



Preparing Today's Learner for Tomorrow

## Administrative Procedure 1100

### ***Respect for Human Diversity***

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**Board Governance Policy Cross Reference:** [1, 7, 12, 13](#)

**Administrative Procedures Cross Reference:**

[Code of Conduct](#)

[Equity](#)

[Harassment](#)

**Form Cross Reference:**

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**Legal/Regulatory Reference:**

[Accessibility for Manitobans Act](#)

[Canadian Charter of Rights and Freedoms](#)

[Manitoba Human Rights Code](#)

[Manitoba Human Rights Commission](#)

[Safe and Caring Schools: Respect for Human Diversity Policies \(Manitoba Education, 2015\)](#)

[Supporting Transgender & Gender Diverse Students in Manitoba Schools \(Manitoba Education, 2017\)](#)

[The Public Schools Act, Sections 1.2\(1\) and 1.2\(2\), 41\(1\) \(b.4\) and 41\(1.6\), \(1.7\) and \(1.8\)](#)

[The Public Schools Amendment Act \(Safe and Inclusive Schools\)](#)

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The Interlake School Division affirms its commitment to recognizing the individual worth and dignity of every person and upholds its responsibility to provide learning environments and workplaces free of discrimination and harassment, as prescribed by the [Canadian Charter of Rights and Freedoms](#) and the [Manitoba Human Rights Code](#).

The [Manitoba Human Rights Code](#) prohibits unreasonable discrimination based on the following protected characteristics:

- ancestry
- nationality or national origin

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

Accordingly, the Division bases its commitment to promoting and enhancing respect for human diversity on the following values and beliefs:

- Commitment to equity and respect for human diversity are fundamental values of the public education system.
- Honouring and achieving the Division Vision and Mission depends upon safe, inviting and inclusive learning environments and workplaces that respect human diversity and foster the acceptance of others.
- All students and employees have the right to learn and work in environments that value and demonstrate respect for human rights.

#### **A. Guiding Principles**

1. The Division shall strive to promote and enhance respect for human diversity within its schools, learning environments and workplaces.
2. The Division's employees have the responsibility:
  - to cultivate safe, caring and inclusive learning environments and workplaces; and
  - to promote, enhance, and demonstrate respect for human diversity and human rights.
3. The Division expects all students, all individuals accessing its schools, workplaces, and other facilities, as well as all individuals accessing Division sponsored events:
  - to contribute to safe, caring and inclusive learning environments and workplaces; and
  - to demonstrate respect for human diversity and human rights.

#### **B. Commitments**

1. The Division commits to provide resources and professional learning experiences that support all employees and students:
  - to prevent bullying;
  - to promote respect for human diversity; and
  - to promote a positive school environment.

2. The Division further commits to respond to any students or parents/guardians whose need for information about human diversity leads them to request supports, including but not limited to resource materials, counselling services or other supports available through school or divisional personnel.
3. The Superintendent/CEO (or designate) shall develop, communicate, and implement practices that support safe, caring and inclusive learning environments and workplaces.
4. All schools will implement appropriate provincially approved curricula that support student learning about human diversity.
5. To support and promote student learning about human diversity, the Superintendent/CEO (or designate) shall direct processes that enhance, as needed, divisionally reviewed resources for all schools. School libraries will strive to have the best and most up-to-date collection of age-appropriate books on sexual orientation and gender identity issues and topics, including a variety of novels, short-story collections, movies, and magazines for youth that are affirming of gender variance.
6. The Division will accommodate students who want to establish and lead activities and organizations that are consistent with the [Manitoba Human Rights Code](#) and that can include:
  - promoting gender equity
  - promoting anti-racism
  - promoting awareness and understanding of, and respect for, people with disabilities
  - promoting awareness and understanding of, and respect for, people of all sexual orientations and gender identities
  - using the name “gay-straight alliance” or any other name consistent with the promotion of a positive school environment that is inclusive and accepting of all students
7. To respond to actions that contravene this procedure, the Division and its school principals shall reference, as necessary, the [Canadian Charter of Rights and Freedoms](#), the [Manitoba Human Rights Code](#), and divisional procedures, including but not limited to [Equity](#), [Harassment](#) and [Code of Conduct](#).
8. The Superintendent/CEO (or designate) shall direct processes to assess the implementation of this procedure.

### C. Definitions

1. **Bullying** is behaviour that is intended to cause fear, intimidation, humiliation, distress, or other forms of harm to another person’s feelings, self-esteem, body, or reputation, or to create a negative environment for another person.

Bullying takes place in a context of a real or perceived power imbalance between the people involved and is typically, but need not be, repeated behaviour. It may be direct (face to face) or indirect (through others), and it may take place through

- any form of expression—including written, verbal, or physical
- any form of electronic communication (referred to as cyberbullying), including social media, text messaging, instant messaging, websites, or email ([The Public Schools Act, Sections 1.2\(1\) and 1.2\(2\)](#))

2. **Discrimination** is treating a person or group differently, to their disadvantage and without reasonable cause, on the basis of a protected characteristic, such as ancestry, age, sexual orientation, religion or disability. Failure to reasonably accommodate a special need that is based on a protected characteristic, is also discriminatory.

The [Manitoba Human Rights Commission](#) accepts complaints alleging discrimination against people because they belong to other disadvantaged groups not mentioned in the Code. For example, the Commission accepts complaints alleging discrimination on the basis of criminal record or because of disadvantaged social condition.

3. **Diversity** encompasses all the ways in which human beings are both similar and different. It means understanding and accepting the uniqueness of individuals, as well as respecting their differences. Diversity may include, but is not limited to, gender identity, sexual orientation, age, ethnic origin, ancestry, culture, socio-economic status, religion, family status, mental and physical disability.
4. **Equity** refers to the provision of equitable opportunity and equitable access to programming, services, and resources critical to the achievement of outcomes for all students and staff who serve them. Equity and equality are not necessarily synonymous, as equity can be achieved through unequal means.
5. **Gender identity** refers to a person's internal sense or feeling of being male or female, or both or neither, which may or may not be the same as one's biological sex.
6. **Harassment** is any behaviour that degrades, demeans, humiliates, or embarrasses a person, and that a reasonable person should have known would be unwelcome. It includes actions (e.g., touching, pushing), comments (e.g., jokes, name-calling) or displays (e.g., posters, cartoons). Harassment can also take place electronically (e.g., text messages, email or screen savers). The [Manitoba Human Rights Code](#) refers to harassment as a course of abusive and unwelcome conduct or comment made on the basis of any protected characteristic.
7. **Prejudice** is a preconceived negative opinion and/or hostile belief about an individual or group formed beforehand or without knowledge. Stereotypes are often the basis for prejudice.
8. **Reasonable accommodation** is the school's obligation to address the special needs of students, employees, parents, volunteers and visitors where these needs stem from the protected characteristics specified in the [Manitoba Human Rights Code](#) and affect the individual's ability to access educational/school services or facilities; the measures to accommodate special needs will be reasonable and required unless they cause undue

hardship due to cost, risk to safety, impact on others, or other factors. (Manitoba Education)

9. **Sexual orientation** is the term used to describe an individual's sexual, psychological and emotional feelings of attraction towards another person.
10. **Stereotypes** are a simplified or fixed belief (often exaggerated) that people have about what members of a group are like, without allowing for individual differences.
11. **Transgender** refers to a person whose gender identity, outward appearance, expression and/or anatomy does not fit into conventional expectations of male or female. Often used as an umbrella term to represent a wide range of non-conforming gender identities and behaviours.
12. **Undue hardship** refers to an accommodation that has become so difficult, it becomes unreasonable. Some factors that determine whether reasonable accommodation to the point of undue hardship has been made include financial costs, health and safety concerns, impact on other employees and service users, and the impact on other protected rights.

#### **D. Roles and Responsibilities**

##### **1. School Boards are**

- responsible for establishing a respect for human diversity policy, in consultation with its communities and stakeholders, which complies with the legislation.
- responsible to ensure regular policy review.

##### **2. School Divisions will**

- under the leadership of the Superintendent/CEO, implement Board Governance Policy and establish administrative procedures on human diversity practices within the school division.
- play a lead role in overall policy implementation, promoting respect for human diversity and communicating policy expectations to staff, students, parents, and community.
- enhance divisional materials and resources and provide training and professional learning for staff in areas of human diversity.
- set standards for student conduct and develop procedures and protocols for addressing unacceptable conduct or discrimination.
- determine what reporting and collection of data will be undertaken.

##### **3. Principals will**

- play a leadership role at the school level in promoting safety and acceptance and in ensuring a safe and inclusive school environment.

- communicate and reinforce expectations of the respecting human diversity policy to teachers and school staff and encourage their participation in professional learning and training on human diversity and related topics.
- hold those who disrespect human diversity accountable by following established processes and protocols and maintain appropriate records at the school level.

#### 4. **Staff will**

- model inclusiveness and respect for human diversity and play a key role in communicating and reinforcing expectations of the respecting human diversity policy to students.
- support students on issues of human diversity and empower them to treat each other with dignity and acceptance.
- report matters of bullying/cyberbullying to the Principal/Supervisor, whether it is believed to be happening at school or outside of regular school hours.
- participate in professional development and training to obtain the tools and knowledge needed to deal appropriately and effectively with sensitive student issues regarding human diversity.

#### 5. **Students will**

- monitor their own interactions and conduct themselves in ways that are respectful and ensure a safe and inclusive school environment, particularly toward those previously identified as being at higher risk for bullying or discrimination.
- engage in student voice and student actions in creating positive change in schools.

#### 6. **Parents and guardians will**

- assist their children in understanding respect for human diversity.
- encourage their children to conduct themselves in ways that contribute to a safe and inclusive school environment.

#### 7. **School community members and groups (includes volunteers and all individuals accessing Divisional schools, workplaces, and other facilities, as well as all individuals accessing Division sponsored events) will**

- monitor their interactions, conduct themselves in ways that demonstrate respect for human rights and human diversity and that ensure safe, caring and inclusive learning environments and workplaces.

### **E. Dealing with Discriminatory Practices**

Incidents of discrimination will be responded to under the appropriate authority. Depending on the persons involved and the nature of the incident, the investigative responsibility may lie with a school, the Division, or an external party. Each incident will be properly documented.

If the incident originates with a student or students, the [Code of Conduct](#) will apply. If the incident involves school or Division staff or complaints from the public, relevant Division human resource procedures will apply.

Persons found to be involved with or responsible for discrimination will be subject to corrective and/or disciplinary action, up to and including dismissal or expulsion.

## **F. Specific Practices Related to Gender Identity**

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

The Division affirms that:

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

### **1. Confidentiality of Information**

- Students and employees have a right to privacy regarding their personal information.
- An individual's gender identity is considered to be private and confidential information.
- Employees are not permitted to disclose another individual's gender identity unless the person has given permission or there is a specific situation in which the information must be disclosed.
- Regardless of whether a student has discussed their gender identity with their family, staff will support the student so they feel safe and welcome at school and so they can successfully engage in their education.
- When a student makes a request related to their preferred name or gender identity and when the student has capacity of consent, parental/guardian consent is not required for students in Grades 7 to 12. Parental/guardian consent will be requested for students in Kindergarten to Grade 6.

### **2. Student Records**

- Schools are required to maintain a student record with a student's legal name and sex, as registered under the Vital Statistics Act (Manitoba).
- Schools will use the student's legal name on transcripts, cumulative files and provincial assessments. Schools are not required to use the student's legal name, sex or gender in other school records such as letters home.
- In situations where schools are required by law to use or to report a student's legal name, sex or gender, schools shall adopt practices to avoid the inadvertent disclosure of such confidential information.

- Schools will enter the student’s legal name and preferred name, if any, in the Student Information System.
- Schools will use the student’s preferred name wherever possible (e.g., on class lists, timetables, identification cards, letters home, report cards, and high school diplomas), provided:
  - i. Students in Kindergarten to Grade 6 - written consent of the parent or guardian required and kept on file.
  - ii. Students in Grades 7 to 12 - written request from the student received and kept on file.
  - iii. Students 18 years of age or older - written request from the student received and kept on file.
- The Principal has discretion in the matter and may reject the request if, for example, the preferred name is deemed to be frivolous or trivial.
- Schools will change a student’s official student record to reflect a change in legal name upon receipt of legal documentation that such legal name has been changed.
- Schools will change the sex indicated in a student’s official Student Record upon receipt of legal (e.g., birth certificate) or medical documentation.

### 3. Employee Records

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

### 4. Names and Pronouns

- Students and employees have a right to be addressed by a name and pronoun that corresponds to their gender identity or expression. A legal name or gender change is not required, and the student or employee does not need to change their official records for this right to be extended to them.
- The intentional or persistent refusal to respect a student or employee’s gender identity or expression may be considered a form of harassment. This does not apply to inadvertent slips or honest mistakes, but it does apply to the intentional and/or persistent refusal to acknowledge or use an individual’s preferred name and pronoun.
- In the event that the school must contact the parent or guardian of a transgender student, the student will be referred to by their legal name unless the student, parent, or guardian has specified otherwise.



## 5. Dress Codes

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

## 6. Washroom Access

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

## 7. Changeroom Access

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

## 8. Gender Separated Activities

- Students have a right to participate and compete in a safe, competitive, and respectful environment free of discrimination and harassment.
- Students participating in gender-separated sports, classes, or activities have a right to participate in those activities in accordance with their gender identity or expression, regardless of the gender or sex identified in their student record.
- Schools will avoid separating students by gender, when possible.

## 9. Sports Team Participation

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

## 10. Washroom and Change Room Access while Travelling for Competition or Offsite Activity

- Students have a right to access a washroom or change room that corresponds with their gender identity or expression while travelling outside the school for competition or during a field trip.
- Schools are responsible for ensuring access to appropriate changing, showering, or bathroom facilities, based on the needs of the student.
- If school staff are concerned that facilities at another site are not appropriate, the staff should, in consultation with the student, contact the other site in advance to ensure that the student has access to facilities that are comfortable, safe, and in accordance with the student's gender identity.
- It is important to maintain the student's confidentiality by not disclosing their gender identity or expression status without their permission.

## 11. Offsite Activities with Overnight Accommodation

- Students have a right to be housed on school offsite activities in a manner that is safe, inclusive, affirming, and respectful.
- Students have the right to supports that meet their individual needs and their privacy, ensuring equal opportunity to participate.
- Students who request increased privacy will be offered accommodations that meet their needs. For example, in some cases this may mean offering private accommodations at no extra cost to the student.
- School staff will assess requests for accommodation.

## 12. Advocacy Support

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

## 13. Requests for Accommodation

- It is recognized that specific accommodation requests will be assessed on an individualized basis and accommodations will be offered to meet the needs of the student or employee who is making the request.
- The needs of a student or employee may change over time and may be different throughout various contexts (*e.g.*, home, school/workplace, peers and community). Accommodations must be flexible and unique to each individual. An accommodation that works for one individual cannot simply be assumed to work for another.

- Decision-making must include the student in a way that is age-/developmentally-appropriate.
- Any staff approached with a request for accommodation should respond with sensitivity and compassion in a prompt and supportive manner. The Principal or immediate supervisor must be notified.

**a) Requests from Students**

- Requests to accommodate specific needs should be made to staff with whom the student feels comfortable. For example, although a student does not need permission to use the washroom that corresponds with the student's gender identity or expression, they may request a changeroom accommodation to address a specific concern.
- An accommodation request may come in the form of a verbal request, a written request, or by email communication. The request may come directly from the student or the student's legal guardian(s).
- Students and/or parents/guardians are encouraged to put the request in writing.
- If staff have concerns about a student's safety, such as if a student discloses that they may be suicidal, suffering parental abuse, or at risk of hurting themselves or others, staff is legally required to report these incidents to the proper authorities. When reporting incidents to the authorities, staff will comply with the student's need for confidentiality.
- Staff will ensure that the student is referred to a supportive staff member (e.g., school counsellor, "safe contact," or psychologist) who will determine what further steps are necessary to protect and support the student.
- When a student requests that their preferred name, gender identity, and/or gender expression be used, parent/guardian consent will be requested from Kindergarten to Grade 6. From Grades 7 to 12, if the student has capacity of consent, parent/guardian consent is not required.

**b) Requests from Employees**

- Requests for accommodation of specific needs should be made to the employee's immediate supervisor and to the Human Resources Department. Employees are encouraged to be as proactive as possible in identifying any needs that may require accommodation.
- An accommodation request may come in the form of a verbal request, a written request or by email communication. Employees are encouraged to put the request in writing. Staff will respect the employee's need for confidentiality.