

EDUCATION

Trans students in public and independent schools in British Columbia have:

The right to an educational environment **free from discrimination**.

The right to an educational environment **free from harassment** because we are trans. This includes the right to an environment free from violence, verbal abuse, threats, and bullying.

The right to be addressed by the **name and pronouns that we use**, regardless of our legal name or sex.

The right to wear **clothing** that corresponds with our felt gender expression.

The right to play on **sports teams** that correspond with our felt gender.

The right to use **bathrooms** and **locker rooms** that correspond with our felt gender. If our gender identity is not binary (male or female), we can choose the change rooms, bathrooms, classes, and pronouns that are safest for us. If the facilities for people with disabilities are the only gender-neutral spaces available, we can use those. We cannot be required to use a separate room away from other students, but we may choose to do this if it is where we feel most comfortable.

The right to **attend classes** that correspond with our felt gender when classes are segregated by gender.

The right to have our trans status treated with the same degree of **privacy** as medical information.

The sex on a student's birth certificate is currently recorded on attendance sheets, following a policy set by the Ministry of Education. This practice can put trans students' confidentiality at risk. Until this practice is brought in line with human rights law, schools should take all steps to keep attendance sheets as confidential as possible.

Activist Spotlight

Tru Wilson (featured above with her mother, Michelle) filed human rights complaint that led the Catholic Independent Schools of the Vancouver Archdiocese (CISVA) to create a policy for accommodating trans students. Visit our website to find out more about Tru's success story.

What laws protect trans students?

1. School boards have a legal duty under the **BC Human Rights Code** to make sure that their schools are free from bullying, harassment, and discrimination. They also have a legal duty to accommodate students who have particular needs in order to be able to participate equally with other students in the classroom. That means schools boards must have effective policies and procedures for accommodating trans students and keeping us safe. The accommodations listed above are widely recognized as best practices. School boards that do not currently have policies ensuring that trans students are accommodated in these ways must modify their policies in order to meet their legal obligations.
2. In addition to the BC Human Rights Code, the **Charter of Rights and Freedoms** guarantees equality to trans students in public schools. Independent schools may argue that they do not need to accommodate us for religious reasons, but there are limits to this argument. For example, Tracey Wilson was a trans elementary school student in a Catholic school. She filed a human rights complaint against the Catholic Independent Schools of the Vancouver Archdiocese (CISVA). Her case was settled when the CISVA agreed to implement a policy in line with the accommodations listed above. A link to this policy can be found on our website.
3. The **Criminal Code** is available if a trans student is harassed, assaulted, or sexually assaulted. Talk to the police or a Victims Services organization.

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How can you stand up for your rights?

Despite having rights, many trans students experience bullying and harassment in schools. Standing up for your rights can be difficult, especially if you are a youth and your parents are not supportive. Find other allies. For example, your school or school district may have a person designated to support queer and trans youth, or a safe schools coordinator.

1. Make sure you **keep a journal** of each event of discrimination and harassment you face (include the 5 W's: who, what, where, when, and why). Note all meetings you had, requests you made, and what happened. It is very hard to remember things accurately unless you do this.
2. **Work with your school to make an accommodation plan.** If your school has a trans-inclusion policy in place, it will set out a process for how you can work with the school to make a plan. If your school does not have a trans-inclusion policy in place, speak with the principal. You may have to educate the principal about what it means to be trans and what accommodations you require. You may want to show them some of the booklets and model policies in the *Resources* section of our website.
3. If the school fails to follow their policy, or refuses to accommodate you in the ways listed above, the next step in most school districts is to complain to the **Director of Instruction or School Trustee** designated to your school, followed by the the **Superintendent**.

4. If any of these school administrators (Principal, Director of Instruction, School Trustee, Superintendent) refuses to accommodate you, you can **file a Human Rights Complaint** (see *Human Rights Complaints* on our website). If you are having an issue with a private or religious school, get legal help. Even though the human rights process is slow, filing a complaint can give you leverage in dealing with your school. A tribunal can order that the school stop discrimination and develop trans-inclusive policies.
5. If what you are experiencing at school causes harm to your body or makes you fear for your safety, you may choose to **report a crime to the police** (see *Take Action* section on our website).

Start a club or group to promote understanding of gender diversity.

6. **Start a club or group** to promote understanding of gender diversity. Your group can organize campaigns and events to create a more supportive school culture for queer and trans students.
7. You can **sue your school board** in the BC Supreme Court for a violation of your equality rights under the Canadian Charter of Rights and Freedoms. So far, nobody has done this but you could be the first. You would need a lawyer. This is the most expensive option. It could easily cost \$50,000. It could take several years to resolve.

For information on organizations and resources that can help you stand up for your rights, please visit transrightsbc.ca

The Catherine White Holman Wellness Centre and the VCH Transgender Health Information Program produced this document as general legal information. It was reviewed by The Law Office of Barbara Findlay, QC and is current as of July 2015. It is not legal advice, as each situation is unique.