

LGBTQ+ NON-DISCRIMINATION

- POLICY -

The Board of Education realizes that it is responsible for ensuring that school cultures are safe, welcoming, inclusive, and affirming for all students and employees including LGBTQ+ people. The Board is committed to ensuring that an environment of respect is fostered, promoted and supported throughout the district's working and learning community specifically for sexual, racial and gender diversity. The role of educators in the district is critical in creating positive societal change to address the difficulties that LGBTQ+ often face in schools. LGBTQ+ students and same-gender parented families have a right to be recognized and affirmed.

The Board recognizes and is committed to supporting the right of all students to learn, and employees to work, in an environment free from discrimination and harassment. Students and staff who are lesbian, gay, bisexual, transgender or questioning (referred to in this part as 'LGBTQ+'), or are perceived to be LGBTQ+, or who associate with LGBTQ+ people, have been and are subjected to pervasive discrimination, including harassment, bullying, intimidation, and violence, and have been deprived of equal educational opportunities.

While discrimination of any kind is harmful to students, staff and to the education system, actions that target individuals based on sexual orientation or gender identity represent a distinct and severe problem that remains inadequately addressed.

Discrimination at school has contributed to adverse physical and mental health consequences among LGBTQ+ youth. When left unchecked, discrimination in schools based on sexual orientation or gender identity can lead, and has led, to life-threatening violence and to suicide.

Students and staff have rights to equal protection, privacy, and free expression, which are infringed when others engage in or neglect to take prompt and effective action to stop discrimination on the basis of sexual orientation or gender identity. Support from classmates and school personnel may help students who otherwise feel ostracized or disengaged.

Failure to comply with this Policy may result in disciplinary action.

- REGULATIONS -

1. DEFINITIONS.

The following definitions are not meant to label individuals but to enhance our understanding of transgender issues and guide actions and discussion of related topics: For purposes of this policy:

- **Asexual** can refer to people who are not romantically, emotionally and/ or sexually involved with women or men or who lack interest in sexual activity.
- **Bisexual** can refer to people who are romantically, emotionally and/ or sexually involved with women or men.
- **Discrimination and Harassment** mean conduct, including bullying, that is sufficiently severe, persistent, or pervasive to limit or interfere with a student's ability to participate in or benefit from a program or activity of a school. Discrimination and harassment include, but are not limited to, acts of verbal, nonverbal, or physical aggression, intimidation, or hostility, and communications made available through electronic means, if such conduct is based on:
 - (a) a student's actual or perceived sexual orientation or gender identity; or
 - (b) the actual or perceived sexual orientation or gender identity of a person with whom a student associates or has associated.
- **Gay** can refer to a man or woman who is romantically, emotionally and/or sexually involved with or attracted to a person of the same gender as themselves. This word can be applied to all genders of relationships, but has primarily been used in reference to men.
- **Gender** can refer to a person's actual or perceived sex, which includes a person's perceived identity, appearance or behavior, whether or not that identity, appearance or behavior is different from that traditionally associated with a person's sex at birth.
- **Gender Expression** can refer to a person's gender-related appearance and behavior, whether or not stereotypically associated with the person's assigned sex at birth.
- **Gender Identity** can refer to a person's internal identification as female, male or a non-binary understanding of gender, regardless of one's assigned sex at birth. Gender identity refers to the way a person defines and expresses their gender; with or without regards to their biological sex.
- **Gender Nonconforming** can refer to displaying a gender identity or expression that may differ from that typically associated with one's sex assigned at birth. A person's gender expression may differ from stereotypical expectations about how females and males are "supposed to" look or act. Gender nonconforming is not

synonymous with transgender. Some, but not all gender nonconforming persons, identify as transgender.

- **Heterosexism** refers to the assumption that all people are heterosexual and that heterosexuality is superior and more desirable for all people than any other sexuality.
- **Heterosexual** refers to a man or a woman who is romantically, emotionally or sexually involved with the opposite sex exclusively.
- **Homophobia** is the irrational fear or hatred of, aversion to, or discrimination against people based on an actual or assumed sexual orientation or gender identity.
- **Intersex** can refer to a variety of conditions that do not allow an individual to fit the typical definitions of male or female.
- **Lesbian** can refer to a woman who is romantically, emotionally and/or sexually involved with women.
- **LGBTQ+** is an acronym for Lesbian, Gay, Bisexual, Transgender and Questioning. The plus sign recognizes that not all people identify with these terms and may prefer terms such as Transsexual, Asexual, Queer, Two-spirit, or Intersex. LGBTQ+ is meant to be an inclusive term for a very diverse group of people.
- **Preferred Gender Pronouns** can refer to the pronoun a person prefers to have used when referred to in conversation (e.g., a person with a traditionally male gender identity likely prefers he, him, and his).
- **Queer** can refer to people who identify themselves based on sexual orientation or gender identity or who resist these categories as too simplistic.
- **Sex** refers to the biological condition or quality of being female or male.
- **Sexual Orientation** is the emotional/romantic and physical attraction felt by an individual towards members of the same sex, the other sex, or either sex.
- **Transgender** can refer to a person who consistently and uniformly asserts a gender identity that is different from the person's sex at birth.
- **Transgender Female** can refer to a person who is male at birth but identifies as female.
- **Transgender Male** can refer to a person who is female at birth but identifies as male.
- **Transition** can refer to the process of aligning the external and internal identities, which may or may not include medical treatment. Transitions are not linear and may include any combination of physical, social and medical processes. Not all transgender people transition, or transition in the same way. Most importantly,

transitions are private and personal, and information about a transition should not be discussed unless conversation is initiated and led by the transgender person.

- **Transphobia** is the irrational fear or hatred of, aversion to, or discrimination against people who are transgender or who otherwise transgress traditional gender norms.
- **Two-spirit** can refer to Aboriginal or Indigenous people who identify themselves based on sexual orientation or gender identity.

It is important to note that not all people will fit a particular definition or pattern. Instead of focusing on what definition applies to a particular person, school personnel are required to show respect for the student's desires and wishes to the extent practical so as to foster a productive educational process for all.

2. PROHIBITION AGAINST DISCRIMINATION.

- 2.1 No student shall, on the basis of actual or perceived sexual orientation or gender identity of such individual or of a person with whom the student associates or has associated, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any school program or activity.
- 2.2 No student shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination, retaliation, or reprisal under any school program or activity based on the student's opposition to conduct that is contrary to this policy.

3. REPORTING PROCEDURES

- 3.1 Any student who believes that he or she has experienced prohibited conduct or believes that another student has experienced prohibited conduct should immediately report the alleged acts to a teacher, counsellor, principal, or a member of senior administration.
- 3.2 Any employee who suspects or receives notice that a student or group of students has or may have experienced prohibited conduct by an employee shall immediately notify their supervisor, Principal or a member of senior administration and take any other steps required by this policy.. The BCTF Code of Ethics permits direct reporting when related to a child protection issue. Any employee who suspects or receives notice that a student or group of students has or may have experienced prohibited conduct by a student or group of students, shall immediately notify their supervisor or Principal.

4. TRANSGENDER STUDENTS

In light of the increasing number of known transgender students in schools as well as the growing support for research indicating that enforcing fixed notions of what it means to be a boy or a girl may have negative effects on children (especially when experienced in a learning environment), the Board has implemented the following Regulations to provide direction for personnel to address issues that may arise concerning the needs of and

challenges facing transgender students and to foster an inclusive and productive learning environment for all students:

- 4.1 The Board requires all personnel to acknowledge the gender identity that each student consistently and uniformly asserts. No medical or mental health diagnosis or treatment is required in order to have a student's gender identity recognized and respected. School personnel must not question any student's sincerely held belief regarding his or her gender identity once established and known.
- 4.2 The District expressly prohibits any personnel from engaging in, encouraging, or failing to report discrimination or harassment based on sex, including but not necessarily limited to a student's gender identity, gender expression, gender transition, transgender status, or gender non-conformity.
- 4.3 Counsellors will serve as a designated ally for students who wish to discuss these issues. The ally may help with questions and concerns voiced from students and school personnel regarding transgender or gender identity issues. Additionally, the ally may offer extra support for transgender students as they navigate their experience at school.
- 4.4 Unless otherwise required by law (see recordkeeping below), school personnel must use the name and pronouns preferred by a student. Continued intentional misuse of a student's new name and pronouns, coupled with reference to the student's former gender, undermines the student's desires and is contrary to the District's goal of treating students with dignity and respect.
- 4.5 School personnel should address the student by the name and pronoun that corresponds to his/her gender identity even in the absence of a court order legally changing his/her name or parent/guardian permission. If school personnel are unsure how a student wants to be addressed in communications with a parent or guardian or in conferences with a parent or guardian, ask the student privately. It is always appropriate to ask a student his/her preferred name and gender pronoun. This can set the tone for a more respectful and trusting relationship.
- 4.6 School personnel may only change a student's name on official records when the name of the student is changed by appropriate court action, such as by a name change proceeding. Upon the submission of evidence of the appropriate court action, school personnel must change the student's official name in all school records to reflect the legal name change.
- 4.7 School personnel must change a student's gender on official records when the gender of the student is changed on his or her birth certificate. Upon the submission of evidence of an amended birth certificate, school personnel must change the student's official gender in all school records to reflect the legal change. The new name and gender is the official legal name and gender of the student for all purposes, including school registration.
- 4.8 Until a legal name or gender change occurs, school personnel may use an "also known as" description with the student's preferred name.

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- 4.9 To the extent the school is not legally required to use a student's legal name or gender on school records or other documents, all personnel must use the name and gender preferred by the student.
- 4.10 All students have a right to privacy. This includes keeping a student's actual or perceived gender identity and expression private. School personnel may only share this information on a need-to-know basis or as the student directs. This includes sharing information with the student's parent or guardian. When contacting the parent or guardian of a transgender student, school personnel must use the student's legal name and the pronoun corresponding to the student's gender assigned at birth unless the student, parent, or guardian has specified otherwise.
- 4.11 A name in a school's database is part of an official educational record and is therefore covered by the Freedom of Information and Protection of Privacy Act (FIPPA). Official records may not be changed without a court order or other legal document. If a parent or guardian requests access to his/her student's educational records as defined by FIPPA, access must be provided. A request by a parent or guardian for educational records under FIPPA may include unofficial records directly related to the student, including records containing a student's actual or perceived gender identity. A member of senior management should be advised when a request for student records is made and a transgender student's privacy may be of concern (e.g. when the student has not yet disclosed gender identity status to a parent or guardian).
- 4.12 Personal information about a student's gender identity may be provided to others without parental consent only if it is reasonably believed by personnel that providing this information would likely help to prevent anticipated harm to the student, whether such harm is anticipated to be brought by the student or by another. If an employee believes a student is in danger of such harm, the employee must contact the designated ally and/or a member of senior management to assist in deciding to whom any disclosure might be appropriate.
- 4.13 When communicating to the media or community about issues related to gender identity, school personnel must contact or direct the person making the inquiry to the office of the Superintendent of Schools (who will consult the designated ally before responding) rather than directly commenting on the issue. School personnel should direct inquiries from families or the immediate school community to the designated ally.
- 4.14 To ensure confidentiality when discussing a particular concern (e.g. conduct, discipline, grades, attendance or health), school personnel's focus must be specifically school-related and not on the student's gender identity or expression.
- 4.15 In most cases, transitioning is a very private matter. Students may choose whether or not to have their parents participate in this process. In fact, notifying a parent or guardian carries risks for the student in some cases. School personnel must consider the health, well-being and safety of the transitioning student.
- 4.16 When appropriate, schools should work closely with a student and family in devising a plan regarding the confidentiality of the student's transgender status.
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- 4.17 Prior to notifying any parent or guardian regarding the student's gender identity or any potential transition process, school personnel must work closely with the student to assess the degree to which, if any, the parent or guardian has been or will be involved in the process.
- 4.18 Students must feel comfortable and safe in the use of restrooms and locker room facilities. Under no circumstances may a school require a student to use facilities that are potentially unsafe for the student.
- 4.19 If other students feel uncomfortable sharing a restroom with a transgender student or if a student has a need or desire for increased privacy, the school must allow the student(s) access to a single stall restroom, a gender neutral restroom, or the opportunity to visit the facility when other students are not present. The single-user restroom, however, must not be given as the only option for transgender students who need or desire increased privacy.
- 4.20 Any student who has a need or desire for increased privacy in a locker room facility may have access to a reasonable accommodation such as the following:
- (a) assignment of a student locker near the staff office or a supportive peer group;
 - (b) use of a private area within the public area of the locker room facility (e.g., nearby restroom stall with a door or an area separated by a curtain);
 - (c) use of a nearby private area; or
 - (d) a separate changing schedule.
- 4.21 Dress codes must be applied to students transitioning to a different gender in the same way that they are applied to other students. Dress codes should not be used to prevent a transgender student from living full-time in the role consistent with his or her gender identity.
- 4.22 Participation in gender-based activities is a valuable part of the education experience for all students. Specifically, transgender student-athletes must have equal opportunity to participate in sports.
- 4.23 For physical education classes that are gender-based, transgender students shall participate in physical education by their gender identity asserted at school.
- 4.24 The District supports the participation of transgender students in all athletic activities. All students should have the opportunity to participate in athletics in a manner that is consistent and uniform with their gender identity, irrespective of the gender listed on a student's records or identification documents. The school's Principal, in conjunction with the Superintendent of Schools, will make a decision in accordance with these Guidelines.
- 4.25 To determine whether participation of a transgender student athlete is appropriate, the District may consider the following:
- (a) a written statement from the student affirming the consistent gender identity and expression to which the student self-relates;
 - (b) documentation from individuals such as parents, friends, and/or teachers that affirm the student's gender identity; and
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(c) BC School Sports ("BCSS") regulations, if applicable.

Once a decision has been made by the District, the Principal, or other appointed school administrator may communicate that decision to the appropriate athletics' authority. Note, however, that BCSS or other governing athletic body may have ultimate authority to determine the team on which a student can participate in league play.

- 4.26 All students have the right of equitable access to activities and programs in their school. Students may not be excluded from participation in, be denied the benefits of, or be subjected to harassment or other forms of discrimination on the basis of gender identity in any program or activity. These activities and programs may include, but are not limited to, prom, spirit days, celebrations, assemblies, acknowledgments, after school activities/programs, and all extra-curricular activities.
- 4.27 School personnel must affirmatively seek opportunities to be an example in abandoning gender references and creating an inclusive environment. Wherever arbitrary gender dividers can be avoided, they must be eliminated. Calling students "students" or "scholars" instead of "boys and girls" may seem insignificant, but can make a notable difference to students who feel alienated because they do not identify as either of the two binary categories. Start the day with inclusive language, and stick with it. Educators should feature diversity in books, posters, and workbooks.