



# NEWS RELEASE

## **WSD Board approves Safe and Caring – Trans and Gender Diverse Students and Staff Policy**

**June 20, 2016 (Winnipeg, MB)** – The Winnipeg School Division (WSD) Board of Trustees is taking a lead in Manitoba to ensure safe and inclusive schools for everyone. This evening, the Board approved a policy for Safe and Caring – Trans and Gender Diverse Students and Staff that will be implemented throughout Winnipeg School Division effective September 2016.

“It is important that we have a clear and comprehensive policy on trans and gender diverse students and staff,” said WSD Board of Trustees Chair, Mark Wasyliw. “The intent of this policy is not to set any group apart from another, but instead to foster inclusion and understanding for all.”

The policy provides support for all students, employees and the school community based on current practices identified in research and educational literature. Inclusive policies and nurturing practices help to build a learning environment in which our most vulnerable students and staff feel safe and valued.

“I’m extremely grateful for the months of hard work WSD administration has put into developing this policy and the public for providing extensive feedback,” said Lisa Naylor, WSD Board Trustee and author of the motion to adopt a Safe and Caring policy. “We are taking strong and definable action in making our schools a place of safe, trusting and respectful learning for all students.”

The new policy, IGAAB, is consistent with:

WSD Policy JG – Safe Schools, each school in the Winnipeg School Division shall incorporate guidelines for appropriate student behaviour regarding gender identity and expression.

WSD Policy GCP - Discipline and Discharge, all staff must adhere to the guidelines for the Safe and Caring Policy for trans and gender diverse students and staff.

Manitoba Human Rights Code: all programs, activities and employment practices shall be free from discrimination based on sex, sexual orientation or gender identity. The protected groups within the Code are subject to change under the legislation.

Manitoba Human Rights Commission and the Charter of Rights and Freedom: it is unlawful to commit discrimination, harassment or bullying against a person on the basis of their gender identity and/ or gender expression. It is also unlawful to discriminate against an ally of a transgender person.

WSD is the largest school division in Manitoba with more than 33,000 students and 78 schools.

Attachment: Final Draft Policy IGAAB

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**SUBJECT:** Safe and Caring Policy – Trans and Gender Diverse Students and Staff

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## **1. GENERAL**

The Winnipeg School Division strives for students to receive a high quality education in a safe, equitable and inclusive school environment. The Division is committed to providing learning opportunities, dignity, respect and equity for all including trans and gender diverse students and staff.

As diverse situations occur and the needs of individuals vary, all circumstances will be assessed on a case-by-case basis.

- 1.1** All students and staff regardless of gender identity or expression have the right to be open about who they are, and have the right to privacy and confidentiality. This would include, but is not limited to, those who have transitioned or who are transitioning, identify as agender, gender creative, gender fluid, gender variant, gender diverse, two-spirit, queer, trans/transgender or transsexual.
- 1.2** The policy is intended to support all students and employees and is based on best practices identified in current research and educational literature as effective and appropriate in the creation of learning environments that are welcoming, caring, respectful and safe for students, staff, families and all other members of the school community.
- 1.3** The policy applies to:
  - 1.3.1** All students, staff, parents/ guardians, volunteers and trustees in the Winnipeg School Division.
  - 1.3.2** All Division activities, sponsored or sanctioned events, on or off Division property. This includes electronic communication/social media as outlined in accordance with Board policy JFCBA- Responsible Use, and may include situations outside of school hours that impact the learning environment.
- 1.4** The Winnipeg School Division will ensure that everyone is welcomed and supported within the school community including parents/ guardians, family, community members and volunteers. This inclusive approach will strengthen families and invigorate community supports and increase student success.

## **2. DEFINITIONS:**

LGBTQ Definitions and Resources in support of this policy are available on the Division's website <https://www.winnipegsd.ca/Family & Community>.



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### **3. RESPONSIBILITIES:**

All employees, students and trustees are responsible to ensure their conduct contributes to a welcoming, caring, respectful and safe learning and working environment for everyone. All staff should consider each student's needs and concerns individually, as each LGBTTTQ student is unique with different needs. An accommodation that works for one student cannot be assumed appropriate for another.

#### **3.1 Chief Superintendent or designate:**

Chief Superintendent or designate shall be responsible to:

- Implement this *Policy*.
- Ensure all staff receive the appropriate professional development opportunities and support for curriculum implementation.
- Ensure that inclusive community resources and library supports are available to students and staff in the Division.
- Providing support for LGBTTTQ inclusiveness in the Division.
- Promoting and recognizing diversities within school communities.

#### **3.2 Principals and Vice-Principals**

Principals and Vice-Principals shall be responsible to:

- Provide a leadership role and promote safety, respect and inclusiveness in the school and community.
- Responsible for implementing this policy and other policies with respect to human diversity and safe and caring schools.
- Oversee staff utilization of language, educational resources and approaches that are inclusive and respectful of diverse sexual orientations, gender identities and gender expressions.
- Provide a support team as an extended advocate for LGBTTTQ students. Each school shall have a student support team, which may include: the student, parent/guardian, principal, vice-principal, counsellor, resource teacher, School Resource Officer (SRO), clinician, teacher(s) or EA(s).

#### **3.3 Teachers and Designated Support Staff Roles:**

All teachers and designated support staff shall be responsible to:

- Model inclusiveness and respect for human diversity and reinforce this policy.
- Model respect, understanding, and affirmation of diversity in the working and learning environment.
- Monitor academic achievement, engagement, attendance and well-being of trans and gender diverse students.



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- Provide Supports and Resources to:
  - Ensure library supports, classroom materials and activities are LGBTTTQ inclusive through the acquisition of trans-positive fiction and non-fiction books for school libraries, that support and encourage trans and gender non-conformity.
  - Reflect upon the accomplishments and contributions of the LGBTTTQ community by providing positive images and accurate information about the history and culture.
  - Challenge gender stereotypes and integrate trans- positive content into the teaching of all subject areas in accordance with WSD policy, and procedures in provincial legislation.

### **3.4 Student Roles**

All students are expected to follow school Code of Conduct and shall:

- Behave in a respectful manner and comply with all Division policies, including social media policies
- Respect the rights of all students with regard to their gender identity and gender expression
  - Support the safety and well-being of all students.
  - Recognize the diversity of the student population.
- Be aware that the following behaviours are unacceptable:
  - (i) bullying, or abusing physically, sexually, or psychologically - verbally, in writing or otherwise - any person,
  - (ii) discriminating on the basis of any characteristic set out in subsection 9(2) of The Human Rights Code
  - (iii) outing other people

### **3.5 Professional Development**

Ongoing training and professional development opportunities will be provided and are required for all staff in promoting human diversity. In addition, preventative strategies and how to respond to disputes or conflict involving Homophobia/Biphobia/Transphobia. Participation in the training is essential for staff to have the necessary skills to appropriately and effectively deal with sensitive issues regarding bullying prevention and human diversity.

Ongoing professional development for leaders on trans and gender diverse topics are necessary for understanding the daily realities of the trans community and to make a solid commitment for change.

### **3.6 Gay-Straight Alliances**

Per the Manitoba Public Schools Act (41)(1.8) and Division policy, 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.



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Gay Straight Alliances (GSAs)/ Diversity Groups provide safe and inclusive spaces for students to talk about their experiences and to facilitate awareness of LGBTTTQ 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.

### **3.7 Privacy and Confidentiality**

The Winnipeg School Division recognizes everyone's right to privacy and confidentiality. An individual's right to discuss and express their gender identity and/or expression openly and to decide when, with whom, and how much private information to share shall be respected.

Regular discrete contact with trans and gender diverse students is encouraged to ensure privacy can be discussed and addressed. Staff are not permitted to disclose a student's or employee's gender identity or gender expression status to others unless previous permission has been provided or a situation occurs jeopardizing the safety of the individual.

### **3.8 Change of Identity and Expression or Transition**

Consultations are recommended for staff or students who may change their gender identity and expression or transition, they will be asked if they wish to participate in the education of their peers/coworkers.

- Students: If a student's gender identity and expression changes or transitions, they will be supported by school staff through the process. It is their right to request affirming pronouns, name change and access accommodations congruent with their gender identity.
- Staff: If an employee is transitioning, they are encouraged to meet with their immediate supervisor and Human Resources in confidence. Workplace support, and supervisor support is critical before, during and after a medical and/or social transition.

### **3.9 Communicating with Parents/ Guardians**

The WSD believes in collaboration with families/ guardians, and acknowledges that the student's safety is the utmost priority. When parents/guardians are aware and supportive of the student's gender identity and expression, the school's student support team will work collaboratively with the student and family to ensure a safe and respectful environment.

In situations where familial support is not available for trans or gender diverse students, the school has the right to support the student in a safe and caring environment. When necessary, preferred name and gender should not be used when communicating with parents/ guardians. This alert will be indicated in the student's profile in the student information system.



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#### **4. GUIDELINES FOR DEALING WITH CONFLICT**

Education is necessary to promote human diversity and is the primary goal when conflict occurs. All students, staff, parents/ guardians, volunteers and trustees in the Winnipeg School Division are required to abide by Division policy and legislation in regards to bullying, discrimination, harassment and violence on the basis of gender identity or perceived gender identity. Every staff who is a witness to disputes or conflict has the responsibility to resolve the manner and report to the Principal as required.

When disputes or conflicts occur, they are to be resolved in a manner that involves the trans or gender diverse student, an employee or an adult ally (from the Support Team) in the decision- making process to maximize inclusiveness and address the best interests of the individual. The resolution should be within the group, and the victim shall not be segregated throughout the process.

The Winnipeg School Division may impose disciplinary measures for conduct that occurs at any time including after school hours, as well as off school property, where there is evidence of behaviour which may result in a disruption in the school community, or is harmful to the physical or mental well-being of students or staff or may reasonably be seen as intended to create a negative school environment for another person.

This policy is consistent with applicable Federal and Provincial legislation, and Divisional policies including but not limited to:

Policy AC – Human Rights

Policy GBE – Workplace Safety and Health

Policy GBEEA- Violence Prevention

Policy GCP - Discipline and Discharge, all staff must adhere to the guidelines for the Safe and Caring Policy for trans and gender diverse students and staff.

Policy GCPDA- Harassment Prevention

Policy IGAB – Diversity and Equity Education

Policy JFCBA- Responsible Use

Policy JG – Safe Schools, each school in the Winnipeg School Division shall incorporate guidelines for appropriate student behaviour regarding gender identity and expression.



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**Manitoba Human Rights Code:** all programs, activities and employment practices shall be free from discrimination based on sex, sexual orientation or gender identity. The protected groups within the Code are subject to change under the legislation.

**Manitoba Human Rights Commission and the Charter of Rights and Freedom:** it is unlawful to commit discrimination, harassment or bullying against a person on the basis of their gender identity and/ or gender expression. It is also unlawful to discriminate against an ally of a transgender person.

## **ADMINISTRATIVE RULE**

The detailed administration of the Division's policies shall be carried out through the application of Administrative Rules or Procedures.





**ADMINISTRATIVE RULE/**

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**1. DEFINITIONS**

- 1.1 Affirming: The unequivocal support for an individual person’s gender identity or gender expression, regardless of the biological sex they were assigned at birth; systematic support that ensures that transgender people are fully represented, included, valued and honoured.
- 1.2 Affirming Pronoun(s): The most respectful and accurate pronoun(s) for a person, as defined by that person. The pronouns may include: the more traditional he/him/his or she/her/hers, or gender inclusive pronouns such as they/them/their, xe/xem/xyr; ze, zhe; or hir/ hers.
- 1.3 Agender: Without gender, used for self-identification by persons who do not identify with or conform to any gender.
- 1.4 Ally: A person outside of the group or community who is supportive of the LGBTTTQ group or community.
- 1.5 Bigender: a gender identity which means 'two genders' or 'double gender'. Bigender people experience the identities, either simultaneously or varying between the two and can be male and female, but could also include non-binary identities.
- 1.6 Cisgender: Having a gender identity congruent with one’s biological sex, the opposite of transgender.
- 1.7 Gender: Socially created and learned roles, behaviour, activities and attributes that a society considers appropriate. The definition now embraces that gender goes beyond the traditional gender binary (male or female).
- 1.8 Gender diverse/ creative: Refers to a person whose gender identity and gender expressions differs from stereotypical, cultural or societal expectations. A person who does not adhere to traditional gender norms. Other synonymous terms are gender variant, gender creative and gender non-conforming.
- 1.9 Gender expression: A person’s outward expression of themselves that communicates their gender through clothing, speech, body language, hairstyle, voice and/or the emphasis or de-emphasis of bodily characteristics, behaviours and traits. Gender expressions can be seen as a continuum with feminine at one end and masculine at the other. Gender expression can vary daily or in different situations depending on acceptance, comfort and safety. Synonymous terms are gender presentation or gender performance.
- 1.10 Gender fluid: A person whose gender identity or expression moves across the continuum.



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- 1.11 Gender identity: A person's internal experience of who they are and identifies with in regards to gender. A person's gender identity may or may not correspond with social expectations associated with the sex they were assigned at birth. Everyone has a gender identity.
- 1.12 Gender minority: Are people who do not identify as cisgender.
- 1.13 Gender queer: A label for individuals whose gender identity does not prescribe to anyone particular gender or sexual orientation. Those who identify as genderqueer may or may not also identify as transgender.
- 1.14 Gay Straight Alliance (GSA): Student organizations which provide support for LGBTTTQ students typically involve staff who serve as advisors. Other synonymous terms may include but are not limited to: Queer Straight Alliance or diversity clubs.
- 1.15 Heterosexism: The belief that everyone is, or should be heterosexual. Heterosexism includes assuming that others are heterosexual, and that heterosexuality is superior to other sexual orientations.
- 1.16 Homophobia/ Biphobia/ Transphobia: Fear and/ or hatred of: any gay and lesbian people (homophobia), bisexual people (biphobia), and transgender people (transphobia). Often exhibited by name-calling, bullying, exclusion, prejudice, harassment, discrimination or acts of violence.
- 1.17 Intersex: A term used to describe biological variations in sexual and reproductive development in which a person is born with, that does not fit the typical classification of male or female. Intersexed people often have their reassignment forced at birth and struggle throughout their lives as they learn how to 'fit into' society.
- 1.18 LGBTTTQ: An acronym for Lesbian, Gay, Bisexual, Transgender, Two-Spirit and Queer/ Questioning. There are other synonymous terms that may not fall under this acronym.
- 1.19 Medical Transition: The process of surgical interventions that may include hormone treatments and/or surgical interventions to change a person's body to be more congruent with their gender identity.
- 1.20 Non-Binary: An umbrella term used to describe people who do not feel male or female. They may feel that they embody elements of both, that they are somewhere in between or that they are something different. Non-binary people can still have a strong sense of gender.
- 1.21 Queer: Deemed offensive historically, but has been reclaimed by some members of the LGBTTTQ community as a term of empowerment.



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- 1.22 Sex/Assigned Sex: The biological classification of a person as male or female or intersex, most often assigned by a medical professional at birth based on a visual assessment of external anatomy.
- 1.23 Sexual Orientation: A term that classifies a person's potential for emotional, intellectual, spiritual, intimate, romantic and/ or sexual interest in other people.
- 1.24 Social Transition: A trans person's process of creating a life that is congruent with their gender identity, which often includes asking others to use a name, pronoun, or gender that is more congruent with their gender identity. It may also involve a person changing their gender expressions to match their gender identity.
- 1.25 Trans or Transgender: A person who does not identify with either fully or partially with the sex assigned to them at birth. Trans and transgender (interchangeable terms) is an umbrella term to represent a wide range of gender identities and expressions including those who may identify as: genderqueer, bigender, gender fluid, transsexual, gender creative, pangender, trans, agender, AMAB (assigned male at birth), AFAB (assigned female at birth) or other.
- 1.26 Trans-positive: Embracing yourself or individuals for who they are.
- 1.27 Transsexual: A person who does not identify with the gender conventionally associated with the sex assigned to them at birth. Transsexuals may utilize hormone therapy and/ or gender reassignment surgery. Historically, this term is stigmatizing with the pathologization of a person's gender identity and that their gender identity is not valid unless they medically transition. Many thus identify as trans, rather than transsexual, because they are uncomfortable with the psychiatric origins of the term.
- 1.28 Two Spirit: An umbrella term that reflects the many words used in Indigenous languages to affirm the interrelatedness of multiple aspects of identity including masculine and feminine spiritual qualities, gender expression, sexuality, community and culture. Prior to colonization, many Indigenous cultures recognized Two Spirit people as respected members of their communities and accorded them special status as visionaries, healers and medicine people based on their unique abilities to understand and move between masculine and feminine perspectives. Some Indigenous people identify as Two Spirit rather than or in addition to identifying as LGBTTTQ.

## 2. Student Records

The student's legal name and sex as registered under Vital Statistics of Manitoba, is by default, displayed in the student information system, on transcripts, report cards, diplomas, credentials and on Manitoba provincial records and provincial assessments. Students who have had a legal name and/or sex change through Vital Statistics shall provide the school with a copy and request the student information system be updated.



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All students have the right to be addressed by their preferred name and affirming pronouns that align with their gender identity and/or gender expression. Legal documentation of a change of name or gender designation (e.g., Birth Certificate) is not required. Schools shall follow these practices for student records:

- a) At the request of the student, schools may use the preferred name on class lists, timetables, student files, identification cards, and the comments section of the report card, unless directed otherwise.
- b) In situations where school staff are required by law to use/report a student's legal name or sex (i.e. for purposes of data collection). Staff will avoid disclosure of private information (such as preferred name and affirming pronoun) to protect the privacy of the student.

**3. Communications with parents/ guardians**

Staff should be aware that their responsibility is to represent the best interests of the students within the Division. Students may not have discussed their gender identity or gender expression with their parents/ guardians. The Winnipeg School Division staff shall support students in their school environment.

Wherever possible, before contacting the parents or other adults involved in the care (such as social workers or caregivers) of a trans or gender diverse student, consultation with the student is necessary to determine an appropriate way to reference the student's gender identity, gender expression, name and affirming pronouns.

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



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#### 4. **Preferred Name and Affirming Pronoun Use**

Students and employees have the right to be addressed by a preferred name and affirming pronoun that corresponds to their gender identity or gender expression. Students or employees are not required to change their personal information with Vital Statistics when they request a preferred name and pronoun change.

The Winnipeg School Division will accommodate preferred name(s) and pronoun(s), subject to the student records requirement above. Some individuals may not feel included in the use of the traditional pronouns and may prefer gender inclusive pronouns or no pronouns at all.

Intentional or persistent refusal to acknowledge a student's preferred name and pronoun creates an unsafe and unwelcome school or workplace environment. The intentional or persistent refusal to respect the student's or employee's gender identity (name and pronoun use) is a violation of this policy.

#### 5. **Minimize Gender Segregated Sorting**

Trans and gender diverse students have the right to participate in all activities (educational, recreational and competitive) in ways that are safe and comfortable and consistent with their gender identity. Schools should reduce gender-segregated activities to the greatest extent possible. Unless prior approval has been provided from the Chief Superintendent (i.e. gender specific classrooms). This increases opportunities to respect students' full expression and allows them to play, learn, dress, present and express themselves in flexible and diverse ways. When there are segregated educational, recreational or competitive activities, trans or gender diverse students have the right to participate in these activities in ways that are safe, comfortable and congruent with their gender identity or gender expression.

#### 6. **Access to All Gender Washrooms and Appropriate Change Rooms**

In accordance with the Manitoba Accessibility Legislation and the Manitoba Human Rights Code, trans and gender diverse students and staff have a right to accommodations congruent with their gender identity in the use of an all gender washroom, a single stall washroom and change rooms. The use of an all gender washroom is a matter of choice for students and staff and is not a compulsory requirement. Accessibility applies during school hours and school-related activities on and off school property (such as field trips and athletic events).

- a) Washroom use: Schools are encouraged to provide an easily accessible single-stall or an all gender washrooms for use by any student or staff who desires increased privacy, regardless of the underlying reason. Accessible refers to a non-stigmatizing location within the school, a non-stigmatizing process for access, and physical accessibility for someone in a wheelchair.



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- b) Change room use: Students shall have access to change rooms that correspond to their gender identity. Any student who has a need or desire for increased privacy, regardless of the reason, should be provided with a reasonable alternative changing area regardless of medical status. Alternate change room accommodations can be made upon student request.

A student who objects to sharing a washroom or change room with a trans student may choose an alternate washroom facility.

Although creating separate spaces may sometimes be necessary, emphasis should be on creating safe and inclusive spaces. This may require proactive strategies such as communicating clear behaviour expectations to all students, increasing adult presence and supervision, and monitoring key areas of the building and grounds.

### 7. Overnight trips, excursions and camps

All students included on school and overnight trips shall be housed in a safe and respectful environment. To exclude trans and gender diverse students from travel is a violation of the Human Rights Code. Accommodation arrangements for overnight trips shall be addressed on a case by case basis and numerous factors may be considered:

- The transgender student's preference and rights,
- Protecting student privacy,
- Maximizing social integration of the transgender student,
- Minimizing stigmatization of the student,
- Ensuring equal opportunity for participation,
- The student's age and protecting the safety of all of the students involved.

Staff shall make reasonable efforts to provide accommodations that best address the needs of the students. Appropriate planning and dialogue needs to take place when planning a trip outside of Canada for the safety and protection of students where trans and gender diverse students and staff may not be safe or welcomed.

### 8. Access to Activities/ Sports

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. Any student may participate in gender segregated sports teams in accordance with their gender identity and skill level.



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The WSD will do its best to accommodate students who have changed their gender identity, expression or have transitioned before or during school year (consistent with Manitoba High School Athletics Association - MHSAA Transgender Policy). The WSD reserves that every situation is unique, individual and personal and may be examined on a case by case basis.

**9. School Dress Codes**

As per the Winnipeg School Division Code of conduct, students must dress appropriately for classes and school activities. Students have the right to dress in a manner consistent with their gender identity or gender expression.

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



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**EXHIBIT 1: SCHOOL PLANNING GUIDE FOR TRANS AND GENDER DIVERSE STUDENTS**

**Directions:** This planning tool may be utilized with the student and members of the student support team as a way to ensure a safe and caring school environment.

School: \_\_\_\_\_

Date: \_\_\_\_\_

Current name in the student information system: \_\_\_\_\_

Preferred name/gender identification: \_\_\_\_\_

Has the student's gender identity changed? \_\_\_\_ Yes \_\_\_\_ No

Has the student shared their gender identity and expression with their parent/guardian? \_\_\_\_ Yes \_\_\_\_ No

Is the parent/ guardian aware of the preferred name and affirming pronoun? \_\_\_\_ Yes \_\_\_\_ No

Is there mutual agreement between student and parent/guardian about the student's gender identity and expression? \_\_\_\_ Yes \_\_\_\_ No

Does an alert need to be inputted in the student information system? \_\_\_\_ Yes \_\_\_\_ No

Student Support Team: \_\_\_\_\_





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**EXHIBIT 2: STUDENT SUPPORT PLAN**

**This Student Support Plan may help ensure a safe and supportive school environment for the student. Input from the student and support team will be included.**

**NOTE: Please share relevant resources with the student.**

- Meeting of the interested parties is scheduled for: \_\_\_\_\_
  
- Who will be attending?
  - Student
  - Administrator
  - Parent/Guardian
  - School Contact Person
  - Teacher
  - Counsellor/ clinician
  - Community Provider
  - Support Team Members (specify)
  - Other: \_\_\_\_\_
  
- Plans for changing for gym class/intramurals:  
\_\_\_\_\_  
\_\_\_\_\_
  
- Plan for gendered activities (i.e. *competitive sports*):  
\_\_\_\_\_  
\_\_\_\_\_
  
- Plan for field trips (*who is responsible for seeing the plan in place for each field trip?*):  
\_\_\_\_\_  
\_\_\_\_\_
  
- Check in plan: \_\_\_\_\_  
\_\_\_\_\_
  
- Which Student Support Team member will be the student's main contact?
  - Name: \_\_\_\_\_ Phone number: \_\_\_\_\_
  - Email address: \_\_\_\_\_