

 <p style="text-align: center;"> <small>DIVISION SCOLAIRE</small> LOUIS RIEL <small>SCHOOL DIVISION</small> </p>	<p>Practices that Support Respect for Human Diversity</p>
<p>ADMINISTRATIVE PROTOCOL Adopted: April 16, 2019</p>	<p>Supporting Policy AC</p>

Introduction

[Policy AC](#) – Respect for Human Diversity recognizes the individual worth and dignity of every person and strives to establish learning environments and workplaces free of discrimination and harassment, as prescribed by the [Canadian Charter of Rights and Freedoms](#) and the [Manitoba Human Rights Code](#). The latter prohibits unreasonable discrimination based on the following protected characteristics:

- ancestry
- nationality or national origin
- ethnic background or origin
- religion or creed, religious belief, religious association, and religious activity
- age
- sex, including gender-determined characteristics, such as pregnancy
- gender identity
- sexual orientation
- marital or family status
- source of income
- political belief, political association, or political activity
- physical or mental disability
- social disadvantage

The Division affirms that all who access its schools, workplaces, and other facilities are welcome. Consistent with sections 47.1(2)(b)(i.1) and 47.1(2)(b)(ii) of the [Manitoba Public Schools Act](#):

- bullying is unacceptable;
- discriminating unreasonably on the basis of any protected characteristic is unacceptable.

Definition of Bullying

As per sections 1.2(1), 1.2(2) and 1.2(3) of the [Manitoba Public Schools Act](#):

- Bullying is defined as behaviour that:
 - Is intended to cause, or should be known to cause, fear, intimidation, humiliation, distress or other forms of harm to another person’s body, feelings, self-esteem, reputation or property; or

- Is intended to create, or should be known to create, a negative school environment for another person.
- Bullying characteristically takes place in a context of a real or perceived power imbalance between the people involved and is typically, but need not be, repeated behaviour.
- Bullying may be direct or indirect.
- Bullying may take place:
 - By any form of expression, including written, verbal or physical, or
 - By means of any form of electronic communication – also referred to as cyberbullying – including social media, text messaging, instant messaging, websites or e-mail.
- A person participates in bullying if they directly carry out the bullying behaviour or intentionally assists or encourages the bullying behaviour in any way.

Roles and Responsibilities

In support of safe, caring and inclusive learning environments and workplaces and consistent with Guideline C of [Policy AC](#) – Respect for Human Diversity, the Division articulates the following roles and responsibilities for members of the school community:

A. Division

Under the leadership of the superintendent, the Division shall:

1. implement Board policy and establish administrative procedures and/or regulations on human diversity practices;
2. provide training and professional learning for teachers and other staff in areas of bullying prevention and human diversity;
3. set the standards for conduct and develop procedures and protocols for addressing unacceptable conduct or discrimination; and
4. determine what reporting and data collection will be undertaken.

B. Principals/Managers/Directors/Supervisors shall:

1. play a leadership role in promoting safety and acceptance and in ensuring safe, caring and inclusive learning environments and workplaces;
2. communicate and reinforce expectations of the Respect for Human Diversity policy to their employees and encourage their participation in professional learning and training on bullying prevention, human diversity and related topics; and
3. hold accountable those who disrespect human diversity by following established processes and protocols and maintaining appropriate records.

C. Employees shall:

1. model inclusiveness and respect for human diversity and play a key role in communicating and reinforcing expectations of the Respect for Human Diversity policy;
2. support co-workers on issues of human diversity and empower them to treat each other with dignity and acceptance;
3. report matters of bullying to their principal/manager/director/supervisor, whether it is believed to be happening at work or outside of work; and

4. engage in professional development and training in order to acquire the skills necessary to deal appropriately and effectively with sensitive issues regarding bullying prevention and human diversity.

D. Students shall:

1. monitor their interactions; and
2. conduct themselves in ways that demonstrate respect for human rights and human diversity and that ensure safe, caring and inclusive learning environments and workplaces, particularly toward those previously identified as being at higher risk for bullying or discrimination.

E. Parents and Guardians:

1. play an important role in their children's understanding and respect for human diversity;
2. have a responsibility to encourage their children to conduct themselves in ways that demonstrate respect for human rights and human diversity and that ensure safe, caring and inclusive learning environments and workplaces, as per section 58.7 of the [Manitoba Public Schools Act](#).

F. School Community Members:

1. include volunteers; all individuals accessing Divisional schools, workplaces, and other facilities; as well as all individuals accessing divisionally-sponsored events
2. have a responsibility to:
 - i. monitor their interactions;
 - ii. conduct themselves in ways that demonstrate respect for human rights and human diversity and that ensure safe, caring and inclusive learning environments and workplaces.

Curriculum Integration

Overview

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

As students progress through school, they learn increasingly sophisticated **personal and social skills** that support safe, caring and inclusive learning environments. Topics include personal responsibility, conflict resolution, human diversity, and human rights, among others. This learning is mandated by provincial curricula and is woven throughout various subject areas. Repeated application of these skills in diverse contexts prepares students to play active roles in **safe communities**.

The [Manitoba Sourcebook – Guidance Education: Connections to Compulsory Curriculum Areas Kindergarten to Grade 12](#) identifies specific learning outcomes related to personal and social skills in each of the following subjects:

- Physical Education/Health Education
- Social Studies
- English Language Arts

Physical Education/Health Education Curriculum

The physical education/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.

Sexual health education is considered a potentially-sensitive outcome within the physical education/health education curriculum provided in grades 2 to 12. In Manitoba, parents/guardians may opt to have their children excluded from lessons that present potentially-sensitive content; parents/guardians will be advised in advance of such lessons and must sign and return to the school the designated form in order for their child to be excluded. Under Manitoba law, parents/guardians have an obligation to ensure that their child attains the mandated learning outcomes in an alternate setting.

Professional Learning

Under Louis Riel School Division policy and provincial legislation, school division leaders must ensure staff are provided with professional development that increases their capacity to support students on issues regarding all aspects of human diversity. All LRSD employees are required to complete training in the area of promoting respect for human diversity.

Student Activities and Organizations

Students who wish to establish and lead groups or activities that promote respect for human diversity and a positive, inclusive and accepting school environment, must be accommodated as per LRSD policy and provincial legislation.

Specific Practices Related to Gender Identity

Gender identity forms a significant and integral aspect of the unique development and personality of the individual. Under the Manitoba Human Rights Code, it is unlawful to discriminate against a person on the basis their actual or perceived gender identity, without reasonable cause.

The Division affirms that:

- all who access its schools, workplaces, and other facilities are welcome, regardless of their actual or perceived gender identity;
- a person's self-identification is the sole measure of their gender; and that
- all individuals have the right to be addressed by a name and pronoun that corresponds to their gender identity or expression.

In support of safe, caring and inclusive learning environments and workplaces and consistent with Guideline B of [Policy AC – Respect for Human Diversity](#), the Division calls upon employees to implement the following practices:

A. Confidentiality of Information

1. Students and employees have a right to privacy regarding their personal information.
2. An individual's gender identity is considered to be private and confidential information.
3. Consistent with the confidentiality provisions established by [Policy GBEB – Divisional Standards for Employee Conduct](#), employees are not permitted to disclose another individual's gender identity unless the person has given permission or there is a specific situation in which the information must be disclosed.
4. Regardless of whether a student has discussed their gender identity with their family, staff will support the student so they feel safe and welcome at school and so they can successfully engage in their education.
5. When a student makes a request related to their preferred name or gender identity and when the student has capacity of consent, parental/guardian consent is not required for students in Grades 7 to 12. Parental/guardian consent will be requested for students in Kindergarten to Grade 6.

B. Student Records

1. Schools are required to maintain a student record with a student's **legal** name and sex, as registered under the [Vital Statistics Act \(Manitoba\)](#).
2. Schools will use the student's **legal** name on transcripts, CUM files and provincial assessments. Schools are not required to use the student's **legal** name, sex or gender in other school records such as letters home.
3. 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.
4. Schools will enter the student's **legal** name and **preferred** name, if any, in the Tyler Student Information System.
5. Schools will use the student's **preferred** name wherever possible (e.g., on class lists, timetables, identification cards, letters home, report cards, and high school diplomas), provided:
 - a. Students in Kindergarten to Grade 6
Written consent of the parent or guardian required and kept on file.
 - b. Students in Grades 7 to 12
Written request from the student received and kept on file.
 - c. Student, 18 years of age or older
Written request from the student received and kept on file.

The principal has discretion in the matter and may reject the request if, for example, the preferred name is deemed to be frivolous or trivial.

6. Schools will change a student's official student record to reflect a change in legal name upon receipt of legal documentation that such legal name has been changed.
7. Schools will change the sex indicated in a student's official Student Record upon receipt of legal (e.g., birth certificate) or medical documentation (see [Change of Sex Designation, Manitoba Vital Statistics Agency](#)).

C. Employee Records

1. Employee records are to be retained under the individual's legal name (as reflected on identification documents verified at the start of employment) unless and until the individual makes a legal change.
2. Where a person's legal name does not match their preferred name, the preferred name is to be used on all documentation, such as e-mail, teacher website, phone directory, company identification card or access badge, name plate, class lists, etc., except where records must match the legal name, such as insurance documents, and in certain cases of employee discipline.

D. Names and Pronouns

1. Students and employees 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 or employee does not need to change their official records for this right to be extended to them.
2. The intentional or persistent refusal to respect a student or employee'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 an individual's preferred name and pronoun.
3. 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.

E. Dress Codes

1. Schools opting to implement a dress code for students or employees must ensure that it is flexible and gender-neutral.

F. Washroom Access

1. Students and employees may access the washroom corresponding to their gender identity or expression.

2. Where possible, schools and other workplaces will provide one or more easily accessible all-gender single-stall washrooms for use by anyone who desires increased privacy, regardless of the underlying reason.
3. All students and employees have the option to use the all-gender single-stall washroom, but no student or employee will be required to use such a washroom.
4. Access to single-stall facilities is to be an easy process, where the user does not have to draw attention or request a key each time.

G. Changeroom Access

1. Students have a right to participate in physical education classes and team sports in a safe, inclusive, affirming, and respectful environment.
2. Students have a right to access the changeroom that corresponds to their gender identity or gender expression.
3. Any student who requests increased privacy will be offered accommodations that meet their needs. For example, access to an alternate change location will be provided, where possible, but no student will be required to use such a changeroom.
4. Other accommodations may include:
 - a. A private area within a public area (a bathroom stall with a door; an area with a curtain).
 - b. A separate changing schedule.
 - c. Use of a nearby private area (a washroom, nurse's office).
 - d. Access to the changeroom corresponding to the student's assigned sex at birth.
 - e. Completing physical education requirements through independent study outside of physical education class as allowed under provincial guidelines.

H. Gender Separated Activities

1. Students have a right to participate and compete in a safe, competitive, and respectful environment free of discrimination and harassment.
2. 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.
3. Schools will avoid separating students by gender, when possible.

I. Sports Team Participation

1. Students have a right to participate in any gender-separated recreational and competitive athletic activities that are consistent with their gender identity or expression.
2. For interscholastic sports at the senior years level, the MHSAA Transgender Policy will be adhered to.

J. Washroom and Change Room Access while Travelling for Competition or During a Field Trip

1. 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 or during a field trip.
2. Schools are responsible for ensuring access to appropriate changing, showering, or bathroom facilities, based on the needs of the student.
3. 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.
4. It is important to maintain the student's confidentiality by not disclosing their gender identity or expression status without their permission.

K. Field Trips with Overnight Accommodation

1. Students have a right to be housed on school field trips in a manner that is safe, inclusive, affirming, and respectful.
2. Students have the right to supports that meet their individual needs and their privacy, ensuring equal opportunity to participate.
3. 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.
4. School staff will assess requests for accommodation.

L. Advocacy Support

1. Each school will designate a staff person within the school, or be notified of a divisional employee, who can act in an extended advocacy role or be a "safe contact" for gender-diverse students.

M. Library Resources

1. 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 in accordance with [Policy IJA – Procedures for the Reconsideration of Learning Resources and Materials](#). Internet software filters should allow access to age-appropriate sites that contain information on sexual orientation and gender identity and gender expression.

N. Requests for Accommodation

1. 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 or employee who is making the request.

2. The needs of a student or employee may change over time and may be different throughout various contexts (e.g., home, school/workplace, peers and community). Accommodations must be flexible and unique to each individual. An accommodation that works for one individual cannot simply be assumed to work for another.
3. Decision-making must include the student in a way that is age-/developmentally-appropriate.
4. Any staff approached with a request for accommodation should respond with sensitivity and compassion in a prompt and supportive manner. The Principal or immediate supervisor must be notified.
5. *Requests from Students*
 - a. 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 changeroom accommodation to address a specific concern.
 - b. An accommodation request may come in the form of a verbal request, a written request, or by email communication. The request may come directly from the student or the student's legal guardian(s).
 - c. Students and/or parents/guardians are encouraged to put the request in writing.
 - d. 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.
 - e. Staff will ensure that the student is referred to a supportive staff member (e.g., school counsellor, "safe contact," or psychologist) who will determine what further steps are necessary to protect and support the student.
 - f. 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.
6. *Requests from Employees*
 - a. Requests for accommodation of specific needs should be made to the employee's immediate supervisor and to the People Services Department. Employees are encouraged to be as proactive as possible in identifying any needs that may require accommodation.
 - b. An accommodation request may come in the form of a verbal request, a written request or by email communication. Employees are encouraged to put the request in writing. Staff will respect the employee's need for confidentiality.

O. Resolving Conflict

1. Issues are to be promptly acted upon by school administration. Students and employees must clearly see that there are swift consequences for transphobic or prejudicial behaviour or attitudes.
2. 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 LRSD policies and Code of Conduct, and will reference, as necessary, The [Canadian Charter of Rights and Freedoms](#) and the [Manitoba Human Rights Code](#). The divisional policies include, but are not limited to, the following:

ACF/ACG	Interpersonal Relations and Resolution of Concerns about Harassment/Discrimination
ADD	Safe Schools
JK	Supporting Student Behaviour

The Louis Riel School Division acknowledges River East Transcona School Division as a source for the development of this administrative protocol.

Resources:

- [Manitoba Sourcebook – Guidance Education: Connections to Compulsory Curriculum Areas Kindergarten to Grade 12](#). Manitoba Education, Citizenship and Youth, 2007.
- [Questions & Answers: Gender Identity in Schools](#), Public Health Agency of Canada, 2010.
- [Questions & Answers: Sexual Orientation in Schools](#), Public Health Agency of Canada, 2011.
- [Safe and Caring Schools: Respect for Human Diversity Policies](#), Manitoba Education and Advanced Learning, 2015.
- [Supporting Transgender & Gender Diverse Students in Manitoba Schools](#), Manitoba Education and Training, 2017.