TO: The Chair and Members  
Policy/Program Committee

FROM: P. E. Clarke  
Chief Superintendent

RE: SAFE AND CARING POLICY – TRANS AND GENDER DIVERSE STUDENTS AND STAFF

March 21, 2016

At a meeting held January 25, 2016, the Policy/Program Committee was provided with a draft copy of the Safe and Caring Policy—Trans and Gender Diverse Students and Staff for review. Administration has discussed this policy with legal counsel for input and recommends distribution to parent councils, student councils, unions and staff for feedback. Once feedback is received, the policy will be presented back to the Policy/Program Committee for final approval.

Recommendation:

That the Safe and Caring Policy in support of Trans and Gender Diverse Students and Staff be distributed to parent councils, student councils, unions and staff for review and feedback prior to May 20, 2016.
1. GENERAL

The Winnipeg School Division strives for students to receive a high quality education in a safe, equitable and inclusive school environment. The Division is committed to providing learning opportunities, dignity, respect and equity for all including trans and gender diverse students and staff.

As diverse situations occur and the needs of individuals vary, all circumstances will be assessed on a case-by-case basis.

1.1 All students and staff with including, but not limited to, those who are transitioned or transitioning, identify as androgynous, gender creative, gender fluid, gender variant, gender diverse, two-spirit, queer, trans/transgender or transsexual have the right to be treated with dignity and respect, have the right to be open about who they are, and have the right to privacy and confidentiality.

1.2 The policy is intended to support all students and employees and is based on best practices identified in current research and educational literature as effective and appropriate in the creation of learning environments that are welcoming, caring, respectful and safe for students, staff, families and all other members of the school community.

1.3 The policy applies to:

1.3.1 All students, staff, parents/guardians, volunteers and trustees in the Winnipeg School Division.

1.3.2 All Division activities, sponsored or sanctioned events, on or off Division property. This includes electronic communication/social media as outlined in the Division’s social media policy, and may include situations outside of school hours that impact the learning environment.

1.4 The Winnipeg School Division will ensure that everyone is welcomed and supported within the school community including parents/guardians, family, community members and volunteers. This inclusive approach will strengthen families and invigorate community supports and increase student success.

2. DEFINITIONS

2.1 Agender: Without gender. Used for self-identification by persons who do not identify with or conform to any gender.

2.2 Ally: A person, regardless of their sexual orientation or gender identity, who is supportive of the LGBTQ community.

2.3 Gender: A system that classifies people as masculine or feminine. Sex is an externally assigned classification, gender is evident in a social context.
2.4 **Gender diverse/ creative:** Refers to a person whose gender identity and gender expressions differ from stereotypical, cultural or societal expectations based on assigned sex and gender.

2.5 **Gender expression:** The way a person represents/ expresses gender in a particular social context through clothing, speech, body language, hairstyle, voice and/or the emphasis or de-emphasis of bodily characteristics or behaviours and traits used publicly to express one's gender as masculine or feminine or something else. The ways gender are expressed are culturally specific and may change over time. Synonymous terms are gender presentation or gender performance.

2.6 **Gender fluid:** Conveys a wider, more flexible range of gender expression, with interests and behaviours that may change, even from day to day. Gender fluid people do not feel confined by restrictive boundaries of expectations of boys and girls.

2.7 **Gender identity:** A person's internal experience of gender. A person's gender identity may or may not correspond with social expectations associated with the sex they were assigned at birth.

2.8 **Gender minority:** Individuals who do not identify as either male or female.

2.9 **Gender non-conforming:** An individual who demonstrates a range of gender expression. It reinforces the notion that gender is not binary, but a continuum, and many individuals express their gender identity in multiple ways. Other synonymous terms are gender variant, gender creative and gender non-conforming.

2.10 **Gender queer:** A label for individuals whose gender identity is fluid and may identify with both male and female genders, move between genders, or may reject the gender binary or gender altogether. Those who identify as genderqueer may or may not also identify as transgender.

2.11 **Gay Straight Alliance (GSA):** Student organizations which provide support for LGBTTQ students typically involve staff who serve as advisors.

2.12 **Heterosexism:** The belief that everyone is, or should be heterosexual. Heterosexism includes assuming that others are heterosexual, and that heterosexuality is superior to other sexual orientations.

2.13 **Homophobia/ Biphobia/ Transphobia:** Fear and/ or hatred of any gay and lesbian people (homophobia), bisexual people (biphobia), and transgender people (transphobia). Often exhibited by name-calling, bullying, exclusion, prejudice, harassment, discrimination or acts of violence.

2.14 **Intersex:** A term used to describe biological variations in sexual and reproductive development in which a person is born with that does not fit the typical classification of male or female.

2.15 **LGBTTQ:** An acronym for Lesbian, Gay, Bisexual, Transgender, Two-Spirit and Queer/ Questioning. There are other synonymous terms that may not fall under this acronym.
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2.16 **Preferred Gender Pronoun:** The pronoun a person prefers to use. Many transgender and gender diverse people may adopt gender inclusive pronouns including: he/him/his; she/her/hers; they/them/theirs; xe/xem/xyr; ze, zhe; hir/ hirs or no pronoun.

2.17 **Queer:** Deemed offensive historically, but has been reclaimed by members of the LGBTTQ community as a term of empowerment.

2.18 **Sex/ Assigned Sex:** The biological classification of a person as male or female or intersex. Most often sex is assigned by a medical professional at birth and is based on a visual assessment of external anatomy.

**Sexual Orientation:** A term that classifies a person’s potential for emotional, intellectual, spiritual, intimate, romantic and/ or sexual interest in other people, often based on their sex and/ or gender.

2.19 **Trans or Transgender:** A person who does not identify with either fully or in part with the gender conventionally associated with their birth assigned sex. Trans and transgender (interchangeable terms) is an umbrella term to represent a wide range of gender identities and expressions including those who may identify as: genderqueer, bi gender, gender fluid, transsexual, gender creative, pangender, trans, agender, Male to Female (MTF), Female to Male (FTM) or other.

2.20 **Transition(ing):** The process in which a person changes their appearance or physical body to align with their gender. Transitions may include modification of bodily appearance, presentation or function by medical, surgical or other processes. Not all transitions occur in the same way and transitions are private and personal.

2.21 **Trans-positive:** Embracing yourself or individuals for who they are.

2.22 **Transsexual:** A person who does not identify with the gender conventionally associated with the sex assigned to them at birth. This term is most frequently associated with movement from one side of the gender binary to the other via hormone therapy and/ or gender reassignment surgery. Historically this term is stigmatizing with the pathologization of a person’s gender identity and that their gender identity is not valid unless they medically transition. Many identify as trans, rather than transsexual, because they are uncomfortable with the psychiatric origins of the term.

2.23 **Two Spirit:** An umbrella term that reflects the many words used in Indigenous languages to affirm the interrelatedness of multiple aspects of identity including masculine and feminine spiritual qualities, gender expression, sexuality, community and culture. Prior to colonization, many Indigenous cultures recognized Two Spirit people as respected members of their communities and accorded them special status as visionaries, healers and medicine people based on their unique abilities to understand and move between masculine and feminine perspectives. Some Indigenous people identify as Two Spirit rather than or in addition to identifying as LGBTTQ.

3. **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.

3.1 Chief Superintendent or designate:

Chief Superintendent or designate shall be responsible to:

- Implement this Policy.
- Ensure all staff receive professional development opportunities in promoting respect for human diversity and strategies for dealing with –Homophobia/ Biphobia/ Transphobia.
- Ensure that inclusive community resources and library supports are available to students in the Division (see attachment)
- Providing support for LGBTTQ inclusiveness in the Division.
- Promoting and celebrating the LGBTTQ community.

3.2 Principals and Vice-Principals

Principals and Vice-Principals shall be responsible to:

- Provide a leadership role and promote safety, respect and inclusiveness in the school and community.
- Responsible for implementing this policy and other policies with respect to human diversity and safe and caring schools.
- Oversee staff utilization of language, educational resources and approaches that are inclusive and respectful of diverse sexual orientations, gender identities and gender expressions.
- Provide a support team as an extended advocate for LGBTTQ students. Each school shall have a student support team, whether that includes one teacher or a group of individuals which may consist of one or more of the following: principal, vice-principal, counsellor, resource teacher, School Resource Officer (SRO), Clinical Support Services (CSS), teacher(s) or EA(s).

3.3 Teachers and Designated Support Staff Roles:

All teachers and designated support staff shall be responsible to:

- Model inclusiveness and respect for human diversity and reinforce this policy.
- Model respect, understanding, and affirmation of diversity in the working and learning environment.
- Monitor academic achievement, engagement, attendance and well-being of trans and gender diverse students.
- Supports and Resources
  - Ensure library supports, classroom materials and activities are LGBTTQ inclusive.
  - Provide positive images and accurate information about the history and culture which reflects the accomplishments and contributions of the LGBTTQ community.
3.5 **Student Roles**

All students are expected to follow school Code of Conduct and shall:

- Behave in a respectful manner and comply with all Division policies, including social media policies
- **Respect the rights of all students with regard to their gender identity and gender expression**
  - Support the safety and well-being of all students.
  - Celebrate the diversity of the student population.
- Be aware that the following behaviours are unacceptable:
  - (i) bullying, or abusing physically, sexually, or psychologically - orally, in writing or otherwise - any person,
  - (ii) discriminating on the basis of any characteristic set out in subsection 9(2) of The Human Rights Code

3.6 **Disciplinary Measures**

All students, staff, parents/guardians, volunteers and trustees in the Winnipeg School Division are required to abide by Division policy and legislation in regards to bullying, discrimination, harassment and violence on the basis of gender identity or perceived gender identity.

The Winnipeg School Division may impose 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.

3.7 **Professional Development**

Training and professional development opportunities will be provided and are required for all staff in promoting human diversity and strategies for dealing with Homophobia/Biphobia/Transphobia. Participation in the training is essential for staff to have the necessary skills to appropriately and effectively deal with sensitive issues regarding bullying prevention and human diversity.
3.8 Gay-Straight Alliances

As per the Manitoba Public Schools Act (41)(1.8), the Division must accommodate pupils who want to establish and lead activities and organizations that promote and support the establishment and continuity of Gay-Straight Alliances (GSAs) or other similar student support groups.

Winnipeg School Division schools shall support students who wish to establish and lead groups or activities that promote respect for human diversity in a positive, inclusive and accepting school environment. Gay Straight Alliances (GSAs)/Diversity Groups provide safe and inclusive spaces for students to talk about their experiences and to facilitate awareness of LGBTTQ issues in school. School GSAs should encourage and support scholarships and awards that recognize the unique strength and resilience of trans and gender diverse students. They should also support actions, activities, and campaigns that celebrate gender diversity and create awareness of trans-positive and about transphobia, gender stereotypes and gender based violence.

3.9 Privacy and Confidentiality

The Winnipeg School Division recognizes everyone’s right to privacy and confidentiality. 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. Consultation with each student is recommended. Transitioning students and employees will be asked if they wish to participate in the education of their peers/ coworkers.

Regular contact with trans and gender diverse students is encouraged to ensure privacy can be discussed and addressed. Staff are not permitted to disclose a student’s or employee’s gender identity or gender expression status to others unless previous permission has been provided or a situation occurs jeopardizing safety.

4. GUIDELINES FOR DEALING WITH CONFLICT

Disputes or conflicts are to be resolved in a manner that involves the trans or gender diverse student or employee and an adult ally (from the Support Team) in the decision-making process to maximize inclusiveness and address the best interests of the individual.

4.1 Communicating with Parents/ Guardians

The WSD believes in collaboration with families/guardians when possible, but acknowledges that the student’s safety is the utmost priority. In situations where familial support is not available for trans or gender diverse students, the school has the right to support the student in a safe and caring environment. It is important for staff to be mindful that students may reside in unsupportive homes and for student’s safety, preferred name and gender should not be used when communicating with parents/guardians. This alert will be indicated in the student’s profile in the student information system.
This policy is consistent with the following Divisional Policies and legislation:

**Policy JG – Safe Schools**, each school in the Winnipeg School Division shall incorporate guidelines for appropriate student behaviour regarding gender identity and expression.

**Policy GCP - Discipline and Discharge**, all staff must adhere to the guidelines for the Safe and Caring Policy for trans and gender diverse students and staff.

**Manitoba Human Rights Code**: all programs, activities and employment practices shall be free from discrimination based on sex, sexual orientation or gender identity. The protected groups within the Code are subject to change under the legislation.

**Manitoba Human Rights Commission and the Charter of Rights and Freedom**: it is unlawful to commit discrimination, harassment or bullying against a person on the basis of their gender identity and/ or gender expression. It is also unlawful to discriminate against an ally of a transgender person.
ADMINISTRATIVE RULE/
PROCEDURE:

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1 Student Records

The student’s legal name and gender as registered under Vital Statistics of Manitoba, is by default, displayed in the student information system, on transcripts, report cards, diplomas, credentials and on Manitoba provincial records and provincial assessments. Students who have had a legal name and/or gender change though Vital Statistics shall provide the school with a copy and request the student information system be updated.

All students have the right to be addressed by their chosen name and to choose pronouns that align with their gender identity and/or gender expression. Legal documentation of a change of name or gender designation (e.g., Birth Certificate) are not required. Schools shall follow these practices for student records:

a) At the request of the student, schools may use the preferred name on class lists, timetables, student files, identification cards, and the comments section of the report card, unless directed otherwise.

b) In situations where school staff or administrators are required by law to use or to report a student’s legal name or gender (i.e. for purposes of data collection) staff avoid disclosure of private information wherever possible, as to protect the privacy of the student.

2 Communications with parents/guardians

Staff should be aware that their responsibility is to represent the best interests of the students within the Division. Students may not have discussed their gender identity or gender expression with their parents/guardians. The Winnipeg School Division staff shall support students in their school environment.

Wherever possible, before contacting the parents or other adults involved in the care (such as social workers or caregivers) of a trans or gender diverse student, consultation with the student is necessary to determine an appropriate way to reference the student’s gender identity, gender expression, name and related pronouns.

The student’s legal name and the pronoun corresponding to the student’s gender assigned at birth will be used to protect the identity of the student and to prevent an accidental disclosure of a student’s trans or gender diverse identity.

3 Preferred Name and Pronoun Use

Students and employees have the right to be addressed by a preferred name and a pronoun that corresponds to their gender identity or gender expression. Students or employees are not required to change their personal information with Vital Statistics when they request a preferred name and pronoun change.
The Winnipeg School Division will accommodate preferred name(s) and pronoun(s), subject to the student records requirement above. Some individuals may not feel included in the use of the pronouns "he" or "she" and may prefer gender neutral pronouns, such as xe/xem; ze/ zhe/ hir/hirs; they/them or might wish to express themselves in other ways (e.g., Mx. instead or Mr., Mrs., Ms., or Miss, or no prefix at all).

Intentional or persistent refusal to acknowledge a student’s preferred name and pronoun creates an unsafe and unwelcome environment for the student and may interfere in their learning environment. The intentional or persistent refusal to respect the student’s gender identity (name and pronoun use) is a violation of this policy.

4 Minimize Gender Segregated Sorting

Trans and gender diverse students have the right to participate in all activities (educational, recreational and competitive) in ways that are safe and comfortable and consistent with their gender identity. Schools should reduce gender-segregated activities to the greatest extent possible. This increases opportunities to respect students’ full expression and allows them to play, learn, dress, present and express themselves in flexible and diverse ways. When there are segregated educational, recreational or competitive activities, trans or gender diverse students have the right to participate in these activities in ways that are safe, comfortable and congruent with their gender identity or gender expression.

5 Access to All Gender Washrooms and Appropriate Change Rooms

Trans and gender diverse students have a right to accommodations congruent with their gender identity in the use of single stall or all gender washrooms and change rooms. This applies during school hours and school-related activities on and off school property (such as field trips and athletic events).

Schools are encouraged to provide an easily accessible single-stall or all gender washrooms for use by any student who desires increased privacy, regardless of the underlying reason. Accessible refers to a non-stigmatizing location within the school, a non-stigmatizing process for access, and physical accessibility for someone in a wheelchair. The use of an all gender washroom is a matter of choice and not mandatory.

All students have access to change room facilities that meet their individual needs and privacy concerns. Students shall have access to change rooms that correspond to their gender identity. Any student who has a need or desire for increased privacy, regardless of the reason, should be provided with a reasonable alternative changing area.

\[\text{\textsuperscript{1}}\text{ The Manitoba building Code (2015) refers to all gender washroom as Universal Toilet Room (UTR).}\]
Although creating separate spaces may sometimes be necessary, emphasis should be on creating safe and inclusive spaces. This may require proactive strategies such as communicating clear behaviour expectations to all students, increasing adult presence and supervision, and monitoring key areas of the building and grounds.

6 Overnight trips, excursions and camps

All students included on school and overnight trips shall be housed in a safe and respectful environment. To exclude trans and gender diverse students from travel is a violation of the Human Rights Code. Accommodation arrangements for overnight trips shall be addressed on a case by case basis and numerous factors may be considered:

- The transgender student’s preference and rights,
- Protecting student privacy,
- Maximizing social integration of the transgender student,
- Minimizing stigmatization of the student,
- Ensuring equal opportunity for participation,
- The student’s age and protecting the safety of all of the students involved.

Staff shall make reasonable efforts to provide accommodations that best address the needs of the students. Appropriate planning and dialogue needs to take place when planning a trip outside of Canada for the safety and protection of students where trans and gender diverse students and staff may not be safe or welcomed.

7 Access to Activities/ Sports

All students, regardless of their sexual orientation, gender identity or gender expression have the right to participate in all curricular and extra-curricular activities in a safe, inclusive and respectful environment. Any student may participate in gender segregated sports teams in accordance with their gender identity and skill level.

The WSD will do its best to accommodate students who have transitioned before or during school year (consistent with Manitoba High School Athletics Association - MHSAA Transgender Policy). The WSD reserves that every situation is unique, individual and personal and will be examined by a sub-committee on a case by case basis.

8 School Dress Codes

As per the Winnipeg School Division Code of conduct, students must dress appropriately for classes and school activities. Students have the right to dress in a manner consistent with their gender identity or gender expression.
A flexible gender dress code will ensure students feel included and respected. Respecting choice of appearance and expression is an important aspect of honouring a trans or gender diverse identity.
EXHIBIT 1: SCHOOL PLANNING GUIDE FOR TRANS AND GENDER DIVERSE STUDENTS

Directions: This planning tool should be reviewed with the student and relevant parties as a way to ensure the school environment is both safe and supportive. Please file this in with the school principal.

School: _________________________    Date: _______________
Preferred name/gender identification: ___________________________________________________
Is a gender change for the student information system being requested? _____ Yes _____ No
Current name in the student information system: ___________________________________________
Current gender marker in student information system:  ______________________________________
Is the parent/ guardian aware of the preferred name and gender identification? _____ Yes _____ No
Should the parent/ guardian be informed as part of the process? _____ Yes _____ No
Has an alert been inputted in the student information system? _____ Yes _____ No

School Support Team:  _______________________________________________________________
EXHIBIT 2: STUDENT GENDER SUPPORT PLAN

- Meeting of the interested parties is scheduled for: ________________________________

- Who will be attending?
  - Administrator
  - Parent/Guardian
  - School Contact Person
  - Teacher
  - Counsellor/clinician
  - Community Provider
  - Support Team Members (specify)
  - Other: __________________________

- Plan for bathroom (location, walk-through):
  ____________________________________________________________________________
  ____________________________________________________________________________
  ____________________________________________________________________________

- Plans for changing for Gym Class/Intramurals:
  ____________________________________________________________________________
  ____________________________________________________________________________
  ____________________________________________________________________________

- Plan for gendered activities (i.e. sports):
  ____________________________________________________________________________
  ____________________________________________________________________________
  ____________________________________________________________________________

- Plan for field trips (who is responsible for seeing the plan in place for each field trip?):
  ____________________________________________________________________________
  ____________________________________________________________________________
  ____________________________________________________________________________

- Check in plan? _________________________

- Which Team Support person will be the student’s main support?
  Name of staff person: ___________________________________________________________
  Phone number: __________________________________________________________________
  Email address: __________________________________________________________________

  Please share relevant resources with the student.