

#1029054

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GBAA, GBAA-R
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**RESPECT FOR HUMAN DIVERSITY
TRANSGENDER AND GENDER DIVERSE STAFF AND STUDENTS**

General

The St. James-Assiniboia School Division strives to provide a welcoming, safe and caring environment that enables all staff and students to succeed. Gender identity is a protected characteristic under the Manitoba Human Rights Code. It is the intent of this regulation to ensure all gender identities and expressions feel welcome in our Division. As well, the guidelines are intended to raise awareness and help protect against discrimination and harassment and to encourage learning from the differences that can only be found in heterogeneous groups.

As such, all staff and students, regardless of gender identity, including those who are transitioned or transitioning have the right to be who they are openly; have the right to be treated with dignity and respect; and have the right to privacy and confidentiality.

To assist in meeting these objectives, each building shall designate a staff person, in addition to the appropriate Human Resources contact, who can act in an extended advocacy role, coordinate professional development and training, and be a safe contact for gender diverse individuals.

As part of our efforts to appreciate, respect, accommodate and support human diversity in all its forms, the definitions and appendices found at the end of this regulation are intended to provide additional education with respect to transgender and gender diverse individuals in an effort to gain the awareness, knowledge, action and skills necessary to work towards allyship with these individuals.

Allyship is an intentional and lifelong practice of behaviours and actions of a person who is a member of a dominant or majority group or who holds more privilege (social, cultural, economical, etc.) and who seeks to operate in solidarity with a marginalized or oppressed population. Allyship is built on trust, consistency and accountability. Allyship actively utilizes social power to take a stand against injustice and works to be an agent of social change and social justice.

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Self-Identification

It is not appropriate to question or challenge another person's gender identity or expression. A person's self-identification is the sole measure of their gender. The protections provided under the Manitoba Human Rights Code includes the right to determine one's own gender.

Privacy and Confidentiality

The Division recognizes everyone's right to privacy and confidentiality with respect to personal information. An individual's right to discuss and express their gender identity openly and to decide when, with whom, and how much private information to share shall be respected to the extent possible.

Informed staff must keep an individual's gender identity safeguarded appropriately. Therefore, staff should not disclose an individual's gender identity or gender expression status to others unless previous permission has been provided or a situation occurs jeopardizing the safety of the individual.

Records, Name and Pronoun Use

Staff and students have the right to be addressed by a name and pronoun that corresponds to their gender identity. A court-ordered name or sex change is not required, and the person does not need to change their official records for this right to be extended to them.

On all records, staff and students have the right to be addressed by their chosen name and to choose a pronoun that aligns with their gender identity and/or expression.

It is important to note that some individuals may not feel included in the use of the pronouns "she" or "he" 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 of Mr., Mrs., Ms., Miss, or no prefix at all).

Intentional or persistent refusal to acknowledge an individual's correct name, gender identity and pronoun is disrespectful and creates an unwelcome environment. Failure to respect the individual's gender identity, including name and pronoun use, once known, is a violation of this policy.

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Curriculum Integration

The Division supports all staff in delivering inclusive, provincially-approved curricula where all members of society are represented.

Too often, the existence of transgender and gender diverse people is erased or only included in a highly stigmatized way in classrooms and libraries, as well as in the media and popular culture. The lack of any positive acknowledgment of transgender lives, transgender history, or current relevant topics makes it difficult for transgender or gender diverse, or questioning young people to feel that they have a place in the world. Unless corrected, the omission of transgender and gender diverse people from the curriculum creates a misconception among many students that gender diversity does not exist and that transgender and gender diverse people are an object of scorn. Therefore, Division and school staff are expected to challenge gender binaries and stereotypes and integrate gender inclusive content into the teaching of all subject areas in accordance with any relevant provincial legislation.

Manitoba's 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 a range of human diversity, including but not limited to a range of bodies, sexes, and gender identities, gender expressions and 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/Health Education curriculum provided in grades 2-12. Student participation regarding potentially sensitive outcomes in Manitoba requires parental approval.

Gay-Straight Alliances

As per the Manitoba Public Schools Act, the Division must accommodate students who want to establish and lead activities and organizations that promote and support Gay-Straight Alliances (GSA's) or other similar student support groups.

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Communication with Parents/Guardians

The Division believes in collaboration with families/guardians when possible, but acknowledges that the student's safety is the utmost priority. 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.

Transgender and gender diverse students who have not disclosed their gender identity or expression to a parent/guardian may have special confidentiality concerns. Telling even one person, without the student's permission, can leave them vulnerable to abuse within the school or at home.

Before contacting parents or other adults involved in the care of a transgender 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.

There is no age limit on making requests related to this regulation, and young students have the same rights to privacy and to have accommodations made on their behalf with and sometimes even without their parent/guardian's knowledge.

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

Access to Washrooms and Change Rooms

Staff and students have a right to accommodations congruent with gender identity. This applies during school hours and school-related activities on and off school property (such as field trips and athletic events), including overnight trips and camps. If staff are concerned that travel to another site could pose issues of safety, the school should, in consultation and with the express permission of the individual, contact the other site in advance to ensure that the individual has access to facilities that are comfortable and safe in accordance with the individual's gender identity or expression.

Where one exists, the use of an all-gender washroom is a matter of choice and is not mandatory.

Although creating separate spaces may sometimes be necessary, emphasis should be on creating safe and inclusive spaces. This may require proactive strategies

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such as communicating clear behaviour expectations to all students, increasing adult presence and supervision, and monitoring key areas of the building and grounds.

Gender Segregation/Sports Team Participation

Transgender and gender diverse students have the right to participate in all activities (educational, recreational and competitive). Schools should reduce gender-segregated activities to the 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, transgender and 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.

Consistent with Manitoba High School Athletics Association – MHSAA Transgender Policy, the Division will support any transgender student athlete's participation in a sex-separated sports activity in accordance with their gender identity. This applies to students in all grade levels.

Dress Code

Staff and students must dress appropriately for classes, school and work activities. Individuals have the right to dress in a manner consistent with their gender identity or gender expression.

A flexible gender dress code will ensure staff and students feel included and respected. Respecting choice of appearance and expression is an important aspect of honouring a transgender or gender diverse identity.

The Process of Transitioning

When a request is received either from a student or their parent/guardian or from a staff member, the Division will take reasonable steps to provide accommodation in a prompt and supportive manner. See and Exhibit AC-E-1 for Students Planning Guide, and Appendix and Exhibit AC-E-2 for Staff.

As the needs and concerns of individuals vary, all circumstances will be assessed on a case-by-case basis. An accommodation that works for one cannot be assumed appropriate for another. Conflicts that arise should be resolved in a manner that involves the transgender or gender diverse individual and the designated support person in the building to maximize inclusiveness and address the best interests of the individual.

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Complaints

Issues that are not resolved at the school or building, should be referred in writing to the appropriate Human Resources contact.

In the event that the Human Resources contact is unable to resolve the situation, the matter should be referred in writing to the Superintendent/CEO. The Superintendent/CEO should review the case and render a decision within one month. In the event that the individual is not satisfied with the Superintendent/CEO's decision, an appeal can be made to the Board of Trustees.

Issues alleging discrimination or harassment should be addressed through the Respectful Workplace Policy GBAA for staff and the Student Conduct Policy JK for students.

Definitions

Please note that English is a fluid language in which terms, definitions and meanings change over time, culture, political climate, and geography. The following serve as working definitions that are meant to provide an initial foundation of understanding.

Anti-Transgender Prejudice – Negative attitudes, beliefs, or reactions to transgender people. Examples include: believing that transgender people are mentally disturbed, being uncomfortable sharing space with a transgender person, or thinking that a transgender person should not be able to use a washroom aligned with their gender identity.

Cisgender – “Cis” means “on the same side”. Cisgender refers to an individual who identifies with the gender they were assigned at birth. For example, if a child was assigned a female gender at birth and understands themselves to be a woman, they are cisgender.

Coming Out – The process in which an individual acknowledges and discloses their sexual orientation or gender identity to themselves and others.

Gender – Gender is a system that operates in a social context to classify people, often in relation to their assigned sex. In many contexts this takes the form of a binary classification of either man or woman; in other contexts this includes a broader spectrum.

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Gender Diverse - Refers to a person whose gender identity or gender expressions differ from stereotypical, cultural or societal norms and expectations about how they should look or act based on the biological sex they were assigned at birth.

Gender Dysphoria – The formal diagnosis used by mental health and medical clinicians to indicate that a person meets the diagnostic criteria to engage in medical transition.

Gender Expression – Gender expression is about culture and the outward expression of gender through clothing, speech, body language, hairstyle, voice and/or the emphasis or de-emphasis of bodily characteristics or behaviours which are often associated with masculinity or femininity. Components include: femininity, masculinity, androgyny. Variations include: female/woman, trans woman, trans man, male/man, two-spirit, gender queer.

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

Gender Identity – A person's deep-seated, internal sense of who they are as a gendered being – specifically, the gender with which they identify themselves. Components include: cisgender and transgender. Variations include: girl/woman, trans woman, trans man, boy/man, two-spirit, gender queer.

Intersex – Persons who are intersex are born with both male and female sex attributes. Some persons who are intersex take social and/or medical steps to align their physical appearance with their internal sense of being male or female.

LGBTQ – Stands for Lesbian, Gay, Bisexual, Transgender, Two Spirit, Queer and Questioning. This acronym, or variants of it, is used to refer to sexual orientations and gender identities that differ from the dominant cultural norms. However, individual sexual and gender identities are much more nuanced than these categories. For example, individuals may identify as pansexual which recognizes the potential for attraction to sexes and/or genders that exist across a spectrum and that challenge the sex/gender binary.

Medical Transition – A long-term series of medical interventions that utilizes hormonal treatments and/or surgical interventions to change a person's body to be more congruent with their gender identity. Medical transition is the approved medical treatment for Gender Dysphoria.

Queer – An umbrella term that refers to LGBTQ communities as well as a self-affirming identity to describe an individual's sexual orientation or gender identity outside of rigid identity definitions.

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Questioning - For some, the process of exploring and discovering one's own sexual orientation, gender identity, and gender expression.

Sex – Sex refers to anatomy. Components include: chromosomes, genitals, hormones, reproductive organs, secondary sex characteristics. Variations include: female, male, intersex.

Sexual Orientation – Sexual orientation refers to attraction to another person. Components include: romantic, sexual, emotional, intellectual, spiritual, intimate attractions and relationships. Variations include: asexual, heterosexual, gay, lesbian, bisexual, two-spirit, pansexual, queer.

Social Transition – A transgender person's process of creating a life that is congruent with their gender identity, which often includes asking others to use a name, pronoun, and/or gender that is more congruent with their gender identity. It may also involve changing their gender expression to match their gender identity.

Transitioning – The process in which a person changes their social identity and appearance or physical body to align with their gender. Transitions may include name and pronoun changes, modifications of bodily appearance, presentation or function by medical surgical processes. Or, they may not. Not all transitions occur in the same way and transitions are private and personal.

Transgender or Trans – An adjective used to describe a person whose gender identity is incongruent with the biological sex they were assigned at birth. Transgender is often used to refer to the full spectrum of diverse identities within transgender communities. Trans is an abbreviated term for transgender.

Transphobia – Any negative beliefs, feelings or behaviours centered around transgression of perceived gender norms, often exhibited by name-calling, bullying, exclusivity, prejudice, discrimination or acts of violence. Anyone who is, or is perceived to be, trans and/or gender diverse can be the target of transphobia.

Trans-positive – The practice of embracing one's self and others for who they are.

Two Spirit – An umbrella term that reflects the many words used in different indigenous languages to affirm the interrelatedness of multiple aspects of identity, including gender, sexuality, community, culture and spirituality. Prior to the imposition of the sex/gender binary by European colonizers, many indigenous cultures recognized Two Spirit people as respected members of their communities and afforded them special status as visionaries, healers and medicine people based upon their unique abilities to understand and move between masculine and feminine perspectives.

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References

1. Policies from River East Transcona, Winnipeg and Toronto District School Boards were reviewed in writing this regulation
2. Manitoba Human Rights Commission
3. Manitoba High School Athletics Association Transgender Policy
4. Rainbow Resource Centre; including several pamphlets and documents
5. The Every Teacher Project, on LGBTQ-Inclusive Education in Canada's K-12 Schools Final Report; Taylor C., Peter T., Campbell C., Meyer E., Ristock J.

Additional Sources of Information

1. Rainbow Resource Centre
170 Scott Street
204-474-0212 www.rainbowresourcecentre.org
2. Klinik Community Health Centre
870 Portage Avenue
204-784-4090 <http://www.klinik.mb.ca>
3. Gender Dysphoria Assessment and Action for Youth (GDAAY Clinic)
Health Sciences Centre
FE 307-685 William Avenue
204-787-7435 ext. 3 <https://gendercreativekids.ca/>
4. Two-Spirited People of Manitoba Inc.
P.O. Box 29064
333 St. Mary Avenue
204-330-8671 twospiritedmanitoba@hotmail.com
www.twospiritmanitoba.ca
5. Sexuality Education Resource Centre
200-226 Osborne St. North
204-982-7800 www.serc.mb.ca

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