identity or expression
- to the extent possible, schools are responsible for ensuring access to appropriate changing, showering, or bathroom facilities based on the needs of the student
- a student who requests increased privacy will, where possible, be offered accommodations that meet their needs
- for example, access to a single – user enclosed shower stall
- all students have the option to use this alternate space, but no student will be required to use such
- if school staff are concerned that facilities at another site will not meet a student’s needs, this needs to be discussed and planned for ahead of the event
- for overnights, a student who requests increased privacy will be offered accommodations that meet their needs; in some cases, this may mean offering private accommodations at no extra cost to the student

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

Health Component in Physical Education Curriculum

- sexual health education is considered a potentially sensitive outcome within the Physical Education/Health Education curriculum provided in Grades 2 – 12 and requires parental consent for student participation
- parents are provided with the option of withdrawing consent annually
- sexual health education needs to provide age-appropriate information and encourage open dialogue that respects individual beliefs
- 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

For background, support and more information, all staff are encouraged to become familiar with the Manitoba Education and Training document: ***Supporting Transgender and Gender Diverse Students in Manitoba Schools 2017.***