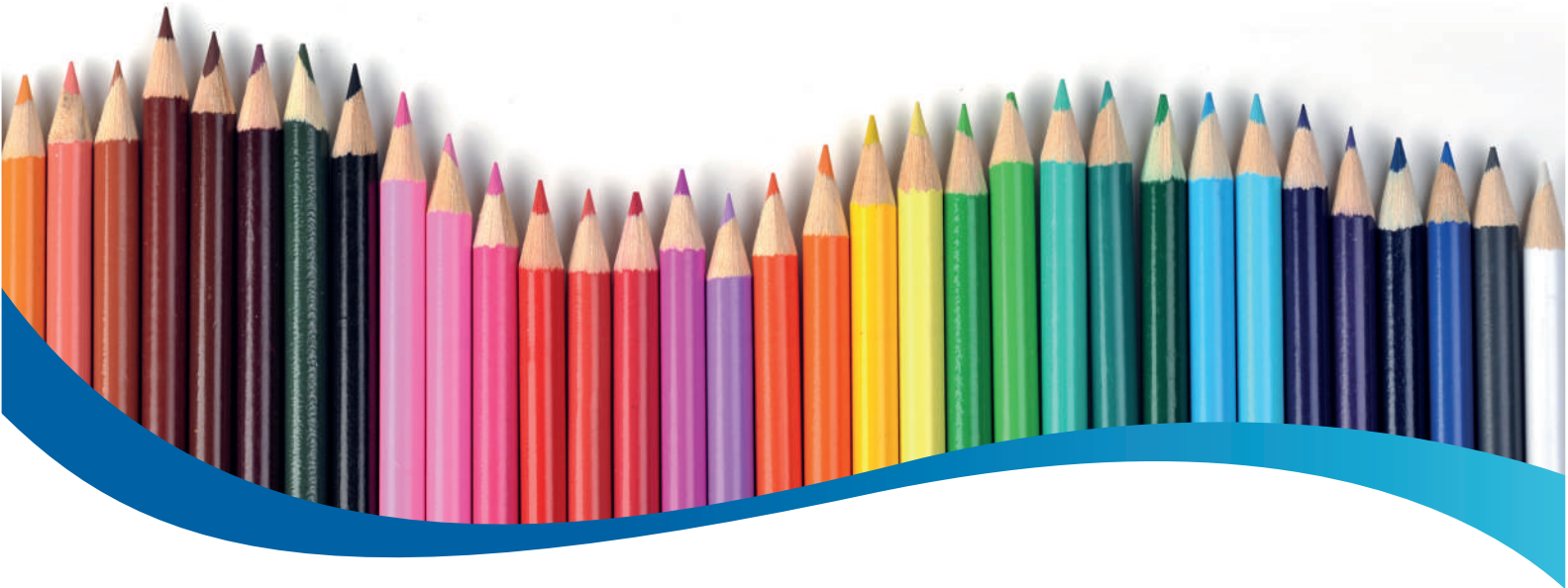




IMPROVED UNDERSTANDING AND PRACTICES FOR SEXUAL AND GENDER DIVERSITY IN SCHOOLS

GUIDE FOR EDUCATIONAL INSTITUTIONS



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Direction générale des services de soutien aux élèves
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Collaboration

Direction de l'enseignement privé
Secrétariat à la condition féminine
Bureau de lutte contre l'homophobie et la transphobie

For additional information, contact:

General Information
Ministère de l'Éducation
1035, rue De La Chevrotière, 21^e étage
Québec (Québec) G1R 5A5
Telephone: 418-643-7095
Toll-free: 1-866-747-6626

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Acknowledgements

This guide is based on several important reference documents related to taking into account sexual and gender diversity in schools.

- *Measures for openness to and support for trans and non-binary students: A guide for educational institutions*, produced by the Table nationale de lutte contre l’homophobie et la transphobie des réseaux de l’éducation
- *Les élèves trans et les élèves non binaires en milieu scolaire: Pratiques gagnantes à considérer*, created by Danièle Boivin, regional support person for school climate, violence and bullying in the Mauricie and Centre-du-Québec regions
- *Lignes directrices relatives aux élèves transgenres*, produced by the Commission scolaire de Montréal

Elements of these three documents have been reproduced in their entirety, without quotation marks, which would have cluttered the layout, but with the kind permission of their authors. In the English version, these indirect quotations have been freely translated and may not correspond to the precise wording of the documents mentioned above.

Glossary

The following definitions are provided in order to support an understanding of the content covered in this guide. They are largely inspired by those used in the guide *Measures for openness to and support for trans and non-binary students*¹ as well as the glossary produced by Status of Women Canada.² As there are a wide range of terms used to describe the experiences of people who have diverse sexual orientations or gender identities or who have family members who do, and as this field is constantly evolving, the following glossary is not intended to be an exhaustive list. The documents listed in the acknowledgments contain more detailed glossaries.

Affirmation of gender identity or social transition: The process by which a trans person reveals, expresses and confirms their gender identity, and integrates it into their personal and social life.

Assigned sex at birth: The classification at birth of a person as female or male based on a limited number of observable physical characteristics, primarily the appearance and structure of external genitalia.

Gender expression: The appearance that society qualifies as feminine or masculine, regardless of a person's gender identity (clothing, hairstyle, makeup, behaviour, body language, voice, etc.). Everyone, regardless of their gender identity, exhibits gender expression and may express it in different ways that are not necessarily indicative of their identity.

Gender identity: An individual's intimate, personal and internal sense of gender. Gender is a spectrum that is widely viewed as encompassing two poles, male and female, but in which nuances between the two extremes are possible, personal and legitimate. A person's gender identity may differ from their assigned sex at birth.

Homophobia: Any negative attitude that may lead to direct or indirect rejection of and discrimination against lesbian, gay or bisexual people, or people of any other sexual orientation or any individual whose appearance or behaviour does not conform to the stereotypes associated with their sex assigned at birth.

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1. Table nationale de lutte contre l'homophobie et la transphobie des réseaux de l'éducation, *Measures for openness to and support for trans and non-binary students: A guide for educational institutions* (Montréal: Table nationale, 2018), http://tablehomophobietransphobie.org/wp-content/uploads/2018/01/1718-020_BrochJeunesTrans-ANG_web.pdf.
 2. Canada, Translation Bureau, "Gender and sexual diversity glossary," *Glossaries and Vocabularies*, Updated February 2019, <https://www.btb.termiumplus.gc.ca/publications/diversite-diversity-eng.html>.

Non-binary: A person who identifies their gender as being outside of the gender binary of male and female.

Self-identification: The process by which a person openly defines an aspect of their identity, such as gender. Self-identification is the only way to determine a person's gender identity.

Sexual orientation: The emotional and/or sexual attraction to men, women or people who identify outside of the gender binary.

Transgender or trans: A person whose gender does not correspond, in whole or in part, to their assigned sex at birth.

Transition: A series of social, medical and/or legal processes that a person may undertake to affirm their gender identity. It is a personal journey unique to each person.

Transphobia: Any negative attitude that may lead, directly and indirectly, to rejection of and discrimination against trans individuals or any person whose appearance or behaviour does not conform with the male or female stereotypes associated with their assigned sex at birth. Purposefully using the wrong pronouns or first name, either in the presence or absence of the person in question, is an example of transphobia.

Note that sexual orientation, gender identity and gender expression may be experienced in nuanced ways by individuals and may even change over time.

Introduction

This guide was created for educational institutions, within a context where the socialization aspect of the mission of Québec schools is put at the forefront. This aspect is an essential cornerstone for all Quebecers to live together in harmony, since the values of inclusion, openness, respect and freedom are integral parts of school life and influence all areas of society.

With the title of *Improved Understanding and Practices for Sexual and Gender Diversity in Schools*, this guide equips schools with the means to respond to the two major issues³ in education that will be the vectors of ministerial action in the coming years:

- Inclusion and educational success for all
- Quality of environments for living and learning

This guide is mainly intended for administrators in the school network who are pursuing actions to create a welcoming, safe and inclusive learning environment. The goal of this guide is to remind readers of the current legal frameworks that place students and education staff at the heart of reflections regarding the inclusion of all people with diverse sexual orientations, gender identities and gender expressions. It specifies the orientations of the Ministère de l'Éducation related to taking into account sexual and gender diversity in school settings, and states the main principles that shape the potential actions to be implemented in order to respect the rights, needs and responsibilities of each individual.

3. Québec, Ministère de l'Éducation et de l'Enseignement supérieur, *Plan stratégique 2019-2023* (Québec, 2019), <https://cdn-contenu.quebec.ca/cdn-contenu/adm/min/education/publications-adm/plan-strategique/plan-strategique-2019-2023.PDF?1575660315>. Available in French only.

Ministerial orientations

The Ministère de l'Éducation is sensitive to the realities experienced by individuals with diverse sexual orientations and gender identities. The ministerial orientations related to taking into account sexual and gender diversity are based on the applicable legal frameworks, as well as measures in the *Government Action Plan Against Homophobia and Transphobia* (2017-2022), the *Concerted Action Plan to Prevent and Counter Bullying* (2015-2018) and the *Concerted Action Plan to Prevent and Counter Bullying and Cyberbullying* (2020-2025), especially those intended to support schools in more effectively taking into account gender and family diversity. The fundamental principles guide interventions at school and ensure that the fundamental rights of all students are respected.

Legal frameworks

The legal foundations presented here are powerful mechanisms that support the actions to be implemented with students, staff and families in order to improve understanding and practices for sexual and gender diversity:

Québec Charter of human rights and freedoms

Section 10: "Every person has a right to full and equal recognition and exercise of [their] human rights and freedoms, without distinction, exclusion or preference based on race, colour, sex, gender identity or expression, pregnancy, sexual orientation, civil status, age except as provided by law, religion, political convictions, language, ethnic or national origin, social condition, a handicap or the use of any means to palliate a handicap."

An Act to strengthen the fight against transphobia and improve the situation of transgender minors in particular

Section 60: "An application for a change of name for a minor child may be made by the child's tutor or by the minor child alone if the child is 14 years of age or over."

Section 71.1: "An application for a change of designation of sex for a minor child may be made by the minor alone if the minor is 14 years of age or over or by the minor's tutor with the minor's consent. If the minor is under 14 years of age, the application must be made by the minor's tutor."

Act respecting access to documents held by public bodies and the protection of personal information

Section 53, paragraph 1: “The person to whom the information relates consents to its disclosure; in the case of a minor, consent may also be given by the person having parental authority.”

Education Act and Act respecting private education

Education Act, section 210.1: “The school service centre shall see to it that each of its institutions provides a healthy and secure learning environment that allows every student to develop [their] full potential, free from any form of bullying or violence. To that end, it shall support the principals of its institutions in their efforts to prevent and stop bullying and violence.”

Education Act, section 75.1: “The governing board is responsible for adopting the anti-bullying and anti-violence plan, and any updated version of the plan, proposed by the principal.

The main purpose of the plan must be to prevent and stop all forms of bullying and violence targeting a student, a teacher or any other school staff member. . . .”

Act respecting private education, section 63.1: “An institution providing educational services . . . must provide a healthy and secure learning environment that allows every student to develop [their] full potential, free from any form of bullying or violence. To that end, the institution must adopt an anti-bullying and anti-violence plan.”

Consequently, schools must implement concrete measures to ensure that the right to dignity, equality and integrity and the well-being and safety of each student, including trans and non-binary students, is protected.

Fundamental principles

The only reliable way to know a transgender or non-binary person's gender identity is from their self-identification.

Under the modifications made to the Québec *Charter of human rights and freedoms*, educational institutions must use the first name and pronouns chosen by the trans or non-binary student and respect the student's self-identification regarding gender identity. There is no requirement that the student's sex marker or first name be legally changed in the Québec register of civil status or changed in the student's internal administrative file. Additionally, an intentional or ongoing refusal to respect a trans or non-binary student's gender expression or identity may be considered a form of harassment or discrimination, and could potentially lead to legal consequences.

The integrity of transgender or non-binary students and their right to dignity, equality and respect must be protected.

Support measures for transgender and non-binary students must not be organized in such a way that these students face additional constraints, such as being isolated, marginalized or penalized.

The right of each transgender or non-binary student or adult to confidentiality and respect for their private life must be maintained.

Respecting confidentiality is extremely important. The student's needs and expressed wishes must be verified, as well as those of the parents if the student is under 14 years of age, in matters of confidentiality.

The measures implemented for minors as well as adults must be guided by their lives, needs, experiences and expressed wishes.

The implementation of support and guidance measures must involve collaboration between the school team, the student and their parents, especially if the student is under 14 years of age. It is necessary to obtain the consent of students over the age of 14 before involving their parents in any possible support measures to be implemented by the school. This collaboration requires listening to the student's needs and concerns. Measures implemented by a school must be determined on a case-by-case basis in order to respond to the needs of each person in the best possible manner.

Schools must provide a learning environment that is healthy and safe.

Every student who attends school must be able to develop to their full potential, safe from any form of bullying or violence. Inclusion and support measures can be especially helpful for preventing transgender and non-binary students from experiencing bullying, harassment, discrimination, homophobia, transphobia or exclusion.

In order to provide information and take into account the concerns of the school team, it would be beneficial to include awareness-raising and training activities on the realities of transgender and non-binary people as part of the professional development plan for all school staff. Therefore, staff members will be able to develop the necessary attitudes and skills for welcoming students and staff who have or whose family members have diverse sexual orientations and gender identities.

Awareness-raising and training activities allow school staff to develop the necessary skills for welcoming students and staff who have or whose family members have diverse sexual orientations and gender identities.

Support and guidance

The Ministère's awareness of the realities experienced by individuals with diverse sexual orientations and gender identities is further demonstrated through the support and guidance it provides to the school network.

On a regional level, the Ministère has designated people to provide support and guidance to the school network in applying the legal obligations related to the creation of a positive school climate and the prevention of violence and bullying. This team of intervention specialists also ensures follow-up on the different measures established as part of ministerial and governmental action plans intended to allow for diversity in sexual orientation, gender identity and families to be better taken into account.

The Ministère also provides training and support to educational institutions for the successful implementation of the compulsory content in sexuality education. This content was created with respect for sexual and gender diversity, and informs students about gender identity and gender expression, sexual orientation, social roles and gender stereotypes, among other things.

Educational practices and administrative measures

It is the responsibility of each educational institution to welcome students, adult learners and families to an inclusive environment and to take into account sexual and gender diversity at their school. The following are some examples of appropriate educational practices and administrative measures:

- Plan training for school staff to allow them to deepen their understanding of the realities of young people who have diverse sexual orientations, gender identities and gender expressions as well as to respond to their questions and concerns:
 - Support students and school staff in implementing inclusive practices with regard to the realities of sexual orientations and gender diversity that demonstrate openness and respect and that are centered on the needs of transgender and non-binary students
 - Adopt an inclusive vocabulary and, especially in learning situations, use examples that demonstrate gender diversity, various sexual orientations and various family compositions
- Adapt the code of conduct and the action plan against violence and bullying to include practices that are inclusive of everyone at school, including students and staff who have or whose family members have diverse sexual orientations and gender identities:
 - Remove gendered requirements from the dress code
 - Allow transgender and non-binary people to wear the clothing that they feel matches their gender identity
 - Create gender-neutral private spaces (e.g. bathrooms or locker rooms) so that students and staff can freely choose which to use
- Ensure access to educational resources that are free from stereotypes and that reflect the diversity of sexual orientations, gender identities, gender expressions and families.

- Adopt an attitude of awareness and flexibility based on the needs of students:
 - Foster full participation of transgender and non-binary students in all activities that take place at school, including in physical education and health class and in extracurricular activities
 - Avoid dividing students by sex assigned at birth or by gender, especially during activities related to sexuality education, and show creativity when organizing teams for work or activities and when choosing materials intended for students
- Support transgender and non-binary students in their self-identification and self-expression:
 - Use the first name and preferred pronouns chosen by the transgender or non-binary student, if applicable
 - Assess the necessity of including the sex and/or gender of students in internal documents at the educational institution
 - Create a process to facilitate changing the first name and gender marker of students in internal documents
 - If possible, adapt the computer system in order to maintain files that comply with legal requirements
- Protect and keep confidential any information related to transgender or non-binary students.
- Establish, either internally or externally, collaborations with qualified professionals in education, health and social services and the community, for raising awareness, education, prevention and support, if necessary.
- Inform parents and raise awareness of the experiences of transgender and non-binary young people.
- Support the creation of a committee or student groups that can serve as opportunities for discussion on sexuality and gender diversity in educational institutions.

Conclusion

In a society such as Québec, which is based on a belief in openness and where individual rights are recognized, it is important to ensure that our schools are places of freedom, inclusion and safety for all people, including students and staff who have or whose family members have diverse sexual orientations and gender identities. This guide is intended to encourage the creation of environments that foster conscious consideration of sexual orientation and gender diversity as well as ensure the physical and psychological security of transgender and non-binary students and staff members.

In addition to the support and guidance provided by the Ministère, various organizations that work with people who have or whose family members have diverse sexual orientations and gender identities may contribute, together with the school network, to fostering a better understanding of this diversity.

The varied realities of people with minority sexual orientations and gender identities are constantly changing and, as such, must be recognized as part of daily life in the Québec school network. Openness, acceptance and ongoing training are essential conditions so that all students can evolve in an environment that is welcoming, safe and inclusive.

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