Guidelines for Respecting, Accommodating and Supporting Gender Identity, Gender Expression and Sexual Orientation in our Schools

CONSULTATION COPY

Acknowledgments

The development of these guidelines has been a collaborative effort involving various groups and organizations. The Department of Education would like to thank the Public Schools Branch, the French Language School Board and the Interministerial Women's Secretariat for their hard work and dedication in developing the Guidelines for Respecting, Accommodating and Supporting Gender Identity, Gender Expression and Sexual Orientation in our Schools.

A special mention must also be made of the contributions from PEI Human Rights Commission, Peers Alliance, and The PEI Transgender Network, who worked with the Public Schools Branch to provide guidance on the development of the document.

The Department of Education would like to acknowledge and thank the Alberta Department of Education and Nova Scotia Department of Education and Early Childhood Development for sharing the content from their respective guidelines in the development of these guidelines.

The Nova Scotia Department of Education and Early Childhood Development developed the content of their guidelines with guidance and support from the Toronto District School Board and the Canadian Teachers' Federation, with whom the Department of Education would also like to acknowledge and thank.

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Introduction

The Department of Education believes that schools should be a place where all children feel safe and cared for. This feeling of safety is necessary for students' growth academically, socially and developmentally. The Department, the Public Schools Branch and the French Language School Board promotes a positive school climate, supports a safe and caring learning and working environment, and deals with harmful behaviours which may impact the learning environment. In order to create this environment, an understanding of issues related to diverse gender identities, gender expression and sexual orientation is vital. This understanding will ultimately ensure that staff and students with diverse gender identities, expressions, and sexual orientations are afforded equal access and opportunities as their cisgender and heterosexual peers and colleagues in all aspects of student life.

The Department acknowledges that the terminology used within the guideline is subject to frequent changes. The terminology used is respectful and inclusive as of the date of publication, but in recognition of the fluidity of the language, a regular review of the guideline will be necessary to keep the terminology in-line with evolving practice.

Purpose

The purpose of these guidelines is to recognize the responsibility of the education authorities to provide equity of access and opportunity for all students to learn and develop in an environment that is affirming, respectful, and inclusive. The guidelines are intended to support best practices within schools to create learning environments that respect diverse sexual orientations, gender identities, and gender expressions by:

- Respecting and supporting students with diverse gender identities, gender expressions, and/or sexual orientations based on their human rights, to enable the free and full expression of their identity; and

- ensuring the wellbeing, participation, and performance of students with diverse gender identities, gender expressions, and/or sexual orientation by creating safe and caring learning environments.

Decisions will be made on a case-by-case basis. Not all requests are accommodated in the same way as there are many contributing factors to the collaborative decision making process. However, accommodation choices will be led by the needs of the student and carried out with their consent should there be a deviation from the guidelines.

Legislation and Policy

The education authorities are guided by their respective policies, legislation including the *Education Act*, Prince Edward Island *Human Rights Act*, *Canadian Human Rights Act*, *Canadian Charter of Rights and Freedoms*, and the *United Nations Declaration of Human Rights* to recognize, support, and protect the rights of students, family members, and school staff. A list and summary of the applicable education authority policies follows.

French Language School Board:

- INS-501 Milieu propice à l'enseignement et à l'apprentissage
  The Commission scolaire de langue française de l'Île-du-Prince-Édouard acknowledges that students and adults in the public education system have the right to learn and work in a safe, orderly, productive and respectful environment.

- INS-502 Milieu scolaire accueillant et sécuritaire
  The Commission scolaire de langue française de l'Île-du-Prince-Édouard acknowledges that students, their families and staff have the right to expect that school is a safe and welcoming place to learn and work, free from the disturbing, intimidating or even violent behaviour of others.

- INS 503 Milieu scolaire exempt d'intimidation
  The Commission scolaire de langue française acknowledges the importance of providing a school climate in which students, staff, parents, visitors and volunteers feel accepted, comfortable and safe. (INS-503)

- GÉN-305 Équité ethnoculturelle et droits de la personne
  The Commission scolaire de langue française de l'Île-du-Prince-Édouard recognizes the right of all individuals to dignity, security and respect for their identity and culture and prohibits discrimination based on age, sex, sexual orientation, physical or mental disability, race, ethnic origin, culture or religion. The Commission wishes to maintain a climate of equity with respect to ethnic and intercultural relations and human rights within the French-language educational environment.

Public Schools Branch:

- Safe and Caring Learning Environments Policy 605:
  The Safe and Caring Learning Environments policy and procedure are foundational documents for the Public Schools Branch. The documents identify the importance of having safe, caring, and respectful learning environments, and highlights that creating and maintaining such environments is a shared responsibility among staff, students, and parents. The Public Schools Branch is committed to prevention and intervention strategies to address bullying, harassment, discrimination, violence, abuse and other behaviours that may negatively impact the school climate.
  - o Safe and Caring Learning Environments Procedure 605.1
  - o Safe and Caring Learning Environments - Incident Response Guide

- Respectful Workplace Policy 505:
  The Respectful Workplace policy sets forth that the Public School Branch is committed to providing a workplace in which all persons can except to be treated with dignity and respect and that employees are entitled to work in an environment free of disrespectful behaviour. The policy also sets out a process for addressing disrespectful behaviour to ensure that actions or comments that are inappropriate, demeaning, offensive or intimidating are rectified.

The Department of Education encourages the education authorities to promote classroom programs and events that affirm the cultural backgrounds, experiences, perspectives, learning styles, and needs of all learners. These must be applied with respect and regard to dignity and without bias or discrimination.

Every person plays an important role and has a responsibility in creating a safe, caring, welcoming, and respectful learning environment so that students able to thrive, academically, socially, and emotionally. The

responsibilities of education authorities staff, students, and parents, as identified in the *Education Act* and relevant policies and procedures, apply to these guidelines, as applicable.

Definitions

Diverse gender identities, gender expressions and sexual orientations are influenced by multiple personal, cultural, political, social, and economic factors. Terms and definitions related to these concepts are constantly changing and evolving. There are many different terms in use because individuals think about and experience their gender and sexual orientation in many different ways. The definitions provided are not meant to label an individual but are intended to be helpful, functional descriptors.

Although these are the most commonly used terms at the time of publication, students may prefer other terms to describe their gender identity or expression. Terms and identities should only be self-selected by individuals, not assumed by others. It is important to note that though this is a general list of terms that the terms have different meanings to the individual. Even if someone identifies with a term you understand, it is important to respectfully ask the individual what that means to them, personally.

Ally - An ally is a person who does not identify as a member of the 2SLGBTQ+ community but assists the community through supportive actions and efforts to end oppression. Being an ally is the practice of confronting heterosexism, cissexism, sexism, genderism, and allosexism in oneself and others. Allyship is often founded on the belief that dismantling sexism, heterosexism, trans oppression is a social justice issue.

Aromantic - A person who experiences the lack of romantic attraction to anyone, or low interest in participating in intimate, emotional, or romantic activity.

Asexual - A person who experiences the lack of sexual attraction to anyone, or low interest in participating in sexual activity (low or absent sexual desire). Asexuality may be considered a distinct sexual orientation (like gay or bisexual), or it may be thought of as the lack of sexual orientation.

Gender Binary - The idea that sex and gender are inextricably linked, and that there are only two linked categories of each – male/men and female/women.

Biromantic - A person who experiences romantic or emotional attraction toward those who identify as men and women (traditionally)

Bisexual - People who experience sexual attraction towards those who identify as men and women. People who experience sexual attraction to people of any sex or gender may also identify using the term 'bisexual', but this is sometimes termed pansexual or queer.

Bullying - A form of repeated persistent behaviour, by any means including technology, directed at an individual(s) that is intended to cause (or should be known to cause) fear, distress, and/or harm to another person's body, feelings, self-esteem, or reputation. Bullying often occurs in a context where there is a real or perceived power imbalance. Bullying may include but is not limited to the following:
   a) acts of physical or social retaliation to an individual, an individual's family, friend, or group;
   b) threats of physical or social retaliation to an individual, an individual's family, friend, or group;
   c) acts of verbal aggression such as unwanted jokes, name-calling, demeaning or offensive remarks, or innuendoes;
   d) slander or spreading of rumours;
   e) petty theft, extortion, demand for favours;
   f) intentional exclusion and manipulation of friendships;
   g) territorial bans;
   h) coercion; and/or

i) cyber bullying

Cisgender - A person whose self-defined gender identity matches the gender associated with their sex assigned at birth. (i.e. Gender identity of "man" for someone who was assigned male at birth)

Cisnormativity - A system which highlights the existence of norms, practices, and institutions that promote a binary alignment of assigned sex, gender identity, and gender roles while privileging cisgender identities (i.e. the existence of "men" and "women" sections/bathrooms). It assumes being cisgender as a fundamental and natural norm, and that everyone's gender identity matches their sex assigned at birth.

Coming Out - The process through which people with diverse gender identities and sexual orientations acknowledge and express their identities and sometimes integrate this into their personal and social lives. It is important to note that coming out is a personal process and decision for the individual. Some people may come out in some circles of their lives, while remaining "stealth" in other areas of life. Often these decisions are made based on a series of considerations, including comfort and safety of the individual. Never assume that if someone has 'come out' to you, that they are 'out' to everyone.

Discrimination – A situation wherein a person makes a distinction, judgment, or comment, whether intentional or not, that has the effect of imposing burdens, obligations, or disadvantages on a person or a class of individuals or that withholds or limits access to opportunities, benefits, and advantages available to other people or classes of individuals in society. Discrimination in relation to age, colour, creed, disability, ethnic or national origin, family status, gender expression, gender identity, marital status, political belief, race, religion, sex, sexual orientation, or source of income of any individual or class of individuals are protected under the *Human Rights Act* of Prince Edward Island.

Equity vs. Equality - Equality means giving everyone the same thing, whereas equity means giving people what they need to reach their best health or self.

Gay - Traditionally, gay is often used to describe men who experience sexual and/or romantic attraction towards other men. It has also come to be used as an umbrella term for the 2SLGBTQ+ community regardless of gender identity, though this is growing out of favour in the younger generations of 2SLGBTQ+ community (see Queer)

Genderqueer - an umbrella term for gender identities that are not exclusively masculine or feminine—identities which are outside of the male/masculine-female/feminine gender binary.

Gender Diverse/Gender Variant/Gender Creative - An umbrella term for individuals whose gender identity is different from their assigned sex at birth. Gender Creative is typically used for younger children exploring their gender identity or expression.

Gender Dysphoria - Formerly known as gender identity disorder (GID) in the DSM-IV, it is defined by strong, insistent and persistent feelings of identification with another gender and feeling out of alignment with one's own assigned gender and sex, which cause significant distress or impairment in major areas of life. Identifying with a gender different from the one that was assigned at birth is not a disorder, but the dysphoria that can sometimes accompany this can be.

Gender Euphoria - The strong feelings of joy when one's gender is being respected and affirmed, whether through outward presentation that is read correctly, or through inward acceptance of one's own gender. (ie. Someone using the correct pronouns or chosen name)

Gender Expression - The aspects of a person's behaviour, mannerisms, interests, and appearance that are typically associated with gender in a particular cultural context. The external display of one's gender,

through a combination of dress, demeanor, and social behavior. Related to femininity, masculinity, and androgynous (gender neutral) presentations of self. Gender expression is independent from Gender Identity, Sex Assigned at Birth, and Sexual Orientation. It is important to note: the way one expresses oneself, does not always dictate their internal sense of gender identity.

Gender Fluid - A person who at any time identifies as male, female, neutral or any other non-binary identity or some combination of identities. Their gender identity can vary at random or in response to different circumstances. Gender fluidity can be an identity in itself; it does not indicate confusion or an inability to "choose" a gender.

Gender Identity - involves how the self is understood and experienced. It is the internal perception of one's gender - one's personal experience of gender. Gender identity can be aligned with sex assigned at birth or can differ from it (see "Cisgender" and "Transgender" below).

Gender Nonconforming - Gender non-conforming people are those who do not subscribe to traditional gender expressions or roles expected of them in any given society.

Heteronormativity – A system which highlights the existence of norms, practices, and institutions that promote a binary alignment of assigned sex, gender identity, and gender roles while privileging straight relationships (i.e. having a prom king and queen or assuming marriage is the goal of every relationship, etc.). It assumes heterosexuality as a fundamental and natural norm by privileging reproductive sex above all other sexual practices.

Heterosexual - A person who is sexually and physically attracted to someone of the opposite sex. Commonly referred to as "straight". It is important to note that some transgender people also identify as heterosexual or "straight". Gender identity does not define your sexual or romantic orientation.

Homophobia - A broad term used to signify an intense dislike of - or prejudice against – 2SLGBTQ+ people. Members of this community have been moving away from words like homophobic and homophobia because these words inaccurately describe systems of oppression as irrational fears. Words like heteronormativity, oppression, and discrimination are viewed as more meaningful.

Intersex - Intersex is a category that reflects naturally occurring variations in sex anatomy. Intersex is a general term used for a range of presentations in which a person is born with reproductive or sexual anatomy that does not fit neatly into society's male-female categories. There are over 20 diagnoseable intersex "conditions" that reflect sex anatomy variations. Intersex can also be a variation in hormones, chromosomes or internal sex organs. Please note: Hermaphrodite is an outdated, inaccurate, and often offensive term that has been used to describe intersex people in the past.

Lesbian - Traditionally, a lesbian is a woman who experiences sexual and/or romantic attraction towards other women. Women do not need to be cisgender to identify as a lesbian. Some non-binary people also identify as lesbians. Personal terms are for individuals to determine for themselves.

Misgendering - Misgendering involves attributing a gender to someone that is incorrect/does not align with their gender identity. Often occurs when using pronouns, gendered language (i.e. "Hello ladies!" or "Hey guys"), or assigning genders to people without knowing how they identify.

Queer - Queer is an umbrella term for sexual and gender minorities – folks who don't identify as straight and/or cisgender. Queer was originally used as an insult but, beginning in the late-1980s, queer scholars and activists began to reclaim the word. Given the history, some older 2SLGBTQ+ folks may not identify with the term.

Pansexual - Pansexuality, or omnisexuality, is sexual attraction, toward people of any sex or gender identity. For pansexual people, gender and sex are insignificant factors in determining attraction

Romantic Orientation - Romantic orientation relates to one's romantic or emotional attraction, or non-attraction, to other people. As with sexual orientation, people use a variety of terms to describe their romantic orientation; some people experience a fluid orientation (i.e. attracted to men, women, or any genders) and for others it is more fixed (i.e. attracted to men only).

Sex Assigned At Birth - Commonly referred to by the misnomer "biological" or "natal" sex; the sex assigned at birth is based on the appearance of genitalia. A term used to refer to the anatomical, chromosomal, and hormonal characteristics that are used to classify an individual as female, male, or intersex.

Sexuality - A part of our personality, sexuality is a central aspect of being human throughout life and encompasses sex, gender identities and roles, sexual orientation, eroticism, pleasure, intimacy, and reproduction. Sexuality is experienced and expressed in thoughts, fantasies, desires, beliefs, attitudes, values, behaviours, practices, roles, and relationships. While sexuality can include all these dimensions, not all of them are always experienced or expressed. Sexuality is influenced by the interaction of biological, psychological, social, economic, political, cultural, ethical, legal, historical, religious, and spiritual factors.

Sexual Orientation - Sexual orientation relates to one's sexual attraction, or non-attraction, to other people. People use a variety of terms to describe their orientation; some people experience a fluid orientation (i.e. attracted to men, women, or any genders) and for others its more fixed (i.e. attracted to men only).

Transgender - Transgender is a term that may be used to specifically refer to people who have, or who are, going through a process of gender transition. It is also used as an umbrella term for people whose gender identity differs from the sex they were assigned at birth, whether binary or non-binary; sometimes abbreviated to trans.

Transition - Transition refers to the unique process an individual goes through in order to live and express their gender identity in ways that feel right for them. Sometimes transition is about a person making changes regarding how they identify and present in the world, but transition is also about other people transitioning to a place of understanding and acceptance.

> Social transition – refers to a number of changes that can be made in the social world. This process may, or may not, include; using a new name, using a different pronoun, changing style of dress, cutting or growing out hair, using gender affirming products like binders (compression garments that flatten the chest) or breast forms (undergarments that create the appearance of breasts) or gaffs (underwear-like garments that assist in hiding the appearance of assigned male genitals)

> Legal transition – refers to a process resulting in the legal recognition of a person's gender identity. This process may, or may not, include; legal name change, changing the gender marker listed on a birth certificate, divers licence, passport, and/or within government records, and changing marriage and/or family documents in ways that reflect appropriate titles.

> Medical transition – refers to medical interventions that change sex characteristics to better match a person's gender identity. Medical transition may, or may not, involve hormone replacement therapies, hormone blockers, and/or gender-affirming surgical procedures. Although many trans people access medical services to feminize or masculinize their bodies, non-binary folks may also pursue medical transition to neutralize their bodies in ways that feel right for them.

> *Note: Transition is a very personal matter for transgender people. Some people will transition in all*

ways, some may seek gender affirming care in some ways but not others, and some won't feel the need to transition at all, but will still identify as transgender. It is important to remember that unless a transgender person shares this information with you or needs your help, their personal transition and what they choose to do with their lives is personal and private.

Transphobia - A broad term used to signify an intense dislike of - or prejudice against – trans or gender nonconforming people. Members of the 2SLGBTQ+ community have been moving away from words like transphobia and transphobic because these words inaccurately describe systems of oppression as irrational fears. Words like heteronormativity, cisnormativity, oppression, and discrimination are viewed as more meaningful.

Two-spirit - Two-Spirit is a modern umbrella term used by some North American Indigenous communities to describe same-sex attraction and diverse gender identities. Typically the term is used by people who identify as within the LGBTQ+ community and Indigenous or First Nations communities. The creation of the term two-spirited is attributed to Albert McLeod, who proposed its use during the Third Annual Inter-tribal Native American, First Nations, Gay and Lesbian American Conference, held in Winnipeg in 1990. Importantly, not all LGBTQ+ Indigenous people identify with the term, nor do all First Nations communities use the term in the same way.
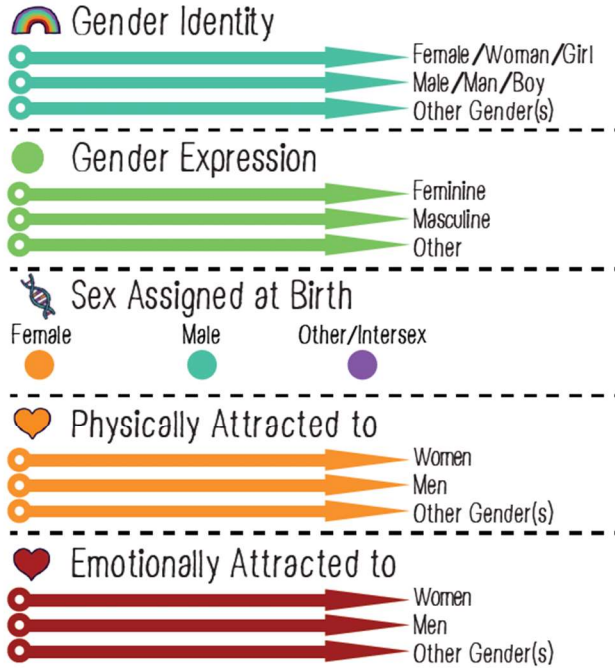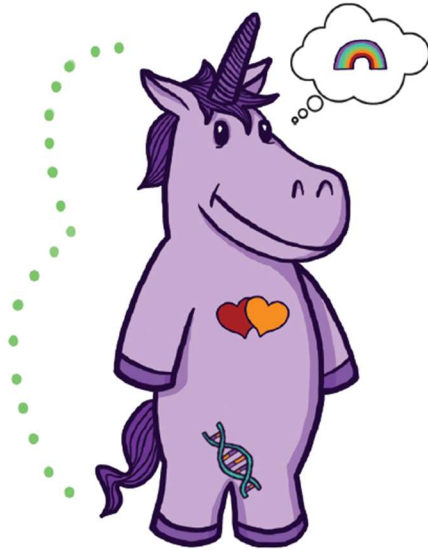
The Gender Unicorn

The Gender Unicorn graphic provides a helpful visual to show the differences between gender idenity, gender expression, sex assigned at birth, and phycial and emotional attraction.

Principles Essential to Best Practices

It is essential to recognize that the current and historically dominant cultural norms embedded in our institutions favour heterosexual and/or cisgender individuals, leaving students and staff of diverse gender identities, expressions, and sexual orientations under-served and oftentimes at a disadvantage to their peers. This power imbalance is present in curriculum, resource materials, student and staff behaviours & attitudes, use of language, internal biases, and even within the physical environment. The Department of Education recognizes that these guidelines are only the beginning of steps being made toward true equity in schools for staff and students of diverse gender identities, expressions, and sexual orientations.

The principles informing the implementation of these guidelines are as follows:

- The rights and needs of students who are students with diverse gender identities, expressions, and sexual orientations are at the centre of, and are to be served by, these guidelines.

- The voices and experiences of students with diverse gender identities, expressions, and sexual orientations will be included in a collaborative way in decision making.

- Self-identification is the sole measure of a student's gender identity, gender expression, and/or sexual orientation.

- Students with diverse gender identities, expressions, and sexual orientations are treated with dignity and respect.

- These guidelines support a positive, proactive approach that promotes and protects the rights of students with diverse gender identities, expressions, and sexual orientations.

Every person plays an important role and has a responsibility in creating supportive environments for students with diverse gender identities, expressions, and sexual orientations. These guidelines support schools and the education authorities in protecting and respecting students, based on gender identity, gender expression, and sexual orientation.

Best Practices

These guidelines are based on practices most consistently identified in current research and educational literature as effective and appropriate in the creation of learning environments that are welcoming, caring, respectful, inclusive, and safe for students, staff, families, and all other members of the school community.

Best practices include:

1. Providing supports that respond to a student's individual needs.

2. Respecting an individual's right to self-identification.

3. Maintaining school records in a way that respects privacy and confidentiality.

4. Ensuring dress codes respect an individual's gender identity and gender expression.

5. Reduce gender-segregated activities and gender-specific language.

6. Enabling students with diverse sexual orientations, gender identities and gender expressions to have full, safe and equitable participation in curricular and extra-curricular activities.

7. Providing safe access to washroom and change room facilities.

8. Providing professional learning opportunities that build the capacity of staff to understand and support diverse sexual orientations, gender identities, and gender expressions.

9. Using a comprehensive whole-school approach to promote healthy relationships and prevent and respond to bullying behaviour.

10. Ensuring students have the understanding, skills, and opportunities to contribute to welcoming, caring, respectful, and safe learning environments that respect diversity and nurture a sense of belonging and a positive sense of self.

11. Ensuring all families are welcomed and supported as valued members of the school community.

12. Ensuring that school staff have work environments where they are protected from discrimination based on their sexual orientations, gender identities, and gender expressions.

These 12 best practices are mutually supportive and interdependent. As understandings of diverse sexual orientations, gender identities and gender expressions evolve, and learning environments and school communities evolve, best practices will also change and evolve.

1. Providing supports that respond to a student's individual needs.

All students are unique individuals; they all have the right to openly be who they are. This includes expressing their gender identity, and gender expression without fear of consequences. They have the right to be treated with dignity and respect. All students, regardless of age, should have a voice in their life at school, their identity and their individual needs. It is recognized that what works for one student in the way of accommodation may not work for another. Specific supports may be needed to create equitable opportunities, enable a student's full expression of their identity, and to protect their safety.

> "An inclusive classroom and school environment means that all students are made to feel safe, welcomed, and supported. Students need to know that there are adults in their school who will listen to and support them regardless of their actual or perceived differences". (Rands, 2009 as cited in CTF)

Indicators of this best practice in action

- The school climate is such that students feel comfortable to talk to a staff person about gender identity and expression.

- Everyone in a school is willing to listen to a student's needs and concerns, and work together to identify supports.

- Requests for accommodation from students who are transgender or gender nonconforming are considered on a case-by-case basis. Accommodations are meant to create equitable opportunities for students and must be flexible and unique to each student. An accommodation that works for one student cannot simply be assumed to work for another.

- An accommodation request may come in the form of a verbal request, a written request, or by email. The request may come directly from the student or the student's legal guardian.

- Students of any age can make an accommodation request, with or without the knowledge of their parents/guardians.

- Students of diverse gender identities, expressions, and sexual orientations are part of a collaborative approach to dealing with issues involving their full participation in school life in a way that is age/developmentally appropriate.

- Staff have access to information about available community resources and expertise that support students of diverse gender identities, expressions, and sexual orientations and their families that they can share.   No student or family should be referred to programs which purport to 'fix,' 'change' or 'repair' a student's sexual orientation, gender identity, or gender expression.

- Staff support the establishment and naming of a Gender-Sexuality Alliance (GSA), or similar student leadership and support group, when students express an interest or a need is identified by staff.

- Staff will support class awareness or education around issues of gender identity and sexual orientation in collaboration with a student of diverse gender identity, sexual orientation, or gender expression and/or their legal guardian.

2. Respecting a person's right to self-identification.

An individual's self-identification is the sole measure of their sexual orientation, gender identity, or gender expression. All individuals have the right to be addressed by their chosen name and to choose pronouns that align with their gender identity and/or gender expression. This is true whether the individual had obtained legal documentation of a change of name or gender designation (e.g. birth certificate). Further, verification of identity, such as medical records, is not required.

Some individuals may not feel included in the use of pronouns "he" or "she" and may prefer alternate pronouns, such as "ze," "zir," "hir," "they" or "them," or might wish to express themselves of self-identify in other ways (e.g., Mx, instead of Mr., Mrs., Ms., or Miss, or no prefix at all).

Not all students with diverse gender identities, expressions, and sexual orientations have 'come out' to their family, friends, or the general public. This can be due to safety concerns or for other reasons. In keeping with the principles to self-identification, it is important to:

- inform students of limits regarding their chosen name and gender identity or gender expression in relation to official school records that require legal name designations; and

- protect a student's personal information and privacy, including, where possible, having a student's explicit permission before disclosing information related to the student's sexual orientation, gender identity, or gender expression to peers, parents/guardians, or other adults in their lives.

- Find out from the student with diverse gender identity, expression, or sexual orientation how they want their identity expressed before speaking to their parents/guardians, etc.

Indicator of this best practice in action

- Staff and peers consistently use a student's chosen name(s) and pronoun(s) in ways the student has requested. Intentional and constant refusal to acknowledge and respect a student's gender identity by not using their preferred name(s) and pronouns(s) is be a form of

discrimination.

- Staff support students in correcting peers when mistakes are made. Staff make every effort to communicate and collaborate with students of diverse gender identities, expressions, and sexual orientations to find ways for them to feel safe at school.

- Staff make every effort to educate students on a basic understanding of sexual and gender diversity. Staff will introduce themselves to their classes using pronouns, enabling students to self-identify their own pronouns and/or names.

3. Maintaining school records in a way that respects privacy and confidentiality.

The *Education Act* and accompanying regulations require the education authorities to establish and maintain a record for each student which includes the student's legal name and gender as well as other pertinent information. The student's legal name, as registered under the *Vital Statistics Act*, is by default, displayed in the local student information system and the provincial information system. These student information systems can also display a common name (chosen name) which can be used on most educational documents such as report cards, individualized program plans, attendance records, other school issued documents, student work, etc. The student record, official transcript and graduation certificate must contain the student's legal name. Students should be advised that a legal name change through Vital Statistics is required if they desire those documents to reflect their new name.

Indicators of this best practice in action

- Students are addressed by the name(s) and pronouns(s) that they have chosen to correspond to their gender identity.

- When requested by the student, school staff ensure the consistent use of the students chosen name(s) and pronoun(s) on school-issued documents such as report cards and other school correspondence.

- Schools adopt practices that avoid inadvertently disclosing the student's gender identity or expression when required to use or report a gender diverse student's legal name.

4. Ensuring dress codes respect an individual's gender identity and gender expression.

For many, clothing is a way of expressing their gender. A flexible and gender-inclusive dress code recognizes that all students and staff have the right to dress in a manner consistent with their gender identity or gender expression. Accommodating choices in clothing and general appearance is part of respecting the identity of individual gender identities and gender expressions.

Indicator of this best practice in action

- If schools have or adopt school dress codes, schools and school authorities proactively review these codes to ensure they are respectful and inclusive of the gender identities and gender expressions of all members of the school community (e.g., rules apply equally and fairly to all

students and are not gender-exclusive, such as implying that a certain type of clothing, such as skirts, will be worn by one gender only). Gender-specific descriptors or terms should be eliminated. For example, instead of stating, "Girls must not wear short skirts" it is more appropriate to state, "Short skirts must not be worn".

5. Reducing gender-segregated activities and gendered language.

Equity based programming exists, where needed, to support genders. When equality is reached there will no longer be a need for such programs.   Schools should reduce gender-segregated activities to the extent possible and as appropriate. By doing so, it creates a more flexible environment and increases opportunities for students to fully express themselves. When there are gender-segregated activities, transgender and gender nonconforming students have the right to participate in ways that are safe, comfortable, and aligned with their gender identity.

Indicators of this best practice in action

- Schools work to reduce or eliminate the practice of segregating students by gender as much as possible. For example, avoid structuring activities base on stereotypical roles such as 'boys' vs 'girls' in such things as debates, academics, athletics, etc.

- In circumstances where activities are organized by gender, students who are transgender and gender-diverse have the support they need to participate safely in accordance with their gender identity and/or gender expression, or whichever group they feel most comfortable in.

6. Enabling students with diverse sexual orientations, gender identities, and gender expressions to have full, safe, and equitable participation in curricular and extra-curricular activities.

The Department of Education will work with the education authorities to develop and provide curricular and co-curricular programs that are affirming, inclusive, and responsive to the student population. The education authorities will support initiatives led by the Department of Education that ensure all curriculum material is free from bias and stereotyping of individuals and groups based on sex, gender identity, sexual orientation, or gender expression.

The PEISAA recognizes its obligation to respect the gender identities of all students. Further, it recognizes that gender identity is not dependent upon physical appearance or medical procedures. A student's self-identification is the sole measure of their gender identity. Any student may participate fully and safely in gender designated sport activities in accordance with their lived gender identity or preference (for non-binary and gender-fluid students).

Indicators of this best practice in action
- All students participate in all curricula in ways that are comfortable and supportive of their diverse

sexual orientations, gender identities, and gender expressions.

- A student may participate fully and safely in gender-designated sport activities in accordance with their lived gender identity. Non-binary students will be accommodated based on their personal choice.

- Where a student has a demonstrated need, adaptations to achieve the provincially approved curriculum are possible so that a student can receive their physical education credit.

- The education authorities and schools review policies and procedures to ensure that they are inclusive of all students, including students with diverse sexual orientations, gender identities, and gender expressions.

- Schools and school authorities identify strategies for building the capacity of coaches, teacher advisors, and community volunteers to ensure extra-curricular activities are inclusive, respectful, and safe for all students, including students with diverse sexual orientations, gender identities, and gender expressions.

- Activities that may involve the need for lodging, housing, or billeting accommodations should be addressed on a case-by-case basis and in collaboration with the student(s) affected. Schools must make every reasonable effort to provide accommodations that are acceptable to the student(s). If for reasons of privacy or safety, a transgender or gender nonconforming student objects to gender-separated accommodations or shared accommodations, private accommodations should be made available to the student.

7. Providing safe access to washroom and change-room facilities.

Although most schools have separate washrooms and change/locker rooms for males and females, students must be permitted to use the facility that corresponds to their gender identity, regardless of their sex assigned at birth. Having gender inclusive facilities is a positive step, but a transgender student should not be required to use a separate facility or be segregated. If creating an alternative space is necessary to protect the student's privacy or for safety reasons, it should be done in consultation with the student. To ensure all students feel safe, schools can communicate clear behaviour expectations, increase adult presence and supervision, and monitor key areas and grounds.

The guidelines around access to washrooms and change/locker rooms also apply while students are off school grounds at a school sponsored activity. It is best for the schools to be proactive in planning for such outings. If staff or a student is concerned that travel to another site could pose an issue, the school should, in consultation and with the consent of the student, contact the other site in advance to ensure the student has access to facilities that are appropriate and safe in accordance with the student's gender identity.

Indicators of this best practice in action

- Students are able to access washrooms that are congruent with their gender identity.

- Strategies are in place to ensure that clear behaviour expectations are communicated to and understood by students, staff, and volunteers and that washrooms and change/locker rooms are adequately supervised.

- When possible, schools provide a non-gendered, single-stall washroom for use by any student

who desires increased privacy, regardless of the reason. It is best if the washroom is in an easily accessible location within the school.

- The use of a non-gendered, single-stall washroom is a matter of choice for students, staff, volunteers, or visiting family and it is not a compulsory requirement.

- When possible, schools have more than one non-gendered washroom for use by all members of the school community.

- All students have access to change room facilities that meet their individual needs and privacy concerns. This may include a choice of options such as:

  - a private area within the common change room area (such as a stall with a door, or an area separated by a curtain); or

  - a nearby private area (such as a nearby washroom).

  - Ensuring non-binary students have access to the gendered facilities they feel most comfortable using

  - Prioritizing the construction of non-gendered facilities during school renovations

- Any student who objects to sharing a washroom or change room, in-school or at off-site school activities, with a student who is transgender or gender-diverse is offered an alternative facility (this scenario also applies when any parent or other caregiver objects to a shared washroom or change room facilities on behalf of their child).

- When travelling off school grounds during a school sponsored activity, staff ensure appropriate washroom facilities are available, if needed. When staff make these arrangements, they take care to maintain the student's confidentiality by not disclosing information related to sexual orientation, gender identity, or gender expression without the student's direct permission.

8. Providing professional learning opportunities that build the capacity of staff to understand and support diverse sexual orientations, gender identities, and gender expressions.

The education authorities are responsible for ensuring that each student is provided with a welcoming, caring, respectful, and safe learning environments that respects diversity and fosters a sense of belonging.

Egale Canada study "Every Class in Every School" (2011) identified the initial step in developing an inclusive school for trans and gender nonconforming students is professional development workshops for all school employees on the impact of homophobic, biphobic, and transphobic language and how to address it in all parts of the school and all school-related events, including on buses.

Staff participation in evidence-based professional learning builds their knowledge about diverse sexual orientations, gender identities, and gender expressions. It has teaching implications and it is essential for creating environments for students that positively affect their learning, social and emotional well-being, and personal safety.

Indicators of this best practice in action

- The Department of Education, the education authorities, and schools work collaboratively to

provide staff with evidence-based professional learning and best practices which are reflective of knowledge and lived experience of people with diverse gender identities, expressions, and sexual orientations. This approach helps to create mutual respect and understanding.

- School staff will participate in professional development activities that will provide them with the understanding, sensitivity, and skills necessary to enable both teachers and their students to respect, include, and affirm all members of the school community.

- Teachers work to identify and use learning resources and instructional approaches that are inclusive and respectful of diverse sexual orientations, gender identity, and gender expression.

- School staff work collaboratively to identify and address discriminatory attitudes and behaviours that affect the learning environment, and which create barriers to participation for students with diverse sexual orientations, gender identities, and gender expressions.

- Members of the school community such as parents/guardians and volunteers have access to resources that build their knowledge and understanding about diverse sexual orientations, gender identities, and gender expressions.

- Schools designate a staff person within the school who can act in an advocacy role for students with diverse gender identities, expressions, and sexual orientations.

- The education authorities in collaboration with schools develop and maintain mutually supportive relationships with a variety of sexual and gender minority groups who can share resources and expertise and contribute to the ongoing evolution of welcoming, caring, respectful, and safe learning environments that foster diversity and nurture a sense of belonging and a positive sense of self.

9. Using a comprehensive whole-school approach to promote healthy relationships and prevent and respond to bullying behaviour.

The Department of Education does not tolerate gender-based discrimination, transphobia, and homophobia. The Department and education authorities are committed to implementing effective measures that promote a positive school climate, support a safe and caring learning and working environment, and deal with harmful behaviours which may impact learning and working environments. One such measure is the development of a code of conduct by each school which indicates that everyone in the school community (staff, students, parents/guardians, and volunteers) has a responsibility to create and promote a positive school climate and a safe place to learn and work, and that everyone in the school community is expected to demonstrate behaviours of respect, safety, and integrity.

A child's experience at school can significantly enhance or undermine their sense of self. Furthermore, children need to feel emotionally safe in order to learn effectively. A welcoming and supportive school where bullying and teasing is not permitted, and children are actively taught to report and celebrate difference is the ideal environment for all children.

Implementing an effective code of conduct is most successful when addressed through a comprehensive whole-school approach that:

- happens over a sustained period of time;

- is embedded into curricular and extra-curricular activities, school policies, and practices and also in community-based activities that happen at school;

- builds the capacity of the school community;

- is supported by ongoing professional development for adults; and

- involves family and community partnerships.

Indicators of this best practice in action

- Staff use comprehensive whole-school approaches to foster social-emotional learning and healthy relationships in order to reduce the likelihood of bullying behaviour, including homophobic and transphobic bullying.

- Schools develop and review from time to time, a school code of conduct which indicates that everyone in the school community (staff, students, parents/guardians, and volunteers) has a responsibility to create and promote a positive school climate and a safe place to learn and work, and that everyone in the school community is expected to demonstrate behaviours of respect, safety, and integrity.

- Schools help students learn how to resolve issues peacefully, develop empathy, and contribute to welcoming, caring, respectful, and safe learning environments that foster diversity and nurture a sense of belonging and a positive sense of self.

- Schools follow the Safe and Caring Learning policy and procedure for dealing with and reporting, when necessary, concerning behaviours. Including homophobia, transphobia, and other identity-based bullying.

- Complaints of discriminatory and identity-based bullying language and behaviours are taken seriously, documented, and dealt with in a timely and effective manner.

- A student who believes they have been bullied, harassed, discriminated against, threatened, or verbally abused by a student should report it to a teacher or the principal for investigation.

- Support is provided to both students impacted by identity-based bullying behaviours and those who engage in identity-based bullying behaviours.

10. Ensuring students have the understanding, skills, and opportunities to contribute to welcoming, caring, respectful, and safe learning environments that respect diversity and nurture a sense of belonging and a positive sense of self.

The *Education Act* specifies that students have a responsibility to ensure their conduct contributes to welcoming, caring, respectful, and safe learning environments. Staff and parents play important roles in shaping school culture as well, but for meaningful and lasting change to occur, students must be an integral part of the process. Students need to be part of preventing as well as solving problems. They need authentic opportunities to share their ideas regarding safety, inclusivity, leadership, and responsibility within the school community. This involvement helps create a sense of ownership for the well-being of the

school community and encourages students to advocate for themselves and others, personally and collectively.

Indicators of this best practice in action

- Students have a clear understanding of the behavioural expectations in their school and demonstrate accountability for their own behaviour.

- Students treat all members of the school community with respect, compassion, and kindness.

- Students understand what bullying behaviour is, including identity-based bullying, and are familiar with the direction in the Safe and Caring Learning Environments policy and procedure, in an age appropriate way.

- Students will examine prejudices and biases and how appropriate actions and language can validate people and also how inappropriate actions and language can be discriminatory.

- Students are educated from an early age on the identity of self and others and healthy relationships. As students enter their preteen and teenage years they are educated on the broad spectrum of gender and sexual diversity.

- Students refrain from discriminatory and identity-based bullying language and behaviours.

- Students refrain from watching, participating in, encouraging, or acting as bystanders to the identity-based bullying behaviour of others.

- Students report any identity-based bullying behaviour they see or experience (including online bullying) to an adult in the school.

- Students refrain from identity-based bullying behaviour and the use of derogatory or discriminatory language, both at school and online.

- Students understand what it means to contribute to their school community in a positive way and identify both formal and informal ways to do this.

- The school community provides multiple and meaningful ways for students to contribute through community-building activities, such as peer mentoring, peer networks, service learning, student advisors and volunteering.

- Students understand they have the right to establish a voluntary student organization or lead an activity to promote a welcoming, caring, respectful, and safe learning environment that promotes diversity, including gender-sexuality straight alliances (GSAs).

11. Ensuring all families are welcomed and supported as valued members of the school community.

The Department of Education and the education authorities recognize that student achievement and well-being improve when parents/guardians are involved in their child's education and are part of the education community.

Parents and other family members with diverse sexual orientations, gender identities, and gender expressions may have experienced discrimination in the community and may not feel welcome or included

in their child's school community.

The intention of the Department of Education and the education authorities is to foster inclusiveness and collaboration by bringing school, family, and community partners together to strengthen relationships, build success and a sense of belong.

Indicators of this best practice in action

- Forms and other types of communications use non-gendered and inclusive language (e.g. parents/guardians, families, partners instead of Mr., Ms., mother, father, etc.).

- Staff use appropriate language to acknowledge and communicate with families. If unsure of the appropriate language, they ask the family for guidance (e.g., how children refer to their parents and/or their parents' partners).

- Staff respect the privacy and confidentiality of parents and families as it relates to sexual orientation, gender identity, and gender expression.

- Schools address identity-based bullying behaviours directed at students because of the actual or perceived sexual orientation, gender identity, or gender expression of a parent or family member.

- Family members are able to access washrooms that are congruent with their gender identity.

- Schools have a non-gendered washroom available for public use.

12. Ensuring that school staff have work environments where they are protected from discrimination based on their sexual orientations, gender identities, and gender expressions.

The Prince Edward Island *Human Rights Act* prohibits discrimination in such areas as employment and services on the bases of a person's sexual orientation, gender identity, or gender expression. The education authorities, in accordance with the *Education Act*, is responsible for ensuring that each student and staff member is provided with a welcoming, caring, respectful, and safe learning environment that respects diversity and fosters a sense of belonging.

By communicating clear expectations about respectful behaviour and interactions, developing inclusive and supportive practices, and facilitating discussion and professional learning, schools and education leaders ensure a safe and welcoming work environment is available to all staff, which in turn has a positive impact on students.

Indicators of this best practice in action

- Staff are supported to serve as a liaison for a Gender-Sexuality Alliance (GSAs) or other voluntary student organization intended to promote a welcoming, caring, respect, and safe learning environment that respects diversity and fosters a sense of belonging.

- School and school authority leaders anticipate, support, and value staff diversity, including diverse sexual orientations, gender identities, and gender expressions.

- Staff with diverse sexual orientations, gender identities, and gender expressions feel comfortable to seek out school and school authority leaders and other colleagues to discuss their needs and concerns at the school.

- All staff are willing and able to work collaboratively to identify and implement evidence-based supports that will make a positive difference for colleagues with diverse sexual orientations, gender identities, and gender expressions.

- School and school authority leaders and other staff respect the privacy of individual staff members and ensure confidentiality as it relates to the sexual orientation, gender identity, or gender expression of any staff member.

- Requests for support are addressed on a case-by-case basis and solutions are individualized to best meet the needs of the staff member making the request.

- School and school authority leaders communicate and model expectations that all staff interact in respectful ways and that discriminatory language or harassing behaviour is not acceptable.

- Incidents of harassment, bullying, or discrimination related to actual or perceived diverse sexual orientations, gender identities, and gender expressions of school staff by any member of the school community are taken seriously, documented, and responded to in a timely and effective manner.

- Staff consistently use inclusive and non-gendered language (e.g., partner, spouse) and plan inclusive school events that involve staff's family members.

- School and school authority leaders, as well as staff, have professional conversations about issues related to diverse sexual orientations, gender identities, and gender expressions, alongside other diversity, equity and human rights issues that are discussed in the workplace.

Resources to Support the Implementation of these Guidelines

The Gender Unicorn - https://transstudent.org/gender/
The Gender Wheel - http://www.genderwheel.com/
Trans Language Primer - https://www.translanguageprimer.org/
Health Across The Gender Spectrum - https://www.coursera.org/learn/health-gender-spectrum
Link to PEERS Alliance PDF resource "So Your Child Might Be Trans"
Gender Spectrum document "Schools in Transition" -
https://www.genderspectrum.org/articles/schools-in-transition
How To Start a GSA - https://albertagsanetwork.ca/wp-content/uploads/2016/08/10-Tips-to-Start-a-GSA.pdf
Gender Creative Kids - https://gendercreativekids.ca/
Egale resources and research - https://egale.ca/awareness/
Sexual orientation and gender identity - https://bridgethegapp.ca/fr_ca/youth-national/info-booth/sexual-orientation-gender-identity/
Social network for sexual diversity - https://alterheros.com/decouvrez-alterheros/
How to start an alliance of sexual diversity - https://fjcf.ca/ressources/ressources-lgbtq/

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