

Guidelines for Supporting and Affirming Trans and Gender Diverse Students

“It is contrary to The Code to discriminate, without reasonable cause, in the provision of services to children and youth based on age and/or gender identity, including in health services, education, recreation, police services and child protective services. Children who are intersex are also protected from unreasonable discrimination on the basis of their age and gender identity” (The Manitoba Human Rights Commission, “Protections from Discrimination Based on Gender Identity”).

“Everyone has the right to define their own gender identity. Trans people should be recognized and treated as the gender they live in, whether or not they have undergone surgery, or their identity documents are up to date” (Ontario Human Rights Commission, *Gender Identity and Gender Expression*).

Trans and gender diverse students have the right to be openly who they are. This includes expressing their gender identity without fear of unwanted consequences. Trans and gender diverse students have the right to be treated with dignity and respect. The following guidelines are intended to help educators make these rights a reality in their schools.

1

Support the student’s individual process.

It is essential that the school division and school accept and support a student’s affirmation of their gender identity and do not require any particular substantiating evidence. Every student, regardless of age, should have a voice in their life at school, their identity, and their needs. However, given the sensitivity of trans or gender diverse student disclosure, a gender transition plan may need to be developed by appropriate school staff (see [Supporting Gender Transitioning in Schools](#)), preferably with the involvement of the parents/guardians, unless it is objectively not in the best interest of the student to do so (see [Guideline 3: Work with parents/guardians of trans and gender diverse students](#)).

Each trans and gender diverse student is unique, with different needs. Supports that work for one student cannot simply be assumed to work for another. Specific supports, in addition to those outlined in these guidelines, may be sought to enable a student’s full expression of their identity and/or to protect their safety.



Implementation

All members of the school community are expected to listen to the student's needs and concerns, and work collaboratively to identify and provide supports. For requests not outlined in this document, the student should be informed about who may be able to respond to their requests, and a decision should be made together about who will communicate the requests (i.e., the student, parent[s]/guardian[s], administration, teacher, support staff).

Trans and gender diverse students may, but are not required to, inform a school staff person with whom they feel comfortable of their particular needs. For example, although students have the right to use the washroom that aligns with their gender identity, they may request an accommodation in the form of access to a gender-neutral washroom to address their specific safety or other concerns.

Responses to student needs and requests are to be fulfilled on a case-by-case basis and individualized to best meet the needs of the student making the requests. If an issue arises about a trans or gender diverse student's full participation in school life, it should be resolved in a manner that involves the student in decision making. Ensuring reasonable adaptations, maximizing inclusiveness, and addressing the best interests of the student are inherent in this collaborative decision making.

A trans or gender diverse student might want to transfer to another school, depending on their transition process and experience. A transfer should be considered, in alignment with school division policy, when requested by the student and/or the student's parent(s)/guardian(s).

2

Respect students' rights to confidentiality and privacy.

All students must be able to decide what personal information they wish to share about themselves, with whom, and when. This includes their right to determine the dissemination of personal and private information such as their gender identity or trans status.

Deliberate or accidental sharing of a student's gender identity or other personal information without the student's consent can have significant negative consequences for them.

All educators and school personnel must ensure that they follow professional codes of conduct and protect the confidentiality and privacy of all students, including trans and gender diverse students, as set out in *The Personal Health Information Act* (Manitoba) and *The Freedom of Information and Protection of Privacy Act* (Manitoba).



Implementation

In determining what issues relate to confidentiality and privacy, educators need to consider the following:

- The student's age and maturity. Regardless of age, a student may or may not choose to be open about their gender identity with peers or adults. Educators must consider factors such as age and maturity in making decisions with respect to the student's privacy. Consultation regarding each student is recommended.
- The level of parental/guardian support for the student's affirmed gender.
- A student's desire to live openly as their affirmed gender. Some students may choose to be very open about their trans or gender diverse identity and they should be supported in doing so.

In summary, 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.

3

Work with parents/guardians of trans and gender diverse students.

It is the school's duty to work to engage parents/guardians in schooling matters involving their child unless the school determines it is objectively not in the best interests of the student to do so.

Research has shown that supportive parenting can have a very important and positive impact on trans and gender diverse children and youth, and correlates with these children and youth having a positive outlook on life, improved mental health, and greater self-esteem (Travers et al.; Ryan et al.; Ryan, *Helping Families*). Conversely, rejection by parents/guardians directly correlates with trans and gender diverse children and youth having an increased risk of depression, suicide attempts, self-harm, and substance abuse (Ryan et al.; Ryan, *Helping Families*).

"Family acceptance predicts greater self-esteem, social support, and general health status; it also protects against depression, substance abuse, and suicidal ideation and behaviours" (Ryan et al., 205).



Many parents/guardians will be supportive when their children inform them that they identify as trans or gender diverse; however, familial rejection is also possible. A study in Ontario found that only 34% of transgender youth described their parent(s) as “strongly supportive,” while 42% described their parents(s) as “not very” or “not at all” supportive (Travers et al. 2).

In some cases, students will choose to transition even when their parents/guardians refuse to affirm their gender identity and/or expression. In these situations, schools must carefully balance the need for parents/guardians to be informed about their child’s experiences with the student’s right to live freely in their affirmed gender. Communication with parents/guardians may be further complicated on occasions when the school needs to inform the child’s family of events or incidents related to the child’s gender identity or expression.

Confidential information about a student must not be shared even with the parents/guardians without the student’s consent, unless there are overarching safeguarding reasons for sharing the information.

Implementation

In general, the older the students are, the more they will be involved in the decision making. As far as possible, schools should ensure that the wishes of the individual students are taken into account, with a view to supporting them during a potential transition.

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. To respond appropriately to this tension, some schools, in consultation with the student, will work with the student and trained support providers to reveal the child’s gender status formally to the parents/guardians in the relatively safe confines of the school. Educators should carefully weigh all the potential consequences of such an approach, ideally consulting with and/or working with individuals trained for and familiar with such situations. This approach should also include having support services available in cases where it may not be safe for students to return home after such a revelation.

Some students will enter an Early Years school already expressing or presenting in their desired gender. If the child and the family wish that no information concerning the child’s transition be shared, then the child and the family may simply choose to enrol the student as the preferred gender. In some cases, they may choose to provide a letter from a doctor or therapist. When this is the case, no one in school except the adults approved by the child and parent(s)/guardian(s) can lawfully be informed of the student’s trans identity. Some students may also choose to enrol in a different Middle or Senior Years school, in their desired gender, as part of a transition process. In all cases, the school should confirm the level of openness that the child or youth and the family desire regarding the student’s gender identity.



In Manitoba, a number of agencies and organizations provide support to the parents/guardians of trans or gender diverse children and/or youth, or may provide helpful advice to schools about how to work with parents/guardians, including those who choose not to affirm their child's expression of gender identity and do not wish the school to do so. (For further information, see [Appendix A: Trans and Gender Diverse Support Services](#) and [Appendix B: Selected Print and Online Resources](#).)

4

Attend to requests for accommodation.

Some trans and gender diverse students may feel that participating in sex-segregated school programs and activities or being in sex-segregated facilities (e.g., a washroom or change/locker room where students undress) is uncomfortable or inappropriate.

As well, some students may feel that participating in sex-segregated school programs and activities or being in sex-segregated facilities with another student whose gender identity is the opposite of their assigned sex is a violation of their right to privacy or their religious beliefs, or they may feel and express discomfort about inclusive, sex-segregated school programs, activities, or facilities. Such responses, while important, should not by themselves be taken as reasons or justifications for denying transgender students access to the sex-segregated school programs, activities, or facilities that align with their gender identity. Designated school staff should work with these students to address their concerns and discomfort and to foster understanding of gender identity, and create a school culture that respects and values everyone. These students may also be offered accommodations or alternative facilities such as access to a nearby all-gender or universal single-stall washroom, or other alternatives.

The divisional and school non-discrimination policy and related accommodation and complaint procedures should be easily accessible to both students and their parents/guardians. (Also see [Guideline 10: Provide safer access to washroom and change/locker room facilities, in accordance with the student's gender identity](#).)

Implementation

To prevent difficult situations from arising, it is important that schools notify all students and parents/guardians of divisional or school human diversity, non-discrimination, or other relevant policies and related accommodation and complaint procedures as soon as they are developed. However, in doing so, schools must not violate a student's right to privacy. It is equally important to ensure that information about divisional or school policies and related accommodation and complaint procedures is easily accessible to both students and their parents/guardians, through means such as policy manuals, student handbooks, pamphlets, newsletters, divisional or school websites, school offices, and other appropriate means.



Students and their parents/guardians should have access to divisional and school policy statements recognizing the students' right to use school facilities and to participate in sex-segregated school programs and activities, including athletic teams and competitions, consistent with their gender identity.

When gender diverse or cisgender students request an accommodation concerning sex-segregated school programs, activities, or facilities, it is recommended that divisional or school administrators meet with the students and, if appropriate, the students' parents/guardians to develop a plan to accommodate the students' needs and wishes. As needed, the divisional or school leaders may choose to consult with legal counsel in responding to all such requests (California School Boards Association 4).

5 Use the student's preferred name(s) and pronoun(s).

All students have the right to choose the name by which they wish to be addressed. Trans and gender diverse students have the right to be addressed by their preferred name(s) and pronoun(s) that correspond to their gender identity. This is true whether or not the students have obtained legal documentation of a change of name or sex designation. Respecting a student's request to change their name(s) and pronoun(s) is a key aspect of supporting and affirming that person's identity.

Implementation

School staff should consistently use the student's preferred name(s) and pronoun(s) according to the student's wishes and direction. Students who wish to use gender-neutral pronouns (e.g., they, hir, ze, xe), rather than masculine or feminine pronouns, need to be supported.

Some trans and gender diverse students may not have disclosed or shared their identity beyond the school community because of safety or other reasons. In keeping with the principle of self-identification, schools should ensure that the students are aware of limitations regarding their preferred names and gender identity in relation to official records that require a legal name and sex designation.

Students' prior consent must be obtained before disclosing their trans or gender diverse identity to their parents/guardians. The applied protocol for contacting the home of a trans or gender diverse student is to first determine from the student an appropriate way to reference their gender identity, gender expression, name(s), and pronoun(s).

Names and Pronouns

Deliberately addressing a student by the incorrect name(s) or pronoun(s) may be a form of discrimination. This does not include inadvertent slips or honest mistakes, but it does apply to the deliberate and persistent refusal to acknowledge and respect a student's gender identity by not using their preferred name(s) and pronoun(s).



6

Maintain student records consistent with legal practice.

The Manitoba government requires school divisions and schools to maintain a permanent record for each student that includes the legal name of the student and the student's assigned sex. If a student or their parent/guardian provides documentation of a legal name and/or sex designation change, then the official student record must be changed to reflect this.

Implementation

The student's *legal* name is displayed in the provincial Education Information System (EIS), as well as on school or provincially issued transcripts of marks. With the consent of the student, it is acceptable for a school or a teacher to use the student's preferred name(s) on their report card, on their diploma, or in any provincial, divisional, or school form, report, or database that is not deemed to be a legal document. For the report card, a letter to the principal from the parent/guardian or, if the student is 18 years old or over, from the student requesting the preferred name, is required, and is kept on file. The principal has discretion in these matters and may reject the request if, for example, it is deemed to be frivolous or trivial.

In the case of student services, school counsellors and clinicians should indicate both the student's legal name and preferred name in clinical documents and reports to avoid confusion, and link clinical data to the student and the services that the student may receive in the future.

The process for registering for provincial examinations and reporting student marks to the Manitoba government is more complicated, as the student's legal name that is related to the MET# is to be used. Schools will need to check that the name the student and school are using for these purposes is the student's legal name rather than the preferred or "known as" name(s).

It should be understood that the legal name and sex designation have to remain the ones that were registered at the time the student's MET# was assigned unless the birth certificate has been legally changed to reflect the new change of name and/or change of sex designation with the Manitoba Vital Statistics Agency and new documentation has been issued.

As noted earlier, changes to Manitoba's *Vital Statistics Act* allow youth under the age of majority (18) to change their sex designation. However, a change of name requires application by a custodial parent or legal guardian in accordance with the notice and consent provisions set out in *The Change of Name Act*. Information on the requirements is available on the Manitoba Vital Statistics Agency website.



Student records can be changed when a student or their parent/guardian presents documentation that indicates a legal change of name and/or sex designation. A certificate of change of name from the Manitoba Vital Statistics Agency will confirm the change of the person’s legal name. Persons born in Manitoba may apply to the Manitoba Vital Statistics Agency to have their sex designation on their birth certificate changed. Once an *Application for a Change of Sex Designation on Birth Registration and Birth Certificate* has been submitted and approved, Vital Statistics will reissue a birth certificate with the new sex designation. As well, residents of Manitoba who were born outside the province may apply for a *Change of Sex Designation Certificate*, provided they are Canadian citizens and have lived in Manitoba for at least one year before the date the application is submitted.

When required to use or report a trans or gender diverse student’s legal name or legal sex designation, teachers should adopt practices that avoid inadvertent disclosure of the student’s gender identity or expression.

7 Ensure dress codes support the full expression of students’ cultural and gender identities.

Trans and gender diverse students have the right to dress in a manner consistent with their gender identity or gender expression, within the constraints of divisional and school dress code policies. Where schools have dress codes or uniforms, it is important to eliminate distinctions between boys’ and girls’ apparel or uniforms and allow students to choose to wear the “approved” apparel that is in keeping with their gender identity and expression, or their preference.

Implementation

A flexible and gender-neutral dress code will ensure that students who are not comfortable dressing in stereotypically feminine or masculine clothing will feel fully included and respected. Some students are most comfortable in clothing that is neither clearly male-identified nor clearly female-identified, but rather a combination of the two. Respecting choices in clothing and general appearance is an important aspect of honouring a trans or gender diverse student’s identity.

If schools have or adopt inclusive dress codes, gender-specific descriptors or labels should be eliminated.

Examples of Allowable Clothing for All Students

- **Bottoms:** Navy, walking shorts, slacks, skorts, skirts, plain skirted jumpers, solid-colour twill
- **Tops:** White or navy with collar, long or short sleeves, knit polo-type, oxford or woven dress shirts, blouses, turtlenecks



“There are no boy clothes or girl clothes, clothes are just clothes. Feel confident with your style, just ‘strike a pose’” (Jackie Swirsky, author, and parent of a gender creative child, Manitoba).

8 Minimize sex-segregated activities.

Trans and gender diverse students have the right to participate in sex-segregated activities (educational, recreational, and competitive) in ways that are safe and comfortable and consistent with their gender identity.

It is important to develop and maintain inclusive environments that allow for and respect students’ full expression of who they are. This includes not requiring students to play, learn, dress/present, or express themselves in stereotypically feminine or masculine ways. As well, it involves reducing sex-segregated activities and spaces within the school.

Implementation

To the greatest extent possible, school staff should reduce or eliminate the practice of grouping or segregating students by sex (e.g., avoid structuring activities based on stereotypical roles such as “boys vs. girls” debates, or school dances/proms that feature the crowning of the dance/prom “king and queen”). In circumstances where students are separated by assigned sex, staff should help them access inclusive activities and spaces in alignment with their gender identity.

9 Enable full and safe participation in physical education classes and extracurricular activities, including athletics, in accordance with the student’s gender identity.

All students, regardless of their gender identity or expression, should be able to participate in physical education classes and extracurricular activities, including competitive and recreational athletic teams, in a safe, inclusive, and respectful environment. Trans and gender diverse students have the right to participate in such classes and activities in ways that are safe and comfortable and consistent with their gender identity.

The Manitoba High Schools Athletic Association “Policy on Transgender Students” states: “Any transgender student athlete may participate fully and safely in sex-separated sports activities in accordance with his or her gender identity.” British Columbia, Alberta, and Ontario have similar policies.



This approach should be extended to all sports and athletic competitions, activities, and events, enabling trans and gender diverse students to participate in a manner consistent with their gender identity if they wish to do so.

When schools participate in sports or athletic events in other provinces/territories or internationally, they may need to check and clarify the applicable policies with the relevant sports organization. As well, schools need to plan ahead to ensure that appropriate washroom and change facilities for “away games” or events are available and accessible.

Implementation

School staff must ensure that trans and gender diverse students can participate in physical education classes and extracurricular activities, including competitive and recreational athletic teams, in ways that are comfortable for them and according to their gender identity. Communication with parents/guardians of a trans or gender diverse student regarding their child’s participation in these activities should be consistent with school policy and practice.

It is not acceptable to deny a student the opportunity for physical education, either by denying the student the opportunity to participate in general physical education activities or by forcing the student to choose independent study.

Schools and school boards should proactively review school and student athletic policies and procedures to ensure they are inclusive of trans and gender diverse students.

10 Provide safer access to washroom and change/locker room facilities, in accordance with the student’s gender identity.

Although schools may maintain separate washrooms, change/locker rooms, or other facilities for males and females, students must be allowed to use the facility that corresponds to their gender identity, regardless of their sex assigned at birth.

Where available, universal single-stall or all-gender washrooms or changing areas may be offered to any student who desires increased privacy, regardless of the underlying reason. All students have a right to safe washroom and change/locker room facilities. Trans and gender diverse students have the right to supports that best meet their individual needs.

Implementation

Trans and gender diverse students should be able to access facilities that they are comfortable with and that correspond to their gender identity. This applies



during school time and school-related activities off school property (such as field trips). Any alternative arrangement should be used only at the request of the student and, if applicable, in a manner that keeps the student's gender identity confidential.

Where possible, schools should provide an easily accessible single-stall or all-gender washroom for use by *any* student who desires increased privacy, regardless of the underlying reason (e.g., medical, religious, cultural, gender identity). *Accessible* refers to a non-stigmatizing location within the school, a non-stigmatizing process for access, and physical accessibility for someone with a wheelchair. It is important that the use of an all-gender, single-stall washroom is a matter of choice for a student and provided not only as a result of continuing harassment. Schools are encouraged to provide, if possible, more than one all-gender washroom for use by students.

When accessing change rooms, a student should be able to choose among the following supports:

- access to a change room that corresponds to the student's gender identity (their basic right)
- access to a nearby all-gender or universal single-stall washroom
- use of a private area within the public area (such as a washroom stall with a door or an area separated by a curtain or divider)
- a separate changing schedule in the public area (using the change room either before or after the other students)
- access to a change room that corresponds to the student's assigned sex at birth
- access to alternative facilities as appropriate, available, and agreed to by the student



The guidelines for access to washroom and change/locker room facilities apply while students travel for competition at another school. Schools are responsible for ensuring access to appropriate changing, showering, or bathroom facilities, based on the needs of students.

If staff are concerned that travel to another site could pose safety issues, the school should, in consultation with and with the consent of the student, contact the other site in advance to ensure that the student has access to facilities that are appropriate and safe in accordance with the student's gender identity. It is important to maintain the student's confidentiality by not disclosing their trans or gender diverse identity without their permission.

11

Plan for excursions, trips, and camps.

Prior dialogue, care, and preparation are essential to enable trans and gender diverse students to participate safely and respectfully in excursions, overnight trips, camps, or other activities that require sharing sleeping accommodations. To exclude trans and gender diverse students from such activities would be contravening *The Human Rights Code* (Manitoba).

Implementation

To the extent possible, trans and gender diverse students should be able to sleep in dorms, common lodging, or hotel accommodations appropriate to their gender identity.

Activities that may involve the need for housing accommodations should be addressed on a case-by-case basis. Staff should check with the individual trans and gender diverse students about their needs and wishes. They must make every reasonable effort to provide accommodations that are acceptable to the students. If, for reasons of privacy or safety, a trans or gender diverse student objects to sex-segregated housing accommodations or to shared accommodations, private accommodations should be made available to the student without extra costs. Parents/guardians should be informed of any decisions made regarding accommodations on field trips, regardless of the student's gender identity.

Similarly, the degree of participation in physical activities that trans or gender diverse students feel comfortable with should be discussed with them prior to any camping or other trip involving significant physical activity, and with their parents/guardians, if appropriate. When a trans or gender diverse student feels they do not want to or cannot participate, alternative arrangements should be made to enable the student to participate in a more appropriate activity. Risk assessments can be carried out prior to residential trips in order to make reasonable adjustments that would enable the participation of trans and gender diverse students.

When school teams or groups plan excursions or travel to other provinces/territories or internationally, they should consider and check the laws and protections regarding trans and gender diverse people. Egale Canada Human Rights Trust offers *Tips for Travelling Trans* on its website. The International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) website has information about countries that pose a risk to trans and gender diverse individuals.



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