



Education and  
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Éducation et  
Apprentissage continu



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**MINISTER'S DIRECTIVE**  
**No. MD 2021 06**

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

Pursuant to clauses 3(1)(a), 3(2)(e), 3(2)(g) and 4(2)(o) of the *Education Act*, RSPEI 1988, c. E-.02, I hereby issue the following Minister's Directive respecting the implementation of the Guidelines for Respecting, Accommodating and Supporting Gender Identity, Gender Expression and Sexual Orientation in our Schools ("Guidelines") by the education authorities, attached as Schedule "A":

1. The purpose of the Guidelines is to recognize the responsibility of the education authorities to provide equity of access and opportunity for all students and staff to learn and develop in an environment that is affirming, respectful, and inclusive.
2. The Guidelines are a human rights-based document for use by education authorities to support existing inclusion and anti-bullying policies to ensure school environments are respectful of and inclusive for students and staff with diverse sexual orientations, gender identities, and gender expressions.
3. Education Authorities shall implement the Guidelines within all schools they operate and shall follow the Guidelines to address the needs of 2SLGBTQQIA+ students and staff appropriately, respectfully, and consistently across the province.
4. Education authorities shall adhere to the Guidelines in addressing harmful language and behaviours which may impact the learning environment, including all forms identity-based bullying or discrimination such as: homophobia, biphobia, transphobia and heterosexism.
5. Education authorities shall refer to the Guidelines in upholding their duty to accommodate students and staff on the basis of gender identity, gender expression, and sexual orientation, as these are protected characteristics under the *Human Rights Act*.
6. Accommodations will be considered on a case-by-case basis and individualized to best meet the needs of the staff or student making the request for accommodation.
7. Every person plays an important role and has a responsibility in creating supportive environments for students and staff with diverse gender identities, expressions and sexual

orientations. The Guidelines support schools and the education authorities in protecting and respecting students and staff, based on gender identity, gender expression and sexual orientation.

This Minister's Directive is effective December 17, 2021.

DATED at Charlottetown this 17<sup>th</sup> day of December, 2021.

A handwritten signature in black ink, appearing to read "Natalie Jameson", with a long horizontal flourish extending to the right.

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Natalie Jameson  
Minister of Education and Lifelong Learning

Attachment: Schedule "A" – Guidelines

# Schedule "A"

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

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## Acknowledgments

The development of these guidelines has been a collaborative effort involving various groups and organizations. The Department of Education and Lifelong Learning 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. Additionally, we would like to thank the PEI Office of the Child and Youth Advocate for their review and contributions to the guidelines.

The Department would like to acknowledge the Alberta Department of Education and Nova Scotia Department of Education and Early Childhood Development. Nova Scotia developed the content of their guidelines with guidance and support from the Toronto District School Board and the Canadian Teachers’ Federation. We thank them all for sharing the content from their respective guidelines in the development of these guidelines.

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# Introduction

The Department of Education and Lifelong Learning (“the Department”) 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 promote a positive school climate, support a safe and caring learning and working environment and deal 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 language and terminology around gender identity, gender expression and sexual orientation is ever evolving. The terminology used in these guidelines was determined through consultation with relevant community organizations at the time of publication. In recognition of the fluidity of language, a regular review of the guidelines will be necessary to keep the terminology respectful, inclusive, and in line with evolving practice.

## 1. Purpose

The guidelines are a human rights-based document for use by education authorities to support existing inclusion and anti-bullying policies to ensure school environments are respectful of and inclusive for students and staff with diverse sexual orientations, gender identities, and gender expressions.

The guidelines draw from and align with the prominent, legally-binding international, national, and provincial human rights documents, including: the *United Nations Declaration of Human Rights*, the *United Nations Convention on the Rights of the Child*, the *Canadian Human Rights Act*, and the *Prince Edward Island Human Rights Act*.

The guidelines provide a framework and process for schools to address the needs of 2SLGBTQQIA+ students and staff appropriately, respectfully, and consistently across the province.

The guidelines assist schools with upholding their duty to accommodate students and staff on the basis of gender identity, gender expression, and sexual orientation, as these are protected characteristics under the *Human Rights Act*.

2SLGBTQQIA+ youth are more likely to be targets of school-based bullying and harassment than cisgender and heterosexual peers.

63% of trans and/or non-binary youth in Canada report severe emotional distress; however, those with supportive families and safe schools were less likely to report severe emotional distress.

Taylor et al., 2020

The purpose of these guidelines is to recognize the responsibility of the education authorities to provide equity of access and opportunity for all students and staff to learn and develop in an environment that is affirming, respectful and inclusive. Although this document primarily references students, the guidelines apply to both staff and students. Staff and students in Island schools have the right to be safe and free from

discrimination. 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,
- ensuring the wellbeing, participation, and performance of students with diverse gender identities, gender expressions, and/or sexual orientation by creating safe and caring learning environment, and
- providing guidance to respond to incidents of exclusion or discrimination on the basis of gender identity, gender expression, and sexual orientation – namely homophobia, biphobia, and transphobia – as these experiences are distinct from other forms of bullying.

Accommodations will be fulfilled on a case-by-case basis and individualized to best meet the needs of the staff or student making the request for accommodation. While it is expected that the guidelines will be adhered to in general, not all requests are accommodated in the same way as there are many contributing factors. Accommodation plans are made through a 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.

## 2. Legislation, Policy, and the United Nations Convention on the Rights of the Child

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*, *United Nations Declaration of Human Rights*, and the *United Nations Convention on the Rights of the Child* 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.
  - Safe and Caring Learning Environments Procedure 605.1
  - Safe and Caring Learning Environments - Incident Response Guide
  
- **Respectful Workplace Policy 505:**  
The Respectful Workplace policy states that the Public School Branch is committed to providing a workplace in which all persons should expect 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.
  
- **Race Relations, Cross-Cultural Understanding and Human Rights in Learning Policy 403:**  
This policy recognizes the responsibility of the Public Schools Branch to provide equity of access and opportunity for all students and staff to learn, work, and develop in an environment that is affirming, respectful and inclusive. The Public Schools Branch is committed to ensuring students of all origins and social contexts have the opportunity to experience education based on the belief in the inherent dignity of the members of the school community, which encourages social responsibility and promotes diversity.

The Department 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 are 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.

The guidelines aim to align with the United Nations Convention on the Rights of the Child (UNCRC). Listed below are the relevant articles of the UNCRC for these guidelines:

- Article 2 (right to non-discrimination)
- Article 3 (best interests of the child)
- Article 4 (implementation of Convention rights)
- Article 6 (life, survival and development)
- Article 8 (protection and preservation of identity)
- Article 12 (respect for the views of the child)
- Article 13 (freedom of expression)
- Article 14 (freedom of thought, conscience and religion)

- Article 15 (freedom of association)
- Article 16 (protection of privacy)
- Article 19 (protection from violence, abuse and neglect)
- Article 24 (health and health services)
- Article 28 (right to education)
- Article 29 (goals of education)
- Article 31 (leisure, recreation and cultural activities)
- Article 34 (protection from sexual exploitation)
- Article 41 (respect for higher standards)

The Office of the Child and Youth Advocate supports the rights of children and youth in Prince Edward Island, making sure they have a voice in decisions that affect them. Staff of the office review provincial programs and laws that affect children and youth to ensure their rights are protected their well-being is protected. The Child and Youth Advocate is an independent officer of the Legislative Assembly.

The services of the Office of the Child and Youth Advocate are available for all children and youth in Prince Edward Island. More information about these services can be found on their website or by contacting the office directly using the information below.

Website: <https://www.childandyouthadvocatepei.ca/home>

Telephone: 902-368-5630 or 1-833-368-5630

Email: [voiceforchildren@ocyapei.ca](mailto:voiceforchildren@ocyapei.ca)

### 3. Definitions

Every child has the right to their identity as per Article 8 of the United Nations Convention on the Rights of the Child (UNCRC). 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 while this is a general list of terms, 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.

**2SLGBTQIA+** - Is an acronym for two-spirit, lesbian, gay, bisexual, transgender, queer, questioning and asexual identities (each defined below). The plus (+) represents additional sexual orientations or gender identities not listed in recognition that the acronym is not a complete list. This acronym is used as an umbrella term for sexual orientations and gender identities that are not heterosexual or cisgender. There are many possible acronyms that cover sexual and gender minorities – 2SLGTBQ+, LGBTQ2S, LGBTQIP2SAA, QUILTBAG – all with advantages and limitations. This acronym is used thought the document to align with the National Inquiry into Missing and Murdered Indigenous Women and Girls. The National Inquiry has chosen to use the term by putting “2S” at the front. We are remembering that Two-Spirit people have existed in many Indigenous Nations and communities long before other understandings of gender and orientation came to us through colonization. This also puts Two-Spirit people at the front of our conversations, rather than at the end. (National Inquiry into Missing and Murdered Indigenous Women and Girls).

**Ally** - An ally is a person who does not identify as a member of the 2SLGBTQIA+ 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.

**Allosexism** – Norms, stereotypes, and practices in society that operate under the assumption that all human beings experience, or should experience, sexual attraction. Allosexism grants privilege to those who experience attraction and leads to prejudice against and erasure of asexual people. (University of Massachusetts)

**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** - ("cis" meaning "the same as") 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). Cisnormativity refers to the commonplace assumption that all people are cisgender, everyone's gender identity matches their sex assigned at birth and will express their gender in a way that aligns with perceived gender norms, and that everyone accepts this as "the norm". It assumes being cisgender as a fundamental and natural norm and that everyone's gender identity matches their sex assigned at birth. Cisnormativity is used to describe systemic prejudice against trans and non-binary people. This form of systemic prejudice may go unrecognized by the people or organizations responsible. (Egale Canada Human Rights Trust; Rainbow Health Ontario)

**Cissexism** - A system of oppression that considers cis people to be superior to trans people. It includes harmful beliefs that it is "normal" to be cis and "abnormal" to be trans. Examples include scrutinizing the genders of trans people more than those of cis people or defining beauty based on how cis people look. (Rainbow Health Ontario)

**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 not disclosing 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, judgement 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 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. Cisgender and transgender people can both identify as gay. It has also come to be used as

an umbrella term for the 2SLGBTQQIA+ community regardless of gender identity, though this is growing out of favour in the younger generations of 2SLGBTQQIA+ 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 assigned at birth is not a disorder, but the dysphoria that can sometimes accompany this can be.

**Gender Euphoria** - The strong feeling 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 (i.e., 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. 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).

**Genderism** – The systematic belief that people need to conform to their gender assigned at birth in a gender-binary system that includes only female and male. (GLSEN)

**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.

**Heterosexism** – The assumption that everyone is heterosexual and that heterosexuality is superior and preferable. The result is discrimination against bisexual, lesbian and gay people that is less overt, and which may be unintentional and unrecognized by the person or organization responsible for the discrimination. (Rainbow Health Ontario)

**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 – 2SLGBTQIA+ people. This often leads to bias, discrimination, hatred, harassment and violation of the human rights of 2SLGBTQIA+ people. (Guidelines for ensuring LGBTQ+ Equity, Safety, and Security in Northwest Territory Schools).

**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 diagnosable 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. Cisgender and transgender people can both identify as lesbian. Some non-binary people also identify as lesbians.

**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.

**Non-Binary** – A gender identity that is outside the binary categories of man or woman. Someone whose gender is non-binary, might identify with elements of both man and woman, with another gender entirely, or perhaps with no gender at all. Some examples of non-binary gender identities that exist both on and off this spectrum include agender, bi-gender, polygender, genderfluid and genderqueer. (Egale Canada Human Rights Trust).

**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 2SLGBTQIA+ 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** -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.

**Sexism**: Bias and discrimination against females and/or women and/or femininity rooted in and justified by a social system in which males, men, and masculinity are thought to be inherently superior (Egale Canada Human Rights Trust)

**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, it is more fixed (i.e., attracted to men only).

**Transgender** - Transgender is a term that may be used to specifically refer to people who have gone, 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, drivers 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 2SLGBTQIA+ 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.

## 4. 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 and attitudes, use of language, internal biases and even within the physical environment.

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

- The rights and needs of 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; and
- 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, respect, 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 and staff have the understanding, skills and opportunities to contribute to welcoming, caring 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; and
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 understanding of diverse sexual orientations, gender identities and gender expressions evolve, and learning environments and school communities evolve, best practices will also change and evolve.

## 5. 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 consequence. 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, by 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)

The United Nations Convention on the Rights of the Child (UNCRC) is a legally-binding international agreement setting out the rights of every child, regardless of their sex, gender, language, race, ethnicity, religion or abilities. The relevant articles of the UNCRC for these guidelines are fully listed in the introduction but include the right to be free from discrimination; protection of identity; freedom of expression; protection of privacy; protection from violence, abuse, and neglect; right to education, leisure, recreation and cultural activities; and protection from exploitation.

The *Canadian Human Rights Act* requires that an individual's needs are accommodated without being hindered or prevented from doing so by discriminatory practices based on gender identity or gender expression.

Under the Prince Edward Island *Human Rights Act*, public service providers - including schools - have a legal duty to accommodate the needs of those with protected characteristics who are negatively impacted by a requirement, rule or standard of the institution. Protected characteristics are outlined in Section 13, and include gender expression, gender identity, sex and sexual orientation.

Accommodation is necessary to ensure that students and staff with protected characteristics have equal opportunities, access and benefits. The duty to accommodate has two equally important parts: a good faith process of accommodation and the appropriateness of the accommodation provided.

The three principles of the duty to accommodate:

1. Respect for dignity. Accommodation must be provided in the way that most respects the dignity of the student/staff, if doing so does not cause undue hardship.
2. Individualization. There is no set formula for accommodation identified by the Act. Each staff/student's needs are unique and must be considered afresh when an accommodation request is made.

3. Integration and full participation. Accommodations should be developed and implemented with a view to maximizing a staff/student's integration and full participation.

### ***Indicators of this best practice in action***

- The school climate is such that students feel comfortable to talk to staff 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;
- Accommodations are made upon request on a case-by-case basis. *The Human Rights Act* does not limit a person of any age from requesting accommodation;
- A student may make an accommodation request on their own. Article 16 of the UNCRC ensures every child's right to privacy. Disclosing one's gender identity or sexual orientation – i.e., 'coming out' – is a highly personal process. School staff must respect a student's right to determine whether, when, how and to whom they come out. In most cases, parents are aware of their child's gender identity and/or sexual orientation, however, this measure is to respect the privacy of a student who may not be ready to disclose their identity at home or in their community. Students are encouraged to discuss their sexual orientation and gender identity with their parents/guardians if/when they feel comfortable doing so. Further, it is important to note that not all homes are safe for 2SLGBTQQIA+ youth. This measure is also in place to protect youth at risk of rejection, conflict, or ejection from their homes due to lack of acceptance of their 2SLGBTQQIA+ identity. School staff welcome parental involvement and support with consent from the student and when confident the safety and wellbeing of the student is not at risk. In the event of a safety risk to the student, the education authority will follow the appropriate policies and procedures as outlined in the PEI *Child Protection Act* and/or the PEI *Child and Youth Advocate Act*;
- 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. Whenever possible, school staff will work collaboratively with the student and the parent/guardian;
- 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;
- 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 supports 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;

Trans and non-binary youth may conceal their identities in their home and communities due to shame and stigma, or their identities may be a source of family conflict and rejection.

In Atlantic Canada:  
22% of trans and non-binary youth have run away from home.

Canadian Trans and Non-Binary Youth Health Survey, 2019

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

## 6. 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 the pronouns “he” or “she” and may prefer alternate pronouns, such as “they” or “them” or might wish to express themselves or self-identify in other ways (i.e., Mx. instead of Mr., Mrs., Ms., or Miss or no prefix at all). Using staff and students’ chosen names and pronouns is an important way to establish norms of respect.

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. Gender identity and sexual orientation are personal information and it’s important to consider a student’s readiness to disclose their identity and respect their personal coming out process. In keeping with the principles of self-identification, it is important for staff to:

- protect a student’s personal information and privacy, including, 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.
- 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;
- support students to correct peers when mistakes are made. Staff will make every effort to communicate and collaborate with students of diverse gender identities, expressions and sexual orientations to find ways to feel safe at school; and
- 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.

## 7. 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 school issued documents and 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 want those documents to reflect their new name, and that they can refer to PEI's *Change of Name Act* for the requirements.

### *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 student's chosen name(s) and pronoun(s) on school-issued documents such as report cards and other school correspondence; and
- Schools adopt practices to avoid inadvertently disclosing the student's gender identity or expression when required to use or report a gender diverse student's legal name.

## 8. 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 the codes to ensure they are respectful and inclusive of the gender identities and gender expressions of all members of the school community (i.e., rules apply equally and fairly to all students and are not gender-exclusive, such as implying that a certain type of clothing (ex: 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".

## 9. Reducing gender-segregated activities and gendered language

The Department recognizes that equity-based programming exists to ensure fair access to opportunities and to promote representation and participation of diverse or under-represented groups. (i.e., programs to promote girls in STEM (science, technology, engineering and math) and trades, PRIDE events, Newcomers Association PEI support group for teenage boys who have immigrated to PEI). These programs serve an important purpose

to work toward equality for all. Outside of equity-based programming, schools should reduce gender-segregated activities to the extent possible and as appropriate (i.e., lining students up by gender for daily/routine activities).

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.

Pay attention to and reduce the use of gendered language as appropriate when possible. Gendered language such as “girls and boys”, “ladies and gentleman” can be alienating for gender non-conforming or gender diverse students and staff. The use of vocabulary such as “students”, “class”, “everyone”, “folks”, “grade x”, “teachers”, “staff members” can be more inclusive and is often more clear.

### ***Indicators of this best practice in action***

- Schools work to reduce or eliminate the practice of segregating students by gender when it is not integral to the activity or required as an equity measure. For example, avoid structuring activities based on stereotypical roles such as ‘boys’ vs ‘girls’ in such things as debates etc.; and
- 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.

## **10. 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 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 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 PEI Student Athletics Association (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).

PEISAA encourages its member schools to offer equal programs for male and female student athletes and opportunities for students of all genders.

Students who identify as girls or women can play on a team designated for girls or women, and students who identify as boys or men can play on a team designated for boys or men. All genders can compete on a team designated as a "co-ed" sport, in accordance with the sport-specific roster allocations.

The only exception to this rule is students who identify as girls or women may play on a team designated for men or boys only if the school does not offer a girls’ or women’s team in that sport, at the appropriate classification, during the same school year. A letter from that particular student’s principal confirming that a

girls' or women's team will not be offered that year at the school must accompany the appropriate player registration form.

The Department recognizes that gender-segregated teams are an important equity measure. While the need for gender-segregated teams remains in place in school athletics so that girls and boys are able to participate fully and safely in sports, this can leave non-binary students without a space to participate.

In accordance with PEISAA's policies, transgender and non-binary students can try out for the team that best aligns with their lived gender. Transgender and non-binary students will choose between either the girls' teams or boys' teams for the duration of the season for all of the sports they participate in, if selected to play. This gives students a choice of one gendered team, per sport, per year (e.g., they can't play on both the boys' and girls' soccer teams), but not to hold them to a single gender across different sports (e.g., they may play girls' soccer and boys' basketball).

While the competitive nature of sport is valued and provides opportunities for students, as learning institutions, the priority is to ensure that all students can play and benefit from sport. Trans and non-binary students in Atlantic Canada are much less likely than their cisgender, heterosexual peers to participate in physical activities and sports with a coach. It is important that athletic policies ensure that no student is denied the opportunity to participate in and benefit from sport and extra-curricular activities on the basis of their gender identity or gender expression.

**93% of trans and non-binary students in Atlantic Canada report never participating in physical activities with a coach.**

- 3% participate less than once a week
- 3% participate 2-3 times a week
- 1% participate more than 4x a week

Canadian Trans and Non-Binary Youth Health Survey, 2019  
Gahagan et al, 2019

Student safety, while engaging in sports, will always be given precedent and consideration. All requests for accommodation are addressed on a case-by-case basis.

***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 try out for gender-designated sport activities in accordance with their lived gender identity, and participate fully and safely if selected to play. Non-binary students may choose whether they try out for the girls' teams or boys' teams for the duration of the season;
- 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 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; and
- Activities that may involve the need for lodging, housing or billeting accommodations should be

addressed on a case-by-case basis 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.

## 11. Providing safe access to washroom and change-room facilities

Public institutions have a duty to provide access to washrooms and change rooms that align with a person's gender identity and expression under the *PEI Human Rights Act*. Failure to provide access to facilities that best align with a person's gender identity is discrimination and thus unlawful.

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.

Students whose gender may not align with their sex-assigned at birth do not make decisions about expressing their gender at school lightly. 2SLGBTQIA+ youth navigate many social barriers and norms in order to express their lived-gender and/or sexual orientation, which can be challenging, stressful and even put them at risk.

Accommodations based on gender identity and expression, including providing access to washroom and change room facilities, are made through a *process*. This process involves honest conversations, made in good faith, with the student requesting accommodation.

Accommodations are not made flippantly, nor can one student's needs supersede another's. As per the *Human Rights Act*, schools have a duty to accommodate, to the point of undue hardship, which would include any situations that would jeopardize the safety of others. The safety and comfort of all students will be considered.

A private washroom/change facility will be provided to a student who requires one for any reason.

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.

Non-discrimination laws and practices for washroom and change room access have been in place in most school jurisdictions in Canada (see Resources section p. 26) for several years and have not been associated with an increase in false claims for accommodation, privacy issues or criminal incidents in these spaces. Additionally, studies show that privacy and safety violations in public restrooms, locker rooms and changing rooms are exceedingly rare.

### Accommodation can look many different ways:

- A single-stall bathroom
- Privacy curtains in change rooms
- Staggering access times to change facilities
- Allowing a student to leave/arrive early or late to access facilities privately

### ***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),
  - 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); and
- 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.

## **12. 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 environment that respects diversity and fosters a sense of belonging.

Egale Canada study “Every Class in Every School” (2011) identified that 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 discriminatory (i.e. homophobic, biphobic, transphobic, heteronormative, and cisnormative) 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

orientation, gender identity and gender expression. 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, 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 students to respect, include and affirm all members of the school community. In addition, self-directed training resources can be located in the reference section of this document;
- Teachers work to identify and use learning resources and instructional approaches that are inclusive and respectful of diverse sexual orientations, gender identities and gender expressions;
- 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; and

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

The Department does not tolerate harassment and discrimination in any form in our school communities and is committed to addressing acts of harassment, discrimination, exclusion based on gender identity, gender expression and sexual orientation, such as: homophobia, transphobia, biphobia, heterosexism, and cissexism. Experiences of homophobia, biphobia, transphobia, heterosexism, and cissexism are distinct from other forms of bullying as they are categorized as discrimination in the *Human Rights Act*. The guidelines help equip school staff to address anti-2SLGBTQQIA+ harassment and its damaging effects on the well-being and educational outcomes for 2SLGBTQQIA+ students.

The UNCRC in Article 28 (education), school discipline should respect children's dignity and rights. 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 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. As per Article 29 of the UNCRC (education and children's development), education should help develop every child's personality, talents and mental and physical abilities to the full. It should develop children's respect for their own rights and those of others, for their parents, for their own culture and the cultures of others. 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 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 annually review 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 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 Environments policy and procedure for dealing with and reporting, when necessary, discriminatory behaviours including all forms of homophobia, transphobia, heterosexist, cissexist 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 verbally

abused by a student should report it to a teacher or principal for investigation; and

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

## **14. 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. 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. This approach aligns with Article 12 of the UNCRC (respect for children’s views), which states that every child has the right to express their views on matters that affect them, and for these views to be taken into consideration. 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 discrimination 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 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 and discrimination of others;
- Students report any identity-based bullying behaviour and discrimination they see or experience (including online bullying) to an adult in the school;
- Students refrain from identity-based bullying behavior and discrimination 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; and
- 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 and sexuality alliances (GSAs).

## **15. Ensuring all families are welcomed and supported as valued members of the school community**

The Department and 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 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 belonging.

### ***Indicators of this best practice in action***

- Forms and other types of communications use non-gendered and inclusive language (i.e., 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, ask the family for guidance (i.e., 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 and discrimination 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; and
- Schools have a non-gendered washroom available for public use.

## **16. 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 basis 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 that 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 who choose to volunteer are supported to serve as a liaison for a Gender and Sexuality Alliance (GSAs) or other student organization intended to promote a welcoming, caring, respectful and safe learning environment that respects diversity and fosters a sense of belonging;
- Schools 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 schools 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;
- Schools 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 accommodation are addressed on a case-by-case basis and solutions are individualized to best meet the needs of the staff member making the request;
- Schools 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 (i.e. partner, spouse) and plan inclusive school events that involve staff family members; and
- 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

## **British Columbia**

SD83: SOGI Guidelines: Supporting Students with Diverse Sexual Orientation, Gender Identities and Expression

<https://sd83.bc.ca/wp-content/uploads/2020/10/SD83-SOGI-Guidelines.pdf>

## **Vancouver Board of Education**

School Support for Trans and Gender Nonconforming Students

<https://bctf.ca/uploadedFiles/Public/SocialJustice/Issues/LGBTQ/VBEGuidelinesSupportforTransGNStudents.pdf>

## **Alberta**

Guidelines for Best Practices: Creating Learning Environments that Respect Diverse Sexual Orientations, Gender Identities, and Gender Expressions - <https://education.alberta.ca/media/1626737/91383-attachment-1-guidelines-final.pdf>

## **Saskatchewan**

Ministry of Education – Deepening the Conversation: Gender and Sexual Diversity

<https://publications.saskatchewan.ca/api/v1/products/75989/formats/84995/download>

## **Manitoba**

Department of Education - Supporting Transgender and Gender Diverse Students in Manitoba Schools

[https://www.edu.gov.mb.ca/k12/docs/support/transgender/full\\_doc.pdf](https://www.edu.gov.mb.ca/k12/docs/support/transgender/full_doc.pdf)

## **Ontario**

### **Toronto District School Board**

TDSB Guidelines for Accommodating Transgender and Gender Non-Conforming Students and Staff

[https://www.tdsb.on.ca/Portals/0/docs/tdsb%20transgender%20accommodation%20FINAL\\_1\\_.pdf](https://www.tdsb.on.ca/Portals/0/docs/tdsb%20transgender%20accommodation%20FINAL_1_.pdf)

### **Ottawa-Carleton District School Board**

Gender Identity and Gender Expression Guide to Support our Students

<https://www.ocdsb.ca/common/pages/DisplayFile.aspx?itemId=16600750>

### **Resource for all Ontario Public and Catholic School Districts**

Gender Expression and Gender Identity

<https://www.gegi.ca/>

## **Québec**

Mesures d’ouvertures et de soutien envers les jeunes trans et les jeunes non-binaires: Guide pour les établissements d’enseignement.

[http://www.colloquehomophobie.org/wp-content/uploads/2017/11/brochure\\_jeunes\\_trans\\_web-2.pdf](http://www.colloquehomophobie.org/wp-content/uploads/2017/11/brochure_jeunes_trans_web-2.pdf)

Measures for Openness to and Support for Trans and Non-Binary Students: A Guide for Education Institutions  
[https://cdn-contenu.quebec.ca/cdn-contenu/adm/min/education/publications-adm/SCF/Measures\\_for\\_Openness\\_to\\_and\\_Support\\_for\\_Trans\\_and\\_Non-Binary\\_Students.pdf?1599569450](https://cdn-contenu.quebec.ca/cdn-contenu/adm/min/education/publications-adm/SCF/Measures_for_Openness_to_and_Support_for_Trans_and_Non-Binary_Students.pdf?1599569450)

### **New Brunswick**

Department of Education and Early Childhood Development Policy 713: Sexual Orientation and Gender Identity

<https://www2.gnb.ca/content/dam/gnb/Departments/ed/pdf/K12/policies-politiques/e/713.pdf>

Ministère de l'Éducation et du Développement de la petite enfance, Politique 713 : Orientation sexuelle et l'identité de genre

<https://www2.gnb.ca/content/dam/gnb/Departments/ed/pdf/K12/policies-politiques/f/713.pdf>

### **Nova Scotia**

Department of Education - Guidelines for Supporting Transgender and Gender Non-Conforming Students in Schools

[https://studentservices.ednet.ns.ca/sites/default/files/Guidelines%20for%20Supporting%20Transgender%20Students\\_0.pdf](https://studentservices.ednet.ns.ca/sites/default/files/Guidelines%20for%20Supporting%20Transgender%20Students_0.pdf)

### **Yukon**

Department of Education - Gender Identity and Sexual Orientation Policy

<https://open.yukon.ca/sites/default/files/edu-sexual-orientation-and-gender-identity-policy.pdf>

### **Northwest Territories**

Department of Education Culture and Employment – Guidelines for Ensuring LGBTQ2S+ Equity, Safety, and Inclusion in Northwest Territories Schools

[https://www.ece.gov.nt.ca/sites/ece/files/resources/final\\_eng\\_web\\_lgbtq2s\\_guidelines\\_2020.pdf](https://www.ece.gov.nt.ca/sites/ece/files/resources/final_eng_web_lgbtq2s_guidelines_2020.pdf)

### **Other Resources:**

The Gender Unicorn - <https://transstudent.org/gender/>

The Gender Wheel - <http://www.genderwheel.com/>

Comprendre la diversité sexuelle et l'identité de genre - [https://diversite.lacsq.org/wp-content/uploads/2018/05/PDF\\_Web\\_diversite\\_identite\\_de\\_genre.pdf](https://diversite.lacsq.org/wp-content/uploads/2018/05/PDF_Web_diversite_identite_de_genre.pdf)

Trans Language Primer - <https://www.translanguageprimer.org/>

Health Across The Gender Spectrum - <https://www.coursera.org/learn/health-gender-spectrum>

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/](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/>

PEI Human Rights Commission Duty to accommodate <https://www.peihumanrights.ca/education-and-resources/duty-to-accommodate>

Guide sur la création et la mise en oeuvre d'un comité de la diversité sexuelle, de genre et leurs allié(e)s dans les écoles francophones du Nouveau-Brunswick [https://65d90561-9b51-492d-927f-94dee9e676a9.filesusr.com/ugd/b42511\\_58519d79e5224b5984ed12f7af8cddaf.pdf](https://65d90561-9b51-492d-927f-94dee9e676a9.filesusr.com/ugd/b42511_58519d79e5224b5984ed12f7af8cddaf.pdf)

Gender Identity and Gender Expression  
<https://www.peihumanrights.ca/sites/www.peihumanrights.ca/files/GIGE.pdf>

United Nations Convention on the Rights of the Child  
<https://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>

Summary of Articles from United Nations Convention on the Rights of the Child  
<https://www.savethechildren.org.uk/content/dam/gb/reports/humanitarian/uncrc19-summary2.pdf>

## Training Resources

SOGI British Columbia – Professional Development Resources  
<https://bc.sogieducation.org/pro-d>

ASCD Webinar – Supporting Trans and Gender Non-Conforming Students with Pride  
<http://www.ascd.org/professional-development/webinars/supporting-trans-and-gender-nonconforming-students-with-pride-webinar.aspx>

Responding to Transphobia  
[https://egale.ca/wp-content/uploads/2019/11/Responding\\_2\\_final.pdf](https://egale.ca/wp-content/uploads/2019/11/Responding_2_final.pdf)

Safe at School  
<https://www.safeatschool.ca/resources/resources-on-equity-and-inclusion/homophobia/reference-materials>

GLSEN Educator Resources  
<https://www.glsen.org/educator-resources>  
<https://www.glsen.org/resources/webinars-and-workshops>

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Egale Canada Human Rights Trust LGBTQ2S+ Glossary of Terms  
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<https://www.princeedwardisland.ca/sites/default/files/legislation/H-12%20-Human%20Rights%20Act.pdf>

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[https://www.mmiwg-ffada.ca/wp-content/uploads/2018/02/NIMMIWG\\_Lexicon\\_ENFR-1.pdf](https://www.mmiwg-ffada.ca/wp-content/uploads/2018/02/NIMMIWG_Lexicon_ENFR-1.pdf)

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