

### GENDER AND SEXUAL DIVERSITY

#### Background

The Division is committed to establishing and maintaining a safe, positive, and inclusive environment for all students and employees, including those who are, or who perceive to be, members of a sexual or gender minority. The Division recognizes and reaffirms its commitment to the anti-discrimination principles and values contained in the Education Act, the Saskatchewan Human Rights Code, the Canadian Human Rights Act, and the Canadian Charter of Rights and Freedoms.

This administrative procedure sets out GSSD's best practices related to gender and sexual diversity. It has been designed to establish expectations and help protect against discrimination and harassment. It is intended that this administrative procedure will support members of the wider GSSD community to fulfill our shared obligation to promote the dignity and equality of those who are, or who are perceived to be, gender and/or sexually diverse. While the guidelines will be adhered to, it is also expected that supports and specific accommodations shall be individualized on a **case-by-case basis**.

#### Procedures:

##### 1. Legal Context

- 1.1. Students have a legal right to be safe and protected in schools.
- 1.2. Human Rights in Canada and Saskatchewan are aspirational documents that have influenced and shaped legal documents related to human rights in Canada and Saskatchewan, and are articulated in several documents:
  - The United Nations Declaration of Human Rights
  - Declaration on the Rights of Indigenous Peoples; and,
  - Convention on the Rights of the Child.

The legal documents that outline and enforce human rights in Canada and Saskatchewan are:

- Canadian Charter of Rights and Freedoms;
- The Saskatchewan Human Rights Code, 2018; and,
- Criminal Code of Canada.

##### 2. Specific Procedures for Accommodating Gender and Sexual Diverse Students

- 2.1. All students have the right to openly and safely be who they are in GSSD schools. This includes expressing gender identity without fear of unwanted consequences, as well as the right to be treated with dignity and respect.

### 3. Safety

- 3.1 Recognizing the importance of parental/guardian support, the school counsellor/teacher or administration team should work together with individual students and their parents/guardians to ensure that all students receive the necessary support with respect to sexual orientation and/or gender identity. School staff should not disclose 2SLGBTQIA+ student's gender and/or sexual identity unless student permission has been granted and/or there is a specific "need to know". School Counsellors will work with students to establish a plan to disclose their gender and/or sexual identity with parents/guardians and obtain consent for use of preferred name and pronouns at school.
- 3.2 While it is important to respect a student's confidentiality, appropriate action must be taken to ensure that students who might be subjected to abuse upon disclosure of their status or who may be contemplating self-harm receive immediate attention and support. These situations should be referred to a school counsellor or administrator and that person will determine what further steps are necessary to protect the student's safety. Refer to Saskatchewan's Child Abuse Protocol 2019 for definitions of child abuse.

### 4. Names/Pronouns

- 4.1 When a student requests that their preferred name, gender identity, and/or gender expression be used:
- the student will be referred to the school counselor.
  - if the student is under the age of 16, the school counselor will work with the student to request parental/guardian consent using Form 319-1; or
  - if the student is 16 or older, the school counselor will gain formal consent from the student using Form 319-1.
- 4.2 If a student requests assistance in gaining parental/guardian consent, the student will be referred to the school counselor who will support the student in identifying a trusted adult (if it is not the school counsellor) to develop a plan to speak with their parents. The plan to speak to parents/guardians will be created with the student's needs and interests at the center.
- 4.3 Consent will be provided on Form 319-1, which will be stored securely in keeping with the student's cumulative folder and in accordance with *The Local Authority Freedom of Information and Protection of Privacy Act*.
- 4.4 Once consent is received as provided for in section 4.1 and 4.2, school administration shall inform school staff of the student's preferred name or pronouns.

- 4.5 The student should be made aware that until consent is in place, their preferred name and pronouns will not be changed.
- 4.6 School staff may need to make manual changes to report cards or other documentation to ensure the correct name, preferred gender and pronoun appear on these documents. Intentionally addressing a student by the incorrect name or pronoun may be considered a form of discrimination. This directive does apply to the intentional and/or persistent refusal to acknowledge or use a student's gender identity.

## 5. Official Records

- 5.1 When consent is obtained on Form 319-1, the school will ensure immediate response to the requests made on Form 319-1 are implemented. This may include changing the student's official record to reflect their preferred name and pronouns. All school forms and records may be changed to ensure that a student's preferred name and pronouns are current on class lists, timetables, student files, identification cards, cumulative record, etc.
- 5.2 Upon completion of Form 319-1, privacy of personal information that either directly or indirectly identifies a student's sex as being different from his or her gender identity will be protected
- 5.3 It is expected schools will have processes in place, so substitute teachers use the correct name and pronouns for all students.

## 6. Washroom and Change Room Access

All students have a right to safe washroom and changeroom facilities. GSSD will provide an easily accessible "barrier-free" single stall washroom for use by any student or staff member who desires increased privacy, regardless of the underlying reason. Safe accommodations may include, but are not limited to:

- Use of a private area within the public area (a single stall with a door; an area separated by a curtain; use of a PE instructor's office in the change-room);
- Having a separate changing schedule in the private area (either utilizing the change room before or after the other students);
- Using a nearby private area (a nearby washroom);
- Providing alternate private area for concerned cisgender student.

## 7. Gender Segregated Curricular Activities

Division staff shall ensure curricular activities are not sex segregated. Staff shall not segregate students during instructional time based on their sex or gender. This includes sexual health education, puberty education and physical education classes.

## 8. Athletics and Extra-Curricular Activities

When possible, extra-curricular activities shall not segregate students by sex.

Taking the lead from the Saskatchewan High School Athletics Association, school staff must ensure that K-12 students can exercise their right to participate in gender-segregated sports and physical education (PE) class activities in accordance with each student's lived gender identity. Sanctioned sports must allow for students who identify as non-binary to be provided the opportunity to choose the gender with which they will participate:

### 8.1 Overnight Trips

- Plans for overnight school-based activities must provide accommodation for each student in a room/space where they feel safe and accepted. Privacy and safety of students must be addressed in the planning process. Decisions based on overnight accommodations will be determined on a case-by-case basis, with the emphasis on the safety and inclusion of the student.

## 9. Staff Training

All employees will participate in professional learning to recognize personal bias, enhance inclusive practices, and create environments where all identities are respected

- 9.1 The Division will provide support and training opportunities for school division employees to deepen their knowledge and develop behaviours that identify and eliminate homophobic or transphobic practices and to foster dialogue that creates understanding and respect for diversity.

## 10. Beliefs and Actions

Positive relationships will be maintained by respecting the right of all individuals to have their own beliefs, provided their actions are not discriminatory and do not harm or negatively impact the rights of individuals who may not share those beliefs.

- 10.1 All high schools will provide an Alliance for Gender and/or Sexual Diversity (e.g. GSA). Any student in an elementary school, upon their request, will be supported in developing a diversity club.

- 10.2 The Division will have a designated staff member(s) who provide support for gender and sexual diversity.

## 11. Inclusive Language and Behaviour

- 11.1 Allegations of discriminatory language or behaviour will be reported to the teacher/principal in the case of students, and to the immediate supervisor in the case of employees.

- 11.2 It is expected that staff and students use language and behaviour that models respect for all sexual orientations and gender identities. Staff and students will not use language/behaviours that degrade, labels, stereotype, and/or incite hatred, prejudice, discrimination, or harassment towards others on the

basis of their real or perceived sexual orientation, gender identification, or gender expression.

## 12. Representation

GSSD staff are encouraged to de-construct and challenge gender and sexual stereotypes in accordance with GSSD policy and procedures and provincial legislation. Therefore, the Division requires that staff will:

- 12.1 Adapt and include current, age-appropriate learning resources and strategies to provide opportunities for all students and staff to develop positive awareness with respect to human rights, anti-discrimination, cultural diversity, sexual and gender minorities at a grade appropriate level and in alignment with curricular outcomes.
- 12.2 In accordance with AP 270, School/Librarians must acquire fiction and non-fiction books for school libraries that reflect human diversity including 2SLGBTQIA+ people.

## 13. School and Community Relations

- 13.1 The Division will continue to support the existence of school-based clubs that promote inclusivity.

Legal Reference: Section 85, 87, 141 the Education Act, 1995  
Canadian Charter of Rights and Freedoms (Section 15)  
Canadian Human Rights Act (Section 2)  
Criminal Code of Canada (Sections 318(4) and 718.2)  
Saskatchewan Human Rights Code  
Saskatchewan Teachers' Federation Code of Ethics  
Deepening the Discussion, Saskatchewan Ministry of Education, 2023  
Saskatchewan's Child Abuse Protocol 2019  
GSSD APs 165 (Safe Schools), 170 (Personal, Discriminatory and Sexual Harassment), AP 270 (Selection and Development of Instructional Materials and Equipment), AP 319 Appendix Gender Sexual Diversity Definitions Preferred Name and Pronouns Policy, Saskatchewan Ministry of Education, 2023

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