



NORTH EAST SCHOOL DIVISION

Guidelines for Transgender and Gender-nonconforming Students

Introduction and Context 1

- The purposes of these guidelines are: 1
- Scope 1

Current Policy and Legislation 2

But there are no Transgender Students in our School... 2

Language..... 2

- Definitions..... 3

Working with Transgender and Gender-nonconforming Students 4

- Disclosure 4
- Following Full Disclosure..... 4
- Student Transitions 4
- Parental Involvement 5

Considerations..... 5

- Privacy/Confidentiality 5
- Media and Community Communication..... 5
- Official Records..... 6
- Names and Pronouns..... 6
- Access to Gender-Segregated Activities and Areas..... 6
- Physical Education Classes and Intramural and Interscholastic Athletics 6
- Other Gender-Based Activities, Rules, Policies and Practices 6
- Dress Code 7

Developing School-wide Policy..... 7

NESD School Requirements..... 7

- Gay-Straight-Alliance (GSA) Liaison 7
- GSA Clubs 7

What Schools Can Do..... 8

What Teachers Can Do 8

Resources 9

References..... 10

Introduction and Context

Gender is one of the most basic elements of human identity. Gender is so fundamental to our identity, that without being aware of it, many aspects of human life are structured by and reveal our gender. Gender identity is a person's internal sense of being male, female, both, neither, or somewhere in between. Most people mistakenly assume that our gender identity is defined by our anatomical sex. In the majority of cases, people's gender identity is consistent with their anatomical sex. However, some people feel and express a gender identity that is not the same as their biological sex. These inconsistencies can cause a great deal of distress and confusion to individuals, their families and their friends. Gender identity issues can also cause a great deal of anxiety among professionals working with these individuals, who may not feel informed and competent enough on this topic to provide support.

This document provides answers to some of the most common questions that educators and school administrators may have about gender identity in the Canadian school context.

It presents guidelines for working with transgender and gender non-conforming students, which outline best practices for schools to ensure that all students are safe, included and respected in school, regardless of their gender identity or expression including transgender and gender- nonconforming students. This document presents policy considerations, key points, alternatives to consider, and school requirements. It is meant to be adaptable to the specific needs of schools in our school division, while keeping the original intent of the guidelines intact.

The purposes of these guidelines are:

1. To foster an educational environment that is safe and free from discrimination for all students, regardless of sex, sexual orientation, gender identity, or gender expression, and
2. To facilitate compliance with current policy and legislation concerning bullying, harassment and discrimination.

These guidelines should be interpreted consistent with the goals of reducing the stigmatization of and improving the educational integration of transgender and gender non-conforming students, maintaining the privacy of all students, and fostering cultural competence and professional development for school staff. Furthermore, this guideline will support healthy communication between educators and parents/guardians to further the successful educational development and well-being of every student.

Scope

This set of guidelines covers conduct that takes place in the school, on school property, at school- sponsored functions and activities, on school buses or vehicles and at bus stops. It also pertains to usage of electronic technology and electronic communication that occurs in the school, on school property, at school-sponsored functions and activities, on school buses or vehicles and at bus stops, and on school computers, networks, forums, and mailing lists. These guidelines apply to the entire school community, including educators, administrators, school and division staff, students, parents, and volunteers.

Current Policy and Legislation

The United Nations Convention on the Rights of the Child (1998) advocated for the creation of school environments that are open, inclusive and culturally affirming:

1. Article 2 - the rights of children and youth to learning environments free from discrimination
2. Article 19 - the rights of children and youth to protections from all forms of discrimination and violence

The most recent development in transgender rights is through Bill C-279, which proposes the addition of "gender identity" as a "prohibited ground of discrimination" in the *Canadian Human Rights Act* and as an "identifiable group" in the *Criminal Code* definition of hate crimes. This bill was passed by the House of Commons in March 2013.

The Saskatchewan Human Rights Code prohibits discrimination on the basis of a number of specific grounds, including gender identity.

The Education Act, 1995, identifies that every pupil shall observe standards approved by the board of education or the conseil scolaire with the respect to the rights of other persons, which in the Northeast School Division is reflected in [AP 511 – Respect for Human Diversity](#).

Saskatchewan Learning Caring and Respectful School Initiative provides the conceptual framework for promoting a positive and safe school environment that is open, inclusive, and culturally affirming.

The Saskatchewan Teachers' Code of Professional Ethics calls for teaching practices that recognize and accommodate the diversity within the classroom, the school, and the community. The Saskatchewan Teachers' Code of Professional Competence requires educators to create and maintain a learning environment that encourages and supports the growth of the whole student.

But there are no Transgender Students in our School...

Transgender students are attending schools in Saskatchewan, whether or not they are visible to other students, staff or administrators. There are several reasons why gender variant students may not be visible within the school community. Most transgender youth are invisible out of fear for their safety. They are vulnerable to discrimination, verbal abuse, bullying, and physical violence. While many transgender students remain invisible, increasing numbers of students are identifying as 'transgender' and/or openly struggling with their gender identity. In fact, the proportion of transgender individuals in a population has been found to be 0.3% or more than 1 in 350 (Gates, 2011). Given this prevalence in the population, it is likely that educator, school administrators, and health professionals have or will encounter at least one transgender youth at some point in their professional career.

Language

Transgender and gender-nonconforming youth use a number of words to describe their lives and gendered experiences. To list just a few examples, these students may refer to themselves as trans, transsexual, transgender, male-to-female (MTF), female-to-male (FTM), hi-gender, two-spirit, trans man, trans woman, and a variety of other terms. Terminology and language describing transgender individuals can differ based on region, language, race or ethnicity, age, culture, and many other factors. Generally speaking, school staff and educators should inquire which terms students may prefer and avoid terms that make these students uncomfortable.

Definitions

These definitions are provided not for the purpose of labeling students but rather to assist in understanding these guidelines. Students may or may not use these terms to describe themselves.

COMING OUT: The process by which transgender people acknowledge and express their gender identities and integrate this information into their personal and social lives. Disclosure of the identity to family and friends.

GENDER IDENTITY: A person's deeply held sense or psychological knowledge of their own gender. One's gender identity can be the same or different than the gender assigned at birth. Most people have a gender identity that matches their assigned gender at birth. For some, however, their gender identity is different from their assigned gender. All people have a gender identity, not just transgender people. Gender identity is an innate, largely inflexible characteristic of each individual's personality that is generally established by age four, although the age at which individuals come to understand and express their gender identity may vary based on each person's social and familial social development.

GENDER EXPRESSION: The manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice or mannerisms.

GENDER PRESENTING: A state in which individuals dress, act, or present themselves to others in ways that are true to who they are and that align with their internal sense of gender identity.

OUTING: The public disclosure of another person's gender identity without that person's permission or knowledge. Outing is very disrespectful and is potentially dangerous to the outed person.

TRANSGENDER: An adjective describing a person whose gender identity or expression is different from that traditionally associated with an assigned sex at birth. Other terms that can have similar meanings are transsexual and trans.

TRANSITION: The process in which a person goes from living and identifying as one gender to living and identifying as another.

TWO-SPIRITED: Some Aboriginal people identify themselves as two-spirited rather than transgender. Two spirited implies the embodiment of both masculine and feminine spiritual qualities within the same body.

GENDER-NONCONFORMING: A term for people whose gender expression differs from stereotypical expectations, such as "feminine" boys, "masculine" girls, and those who are perceived as androgynous. This includes people who identify outside traditional gender categories or identify as both genders. Other terms that can have similar meanings include gender diverse or gender expansive.

BULLYING: Bullying means written; verbal or physical conduct that adversely affects the ability of one or more students to participate in or benefit from the school's educational programs or activities by placing the student (or students) in reasonable fear of physical harm. This includes conduct that is based on a student's actual or perceived race, color, national origin, sex, disability, sexual orientation, gender identity or expression, religion or any other distinguishing characteristics that may be included by the state or local educational agency]. This also includes conduct that targets a student because of a characteristic of a friend, family member, or other person or group with whom a student associates.

HARASSMENT: Harassment means written, verbal or physical conduct that adversely affects the ability of one or more students to participate in or benefit from the school's educational programs or activities because the conduct is so severe, persistent or pervasive. This includes conduct that is based on a student's actual or perceived race, color, national origin, sex, disability, sexual orientation, gender identity or expression, religion [or any other distinguishing characteristics that may be defined by the state or local educational agency). This also includes conduct that targets a student because of a characteristic of a friend, family member, or other person or group with whom a student associates. ODEL LANGUAGE, COMMENTARY & RESOURCES.

Working with Transgender and Gender-nonconforming Students

Transgender or gender-nonconforming students have the right to openly be who they are, and they have a right to privacy and confidentiality. This includes expressing their gender identity without fear of unwanted consequences. Transgender or gender-nonconforming students have the right to be treated with dignity and respect.

Each transgender and gender-nonconforming student is unique, with different needs. Supports that work for one student cannot simply be assumed to work for another. We recognize that specific supports, in addition to those outlined in these guidelines, may be sought to enable a student's full expression of their identity or to protect their safety.

Disclosure

If a student discloses their gender identity, it is important to support the student's self-definition and to ensure that they know they are valued. Listen to what the student has to say about how they are feeling and what their gender identity means to them and ask them what they would like you to do (if anything). It is important to not attempt to 'fix' the gender variant youth by attempting to abandon their gender variant identity. This is not effective and actually leads to low self-esteem and mental health issues such as depression, self-harm and suicide.

Current research indicates that individuals consciously select people to disclose to whom they trust and who they believe will be supportive and sympathetic to their gender identity. Maintaining the trust and confidentiality of the transgender youth is, therefore, paramount. For example, when a student discloses their gender identity, ask them what name they would prefer to be called, what pronouns they would prefer you to use with them, talk to them about who they have disclosed to, who is and is not supportive, and who they would like help disclosing to. Do not talk to anyone about their identity, including parents/caregivers, to whom they have not already disclosed their gender identity.

Following Full Disclosure

The school administrator is encouraged to request a meeting with a transgender student and their parent/guardian upon the student's enrollment in a school or in response to a currently enrolled student's change of gender expression or identity.

The goals of the meeting are to:

1. Develop understanding of that student's individual needs with respect to their gender expression or identity, including any accommodations that the student is requesting or that the school will provide according to Division guidelines.
2. Develop a shared understanding of the student's day-to-day routine within the school so as to foster a relationship and help alleviate any apprehensions the student may have with regard to their attendance at school.

Student Transitions

In order to maintain privacy and confidentiality regarding their transition and gender identity, transgender students may wish -but are not required -to transition over a summer break or between grades. Regardless of the timing of a student's transition, the school shall act in accordance with the following age-appropriate policies.

Elementary School: Generally, it will be the parent or guardian that informs the school of the impending transition. However, it is not unusual for a student's desire to transition to first surface at school. If school staff believes that a gender identity or expression issue is presenting itself and creating difficulty for the child at school, approaching parents about the issue is appropriate at the elementary level. Together, the family and school can then identify appropriate steps to support the student.

Secondary School: Generally, notification of a student's parent about his or her gender identity, expression or transition is unnecessary, as they are already aware and may be supportive. In some cases, however, notifying parents carries risks for the student, such as being kicked out of the home. Prior to notification of any parent or guardian regarding the transition process, school staff should work closely with the student to assess the degree to which, if any, the guardian will be involved in the process and must consider the health, well-being, and safety of the transitioning student.

When a student transitions during the school year, the school should hold a meeting with the student (and parents if they are involved in the process) to ascertain their desires and concerns. The school should discuss a timeline for the transition in order to create the conditions supporting a safe and accepting environment at the school. Finally, the school shall train school administrators and any educators that interact directly with the student on the transition plan, timelines for transition, and any relevant legal requirements.

Parental Involvement

The parents and guardians of transgender and gender-nonconforming students can play a critical role both establishing a safe and accepting school environment for such youth. Transgender and gender nonconforming youth are both coming out in growing numbers and transitioning earlier. We encourage schools to work with supportive parents and guardians whenever possible to establish healthy communication and ensure the needs of the needs of these students are met.

Considerations

Privacy/Confidentiality

All persons, including students, have a right to privacy, and this includes the right to keep one's transgender status private at school. Information about a student's transgender status, legal name, or gender assigned at birth also may constitute confidential medical information. Disclosing this information to other students, their parents, or other third parties may violate privacy laws. The Division shall ensure that all medical information relating to transgender and gender nonconforming students shall be kept confidential in accordance with local provincial privacy laws. School staff shall not disclose information that may reveal a student's transgender status to others, including parents and other school staff, unless legally required to do so or unless the student has authorized such disclosure.

Transgender and gender-nonconforming students have the right to discuss and express their gender identity openly and to decide when, with whom, and how much to share private information. The fact that a student chooses to disclose his or her transgender status to staff or other student does not authorize school staff to disclose other medical information about the student. When contacting the parent or guardian of a transgender student, school staff should use the student's legal name and the pronoun corresponding to the student's gender assigned at birth unless the student, parent, or guardian has specified otherwise.

Media and Community Communication

When communicating to the media or community about issues related to gender identity, the Division shall have a single spokesperson to address the issue. Rather than directly commenting on the issue, other Division and school staff shall direct parents and the media to the designated spokesperson. Protecting the privacy of transgender and gender nonconforming students must be a top priority for the spokesperson and all staff, and all medical information shall be kept strictly confidential. Violating confidentiality of this information is a violation of this policy and may be a violation of local and federal law.

Official Records

The school shall maintain a mandatory permanent student record that includes a student's legal name and legal gender. However, to the extent that the school is not legally required to use a student's legal name and gender on other school records or documents, the school shall use the name and gender preferred by the student. The school will change a student's official record to reflect a change in legal name or gender upon receipt of documentation that such change has been made pursuant to a court order. In situations where school staff or administrators are required by law to use or to report a transgender student's legal name or gender, such as for purposes of standardized testing, school staff and administrators shall adopt practices to avoid the inadvertent disclosure of such confidential information.

Names and Pronouns

Every student has the right to be addressed by a name and pronoun that corresponds to the student's gender identity. A court-ordered name or gender change is not required, and the student need not change his or her official records. It is strongly recommended that teachers privately ask transgender or gender nonconforming students at the beginning of the school year how they want to be addressed in class, in correspondence to the home, or at conferences with the student's guardian.

Access to Gender-Segregated Activities and Areas

With respect to all restrooms, locker rooms or changing facilities, students shall have access to facilities that correspond to their gender identity. Schools may maintain separate restroom, locker room or changing facilities for male and female students, provided that they allow students to access them based on their gender identity.

In any gender-segregated facility, any student who is uncomfortable using a shared facility, regardless of the reason, shall, upon the student's request, be provided with a safe alternative to avoid stigmatization. This may include, for example, addition of a privacy partition or curtain, provision to use a nearby private restroom or office, or a separate changing schedule. However, requiring a transgender or gender nonconforming student to use a separate, nonintegrated space *threatens* to publicly identify and marginalize the student as transgender and should not be done unless requested by a student. Under *no circumstances* may students be required to use sex-segregated facilities that are inconsistent with their gender identity.

Where available, schools are encouraged to designate facilities designed for use by one person at a time as accessible to all students regardless of gender, and to incorporate such single-user facilities into new construction or renovation. However, under no circumstances may a student be required to use such facilities because they are transgender or gender-nonconforming.

Physical Education Classes and Intramural and Interscholastic Athletics

All students shall be permitted to participate in physical education classes and intramural sports in a manner consistent with their gender identity. Furthermore, all students shall be permitted to participate in interscholastic athletics in a manner consistent with their gender identity as supported by Saskatchewan High Schools Athletic Association [By-Law 8 \(a\)\(b\)\(c\)](#) regarding Eligibility of Student Participants.

Other Gender-Based Activities, Rules, Policies and Practices

As a general matter, schools should evaluate all gender-based activities, rules, policies, and practices -including classroom activities, school ceremonies, and school photos-and maintain only those that have a clear and sound pedagogical purpose. Students shall be permitted to participate in any such activities or conform to any such rule, policy, or practice consistent with their gender identity.

Dress Code

Schools may enforce dress codes pursuant to school policy. Students shall have the right to dress in accordance with their gender identity, within the constraints of the dress codes adopted by the school. School staff shall not enforce a school's dress code more strictly against transgender and gender nonconforming students than other students.

Developing School-wide Policy

School administrators, teaching and support staff can improve the school environment for transgender and gender non-conforming students and foster an environment where people of all gender identities can be themselves, by learning about and providing accurate information about gender diversity, and by supporting transgender and gender-nonconforming students through inclusive school policy.

Pursuant to the Saskatchewan Ministry of Education, a policy against harassment and violence against transgender and gender-nonconforming students should be implemented in the school. By adding 'gender identity' to the school's non-- discrimination policies, transgender and gender-nonconforming students will be given legal recourse if they have been bullied or victimized. It will also send a message to the school community that gender variant people are worthy of respect and that violence and discrimination will not be tolerated.

Discrimination, bullying, and harassment on the basis of sex, sexual orientation, or gender identity or expression shall be prohibited within North East School Division and the responsibility of each school and North East School Division and all staff to ensure that all students, including transgender and gender non-conforming students, have a safe school environment. The scope of this responsibility includes ensuring that any incident of discrimination, harassment, or bullying is given immediate attention, including investigating the incident, taking age and developmentally appropriate corrective action, and providing students and staff with appropriate resources.

Complaints alleging discrimination or harassment based on a person's actual or perceived gender identity or expression are to be taken seriously and handled in the same manner as other discrimination, bullying, or harassment complaints.

NESD School Requirements

Gay-Straight-Alliance (GSA) Liaison

K-12 and High Schools of the Northeast School Division shall possess a GSA liaison that is publicized to the student body. Such awareness will allow transgender and gender-nonconforming students to know who they can contact if they have questions/concerns, or if they have experienced harassment. In such instances, students must have the option of anonymous reporting, since some students may fear retribution for reporting victimization.

GSA Clubs

Transgender and gender-nonconforming students often feel isolated. Creating a support or social group where they feel part of a community can lead to greater sense of self-worth and increase the likelihood that they will remain in school. Research indicates that low school attachment, high feelings of alienation from school and peers leads to greater risk of dropping out.

In response, a GSA Club **should** be created in NESD school's where transgender and gender-nonconforming youth are welcome and can find a sense of belonging. The club should be named by the student themselves with the school GSA liaison as the advisor. In the event any student's request for an alliance is denied, the ministry will work with the school division to ensure that the needs of each individual student are being met.

What Schools Can Do

1. School communities must meet the unique needs of transgender students and gender nonconforming students; the whole school community needs to be supportive, accommodating, protective and accepting.
2. Support all staff in learning about transgender and gender-nonconforming students and make professional development opportunities and supporting resources available.
3. Advocate for anti-bullying policies that specifically name gender identity.
4. Ensure that there are trained counsellors available for students who require immediate interventions, parental assistance and/or personal counselling.
5. Establish a protocol for responses when a student comes out, is outed or experiences bullying.
6. Work with the school librarian to ensure that appropriate books, media and supports are readily available.
7. In terms of washroom and change room use, the primary aim is for transgender and gender nonconforming students to feel comfortable using their preferred washroom or change room (e.g., the female washroom for a female-identified transgender student). Establish a private space to change if so desired by the student, along with single-use or private bathrooms as needed.
8. Critique forms and documents that you use and delete the female/male categories if they are not necessary. If they are deemed necessary, include "other" in addition to female and male.
9. Help all students and parents understand the need for acceptance of difference. Hold information sessions to increase knowledge and awareness for students, staff and parents.
10. Establish a trans-inclusive Gay-Straight Alliance (GSA).

What Teachers Can Do

1. Educate Yourself
 - Learn as much as you can about the special needs of transgender and gender nonconforming students.
 - Find people around you who are knowledgeable about the subject and talk to them.
 - Challenge your own assumptions by putting yourself in the shoes of a transgender individual.
 - Be open to making mistakes and learning from them- as long as you are coming from a place of respect and willingness to learn, asking questions is perfectly acceptable.
 - Educators can learn from transgender and gender-nonconforming students if they are willing and open to do so. Transgender students may have suggestions for how teachers can create safe and caring environments. Immediately stop any transphobic comments and behaviour. If these events are not addressed, students will learn that the verbal and physical harassment of transgender students is acceptable behaviour condoned by educators.
2. Examine gendered language and teaching practices
 - Consider to what extent your teaching practices are gendered. For example, do you group students by gender; are your choir, health and PE classes segregated by gender; do you require students to dress in gender conforming attire; do you have gender specific expectations, language and rewards for girls that are different for boys? Instead of basing groups on gender, use criteria such as ability or interest, or randomize groupings.

Resources

- A. Human Rights Campaign Foundation. (2015). [*Welcoming Schools: An Inclusive Approach to Addressing Family diversity, Gender Stereotyping and Name-Calling in K-5 Learning environments.*](#) Washington, D.C.
- B. Registrar's Handbook for School Administrators (2019). Appendix O: [*Transgender Name Change on Student Data System Process.*](#) Saskatchewan, CA: Ministry of Education.
- C. Registrar's Handbook for School Administrators (2019). Appendix P: [*Questions for Consideration Regarding Transgender Students.*](#) Saskatchewan, CA: Ministry of Education.
- D. Saskatchewan Human Rights Commission (2016). [*Human Rights of Transgender People.*](#)
- E. Saskatchewan Ministry of Education. (2015). [*Deepening the Discussion: Gender and Sexual Diversity.*](#) Saskatchewan, CA.

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