



Administrative Procedure 4535

Human Diversity

Board Governance Policy Cross Reference: [1](#), [11](#), [14](#)

Administrative Procedures Cross Reference:

[Dispute Resolution](#)

[Code of Conduct](#)

[Harassment](#)

[Off-Site Programs and Activities](#)

[Workplace Safety and Health](#)

[Workplace Violence Prevention](#)

Form Cross Reference:

Legal/Regulatory Reference:

[Manitoba Education Physical Education Guidelines](#)

[MHSSA Transgender Policy](#)

[Supporting Transgender and Gender Diverse Students in Manitoba Schools](#)

[The Canadian Charter of Rights and Freedoms](#)

[The Manitoba Human Rights Code](#)

[The Public Schools Act](#)

[The Vital Statistics Act](#)

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Guiding Principles

The Brandon School Division is comprised of staff and students from diverse communities and is committed to appreciating, respecting, accommodating and supporting human diversity in all its forms. This commitment is based on the following beliefs:

- Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world and is fundamental to the public education system.
- Safe, caring and inclusive environments are necessary to fulfill our purpose.
- Heterogeneous groups facilitate creativity, problem solving and the exchange of new ideas and they enrich the experience of our staff and students.

- All individuals have the right to be treated in all matters solely on the basis of their personal merits.

Continually striving for actions that support this commitment will ensure that our Division is an inclusive community in which staff, students and visitors feel welcomed, accepted, valued and empowered to engage, learn and contribute fully and thus will share their unique viewpoints and life experiences for the benefit of all.

Purpose

This administrative procedure supports the Brandon School Division Board Policy *Respect for Human Diversity* by ensuring a learning environment that is free from discriminatory practices based on gender identity and gender expression.

These procedures apply to:

- all employees, students, parents/guardians, trustees, volunteers, and third parties such as in-school child care program employees; and
- situations that occur outside school hours but have an impact on the learning environment of the school.

This administrative procedure is intended to support learning environments that respect and embrace diversity, to create welcoming and safe spaces, raise awareness and learning, support and protect everyone, including transgender and gender diverse people, and others who have not yet identified.

Respect and safety are for everyone, in every school, however LGBTTTQ people (particularly transgender individuals) typically experience higher rates of harassment, discrimination, suicide rates, as well as poor mental and physical health outcomes.

Creating school environments that respect and affirm gender diversity will empower all students and employees. Gender identity, gender expression and sexual orientation are protected rights under the *Canadian Charter of Rights and Freedoms* and the *Manitoba Human Rights Code*.

The Division recognizes the importance and life-changing role that inclusive educational environments can play in building the personal resilience of transgender students and their families (see *Supporting Transgender and Gender Diverse Students in Manitoba Schools*).

Roles and Responsibilities

The Division

Under the leadership of the Superintendent/CEO or designate, the Division will implement Board Policy and establish Administrative Procedures and/or regulations on human diversity practices within the Division. The Division will also provide 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.

School Leaders

School Leaders play a leadership role at the school level in promoting safety and acceptance and in ensuring a safe and inclusive school environment. School Leaders communicate and reinforce expectations of the respecting Human Diversity Administrative Procedures to teachers and school staff and encourage their participation in professional learning and training on bullying prevention, human diversity and related topics. School Leaders hold those who disrespect human diversity accountable by following established procedures and processes and in maintaining appropriate records at the school level.

Teachers and Other Staff

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 Administrative Procedure 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 support staff have an expanded duty to report matters of cyberbullying to the School Leader, whether it is believed to be happening at school or outside of regular school hours. Participation in professional development and training is essential in ensuring that staff possess the tools and knowledge they need to deal appropriately and effectively with sensitive student issues regarding bullying prevention and human diversity.

Students

Students have 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.

Parents and Guardians

Parents and guardians 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 procedures that support the human diversity policy.

School Community Members and Groups

School community members and groups 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 Administrative Procedures.

Privacy / Confidentiality

Brandon School Division staff are always encouraged to be in open communication with parents/guardians about the learning and well-being of their children. The Division believes that learning and development are enhanced by parents/guardians and school staff communicating and working together.

Students are entitled to the protection of their personal information, including their gender identity and sexual orientation. Some LGBTTTQ students are not open about their sexual or gender identity. Given the sensitivity related to one's gender identity and sexual orientation, if a student discloses that they are LGBTTTQ to a staff member, that information will be held in confidence and not shared without the student's 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 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 only disclose a student's gender identity to others on a "need to know" basis (e.g., to fulfill 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.

Parental Consent

Students may or 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.

Often, the LGBTTTQ student will seek out a staff member/trusted ally for support. When the student initiates the process, the staff member should ask whether the student's family is aware and accepting of their gender identity and/or gender expression. The student and trusted ally will determine how to proceed through a collaborative process while accommodating and balancing the student's needs.

Schools can play a critical role in alleviating distress caused by family rejection. The school environment may be the only place a transgender or gender diverse student or employee feels comfortable being themselves.

Where possible, the goal should be to support the student's family in accepting their child's gender identity and seek opportunities to foster a better relationship between the student and family. Schools can assist the process of acceptance in several ways including arranging a safe space for the student to disclose their gender identity to their parents, providing counselling services for the family or connecting them with community supports.

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.

In general, the older the students are, the more they will be involved in the decision making.

In certain cases, situations may arise at school that make it difficult or impossible for the school to keep the student's gender status private from the parents/guardians. Schools, in consultation with the student will work with the student to reveal the child's gender status formally to the parents/guardians. (Manitoba Education and Training, 2017)

Parental/guardian consent will be required for students in Kindergarten to grade 6.

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. Some individuals may or may not feel included in the use of pronouns "he" or "she" and prefer alternate pronouns which will be respected, such as "ze," "zir," "hir," or "they." In addition, school-based communications recognize that not all families include a mother and a father, and therefore the use of more inclusive terms such as parents or guardians, will consider all types of family structures, such as single parents, foster families, LGBTTQ parents and step-families.

Names / Pronouns

Students have a right to be addressed by a name and pronoun that corresponds to their 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.

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, cumulative files, provincial assessments and high school diplomas. The use of the student's legal name is required for reporting purposes to Manitoba Education and other situations where the document in question is a formal document such as a transcript or diploma to be used by employers, post-secondary institutions, etc.

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, letters home, report cards (if parental consent on file – see below), provided this has been requested by a student in grade 7 to 12.

Students in Kindergarten to grade 6 must have the consent of their parent or guardian before their preferred name can be used.

Divisional and school personnel are not to disclose a student's actual or perceived sexual orientation, gender identity, or gender expression to others, including other students, parents/guardians, or other school personnel, unless required to do so by law or unless the student has provided their consent in writing. However, certain requests (e.g., a name and pronoun change) cannot be kept private. Therefore, school personnel are strongly encouraged to be in regular contact with trans and gender diverse students and their families to ensure that the parameters of privacy are discussed and addressed.
(Manitoba Education and Training, 2017)

Schools will enter the student's **legal** name and **preferred** name, if any, in the Student Information System.

The use of a preferred name on the report card is acceptable provided the consent of the student has been obtained and a consent letter to the School Leader from the parent or guardian is acquired and is kept on file. If the student is 18 years old or over, a letter from the student requesting the preferred name is required and is kept on file. The School Leader has discretion in the matter and may reject the request if, for example, the preferred name is deemed to be frivolous or trivial.

Note: While this procedure states that a letter indicating consent should be kept on file, it is not necessary when the student's preferred name, etc. has already been formally communicated and approved through school registration forms or similar means. Usually, when a student registers at a school for the first time, the student and their parents or guardians provide the school with information as to the student's legal name, assigned sex, as well as gender identity, preferred names, and pronouns, if different from their legal name and assigned sex. If the student is under the age of majority, parents and guardians usually sign the registration form thereby approving the use of preferred name and pronouns. Therefore, if the school has a signed registration form that indicates the student's preferred name and pronouns, a letter is not required.

Schools will change a student's official Student Record to reflect a change in legal name and/or gender upon receipt of legal documentation (e.g. birth certificate, medical documentation) that such legal name and/or gender has been changed.

Dress Codes

Division and school dress codes should be flexible, gender neutral and in accordance with the Division's *Code of Conduct* Administrative Procedure and applicable school policies.

Washroom Access

Transgender and gender diverse students and staff have the right to access the washroom that corresponds to their gender identity. The decision to do so takes place in the context of a thoughtful and thorough process that includes discussions with the student, staff and parents/guardians (if applicable) around the available options within the school.

When offered an option, many transgender students choose to access an individual washroom to use the facilities and to change for physical education classes.

Any student who requests increased privacy will be offered accommodations that meet their needs. All students have the option to use the all-gender single stall washroom, if available, 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.

Transgender and gender diverse students and staff have the right to access the change room that corresponds to their gender identity. Any student who requests increased privacy or feels uncomfortable changing or showering with other students

can request accommodations that meet their needs. Access to an alternate change location will be provided, where possible, but no student will be required to use such a change room. Discussions with the student, staff, and parents/guardians (if applicable) should take place to determine how the student's needs can best be met.

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 accordance with their gender identity or expression, regardless of the gender or sex identified in their student record.

Sports Team Participation

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.

Students have a right to participate in any gender-separated recreational and competitive athletic activities that are consistent with their gender identity or expression.

Transgender and gender diverse students and their parents/guardians (if applicable), are typically involved in conversations with school staff about access to physical education classes and sports teams. The student, staff and parents/guardians (if applicable) will engage in a plan to support the student to make a decision to declare. Once the student has declared their transgender status careful consideration is given to what team the student plays on, and what information is shared with the coach and other team members. A male student cannot simply "declare" he is female and sign up for a girls' sports team.

For inter-scholastic sports at the high school 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 that corresponds with their gender identity or expression 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 that are comfortable, safe, and in accordance with the student's gender identity.

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.

When a transgender or gender non-conforming student is participating in an overnight trip, many factors are considered regarding the accommodations including the needs and wishes of the student and their parents/guardians (if applicable), the facilities where students are sleeping, the supervision provided, etc. Alternative accommodation arrangements for overnight trips will be based on a safe and respectful environment and will be made to ensure equal opportunity for all students.

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

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

While not specifically addressed as discrete learning outcomes, LGBTTTQ issues should be part of classroom discussions and units of study. For example, LGBTTTQ novels, short stories, poetry or characters can be included in language arts classes. Math problems can use neutral language and names such as Terri and Sam. In psychology class, students can explore the various nature vs nurture debates that surround homosexuality and heterosexuality. In elementary grades, LGBTTTQ families can be included when teachers discuss family backgrounds, structures and relationships.

Supporting LGBTTTQ students are educational issues; they are not about religious beliefs, moral views or sexual practice. The real issue for any school to address is the creation of an educational environment that is free from prejudice, discrimination, homophobia and heterosexism.

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 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 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.

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

School division and school leaders must ensure staff are provided with professional development that increases their capacity to support students on issues regarding all aspects of human diversity, including gender identity and expression.

All the Division employees are required to complete training in the area of promoting respect for human diversity.

Advocacy Support

Schools will designate a 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 students who are transgender.

Gay-Straight Alliances

As per *The Public Schools Act* (41)(1.8) and Division policy *Respect for Human Diversity*, 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.

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, foster trans-positivity and create awareness of transphobia, gender stereotypes and gender based violence.

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 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 prompt and supportive manner. The School Leader 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). Students and/or parents/guardians 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 suicidal, suffering parental abuse, or at risk of hurting themselves or others, staff is legally required to report these incidents to the proper authorities. 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. "safe contact", school counsellor, social worker or psychologist) who will determine what further steps are necessary to protect and support the student.

When a student requests that their preferred name, gender identity, and/or gender expression be used, parent/guardian consent will be requested from Kindergarten to Grade 6. From grades 7 to 12, if the student has capacity of consent, parent/guardian consent is not required.

Resolving Conflict

Brandon School Division sets a learning environment that is welcoming, caring, respectful and safe for all students and staff. Transgender and gender diverse people are marginalized more often through discrimination and/or harassment. All individuals working, studying, volunteering in or visiting BSD facilities are encouraged to report all instances of harassment. All staff who witness disputes or conflicts are responsible for handling and resolving the matter and reporting to the School Leader as required. Responding to the conflict is critical, it is better to say something than nothing at all.

Issues are to be promptly acted upon by school administration. Students and employees must clearly see that there are serious consequences for transphobic or prejudicial behaviour or attitudes.

Complaints alleging discrimination or harassment based on a person's actual or perceived transgender status or gender identity status must be handled in accordance with the Division Administrative Procedures on *Harassment* and *Code of Conduct* as well as *The Canadian Charter of Rights and Freedoms* and *The Manitoba Human Rights Code*.