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## SEXUAL ORIENTATION AND GENDER IDENTITY

### Background

The Board of Education's Board Governance Policy 5 (Diversity, Equality and Equity) is based on the principles of respect, acceptance, safety, and equity. It recognizes and honours diversity and values the contributions of all members of our school communities to ensure that learning environments are safe, caring and inclusive.

As such, the district is committed to establishing and maintaining a safe and positive learning environment for all students and employees including those who self-identify as a member of a sexual minority [including but not limited to those who identify as lesbian, gay, bisexual, transgender, transsexual, two-spirit, queer or who are questioning their sexual orientation or gender identity (LGBTQ2S+)].

The district recognizes and reaffirms its commitment to the anti-discrimination principles and values contained within the BC Human Rights Code, Canadian Human Rights Act, and Canadian Charter of Rights and Freedoms through Operational Procedure 130 (Diversity and Human Rights). It also recognizes the need to provide a safe environment, free from harassment and discrimination, ensuring that sexual minority students, employees, and families are treated with respect and dignity while being welcomed and included in all aspects of education and school life. Denying an individual's sexual orientation and/or gender identity is a violation of their rights to free expression and equal protection under the law.

This procedure does not anticipate every situation that might occur with respect to sexual orientation or gender identity; therefore, the needs of each person must be assessed on an individual basis with the intent to protect the rights and safety of all.

When considering aspects of this procedure, it is important to keep in mind that gender can be fluid and not binary. It is helpful to see male and female at opposite ends of the continuum of gender identity. By seeing only two genders in decisions about procedure, there is a possibility of pressuring people to conform to gender stereotypes and the social roles assigned to males and females.

### Procedure

#### 1. Conduct

All students, employees, contractors, visitors, or any other persons who use district facilities shall be expected to conduct themselves in accordance with the district's commitment to non-discrimination, human rights, and cross-cultural understanding as set out in Operational Procedure 130 (Diversity and Human Rights) and this operational procedure.

- 1.1 All members of the School District 72 community will be sensitive to individual discriminatory attitudes and behaviours towards individuals who self-identify as a part of a sexual minority so that all people are treated with fairness and respect.
- 1.2 It is expected that staff and students use language and behaviour that does not degrade, label, stereotype, and incite hatred, prejudice, discrimination, or harassment towards others on the basis of their real or perceived sexual orientation or gender identification.

- 1.3 School personnel are expected to evaluate all gender-based procedures, routines, activities, rules, and ceremonies to ensure inclusive language and purpose. Language should be as gender neutral as possible.
- 1.4 Allegations of homophobic and transphobic language, behaviour, or discrimination will be reported to the teacher/principal in the case of students, and to the immediate supervisor in the case of employees, contractors, and volunteers.
- 1.5 This procedure covers conduct that takes place in the school, on school property, at school-sponsored functions and activities, on school buses or school/district vehicles, and at school bus stops, and pertains to the usage of electronic technology and electronic communication that occurs in the school, on school property, at school-sponsored functions and activities, on school buses or school/district vehicles and at school bus stops, as well as on school computers, networks, forums, and mailing lists.
- 1.6 Conduct consistent with this operational procedure is considered to be a term and condition of employment for all staff.

## **2. Names and Pronouns**

- 2.1 A student who is transitioning while at school or who has transitioned can be addressed by the name and pronoun that reflects their preferred gender identity regardless of their presentation – it is their decision. If a student’s gender identity is blended or is fluid or is neither, the student may request to not be referred to with a pronoun. It is expected that schools will counsel students to be as open and transparent with home as possible.
- 2.2 Schools have a degree of latitude in how they handle student records in the day-to-day operations of the school. A court-ordered name or gender change is only required should a student and/or parent or guardian wish to change the student’s official records. See Section 4 (Official and School Records) below.
- 2.3 When contacting the parent or guardian of a transgender student, school personnel should use the student’s legal name and the pronoun corresponding to the student’s sex assigned at birth unless the student or parent/guardian has specified otherwise.
- 2.4 A student who is transitioning while at school or who has transitioned should be privately asked by school personnel as to how they want to be addressed in class, in correspondence to the home, or at conferences with the student’s parent or guardian. Once declared, these preferences should be respected to consider the student’s sense of well-being and security.

## **3. Privacy and Confidentiality**

- 3.1 All persons have a right to privacy. This includes one’s sexual orientation, gender identity and sex assigned at birth. Disclosing this information may violate privacy laws, such as the Freedom of Information and the Protection of Privacy Act (FIPPA).
- 3.2 Trans status, legal name, or gender assigned at birth constitutes confidential personal information that must be kept confidential unless its disclosure is legally required or unless the individual or the parent(s)/guardian have given authorization in writing.
- 3.3 Students’ rights to discuss and express their gender identity and/or gender expression openly and to decide when, with whom, and how much private information to share will be

respected. It is expected that schools will counsel students to be as open and transparent with home as possible.

- 3.4 The district will ensure that the confidentiality of the sexual orientation and gender identity of staff will be protected. Employees will be given the support they require to do their work in a safe and respectful environment.

#### **4. Official and School Records**

- 4.1 Schools are required, by law, to maintain a mandatory permanent record card which includes each students' legal name and legal sex yet have a great deal of latitude in how they handle student records in the day-to-day operations of the school.
- 4.2 The school can only change a student's official record to reflect a change in legal name or legal sex upon receipt of documentation to which such change has been made by court order, or through amendment of provincial or federally issued identification.
- 4.3 To change a student's legal name and/or legal sex with the Ministry of Education, a legal name change and/or legal sex designation change must be submitted to the Personal Education Number (PEN) department. It is important to note that if a school adjusts a name and/or sex at the local level, this information is NOT automatically linked to the Ministry of Education.
- 4.4 In situations where school staff or principals are required by law to use or to report a trans student's legal name or legal gender, such as for purposes of standardized testing, school staff and principals will adopt practices to avoid the inadvertent disclosure of such confidential information.

\* See Operational Procedure OP 320 Student Records for specific procedures.

#### **5. Counselling and Student Support**

- 5.1 School district counsellors are trained to respond to the needs of LGBTQ2S+ students as well as to the needs of students with LGBTQ2S+ family members.
- 5.2 Schools can, in consultation with the student, work with trained support providers to formally reveal the student's gender and/or sexual orientation status to the parent or guardian in the relatively safe confines of the school. It is important to address all the potential consequences of this approach by consulting with and/or working with trained individuals familiar with such situations. Ensure that support services can be accessed if it becomes evident that the student is no longer safe to return home after the meeting.
- 5.3 The district encourages, and will facilitate within reason, efforts in the formation of Gay/Straight Alliance clubs (GSAs) or other forms of GSAs where students or staff have come forward requesting this opportunity.
- 5.4 Students can report incidents of harassment, bullying, intimidation, and discrimination through the Erase Bullying website. Access to this site is on each school's website or information is available through the school office.

## **6. Gender Segregation, Physical Education, Curricular and Extra Curricular Activities**

- 6.1 It is expected that teachers will create classrooms where students can see a commitment to creating a safe, caring and discrimination-free environment.
- 6.2 Educators are expected to teach the curriculum in a manner that addresses the impact of discrimination and the expectation that students will treat each other respectfully. They are encouraged to include positive images and accurate information that reflects and includes LGBTQ2S+ students and families as part of honouring diversity.
- 6.3 Schools and classrooms should reduce or eliminate the practice of segregating students by gender. In situations where students are segregated by gender, transgender students will have the option to be included in the group that corresponds to their gender identity.
- 6.4 Where possible, students will be permitted to participate in any gender-segregated recreational and competitive athletic activities, in accordance with their gender identity. Due to issues of disclosure and safety, some students may wish to participate in a gender-segregated activity that is not aligned with their gender identity.
- 6.5 Trans students shall be provided the same opportunities to participate in physical education as all other students, shall not be asked or required to have physical education outside of the assigned class time, and shall be permitted to participate in any gender-segregated activities in accordance, with their gender identity if they so choose.
- 6.6 It is the school principal's responsibility to make the requested arrangements for these students to participate in school and extra-curricular activities and physical education. All requests/meetings/decisions must be documented and maintained in a confidential file.

## **7. Washroom and Change Room Accessibility**

- 7.1 The district will strive to make available single stall gender-neutral washrooms at all school locations and worksites. Any new construction or renovation should consider, where possible, the incorporation of single-use facilities.
- 7.2 All students have a right to safe and private washroom and changing facilities. Students who desire increased privacy will be provided with a reasonable alternative washroom and/or changing area.
- 7.3 Students shall have access to the washroom and change room that corresponds to their gender identity.

## **8. District and School Community Education and Training**

- 8.1 The district will provide support and opportunities for training for all staff, elected trustees, and Parent Advisory Councils to develop their knowledge, skills, awareness, and behaviours to identify and eliminate homophobic and transphobic practices and to foster dialogue that creates understanding and respect for diversity.
- 8.2 School counsellors and child and youth family support workers are often the first point of contact for students seeking emotional support and will be specially trained in culturally safe responses to LGBTQ2S+ students and student with LGBTQ2S+ family members.
- 8.3 Educators and school support staff will be provided with the tools and resources to:

- Be familiar with and know where to access the district's Sexual Orientation and Gender Identity operational procedure.
  - Have a general understanding of definitions regarding sexual orientation and gender identity.
  - Develop appropriate communication strategies to interact with LGBTQ2S+ students and their families.
  - Fully understand the concepts of protection of privacy for students and families for school vs. home.
  - Be aware of strategies and procedures for intervening with issues, such as bullying, harassment, intimidation and/or discrimination.
  - Model and teach inclusive, respectful practices that honour diversity and promote human rights.
- 8.4 School principals have the primary responsibility for ensuring that all school staff, Parent Advisory Councils and students are familiar with and understand the content of the Diversity, Equality and Equity Board Governance Policy and these procedures.
- 8.5 The district is committed to taking reasonable steps to ensure that district employees responsible for personnel selection shall be provided with training to enhance their sensitivity to human rights issues, including sensitivity to sexual orientation and gender identity.

## **9. School and Community Relations**

- 9.1 The district and district employees will work to increase parental awareness of the needs of LGBTQ2S+ students and/or families.
- 9.2 The district supports and encourages community partnerships that enhance the board's commitment to inclusivity of LGBTQ2S+ students, staff, teachers, and parents.

Reference: School Act  
 BC Human Rights Act  
 BC Vital Statistics Act  
 Freedom of Information and Protection of Privacy Act  
 Canadian Charter of Rights and Freedoms  
 BC School Sports Handbook Student-Athlete Gender  
 The Gender Spectrum: What Educators Need to Know

Cross Reference: Board Governance Policy 5 – Diversity, Equality and Equity  
 OP 115 – Media Relations  
 OP 130 – Diversity and Human Rights  
 OP 214 – Health Promotion in Schools  
 OP 215 – Selection of Learning Resources  
 OP 220 – Student Travel  
 OP 303 – International and Out-of-Province Fee Paying Students  
 OP 320 – Student Records  
 OP 360 – Codes of Conduct  
 OP 438 – Professional Learning



## DEFINITIONS:

These definitions are provided for the sole purpose of serving as a supporting resource to the district's operational procedure and are in no way inclusive of all terms and references concerning sexual orientation and gender identity. Please note some of these definitions can be imperfect and are evolving:

**Gender Binary** the view that there are only two, distinct, opposite genders.

**Gender Expression** is how someone expresses their gender, for example, through clothing, mannerisms, speech patterns, and social interactions.

**Gender Identity** refers to a person's internal, deeply felt sense of being as either male, female, something other, or in between. Everyone has a gender identity.

**Gender Expansive** refers to a person who does not conform to society's expectations of their gender role or gender expression.

**Homophobia** is the fear or hatred of, aversion to, and discrimination against homosexuals or homosexual behaviour. There are many levels and forms of homophobia, including cultural/institutional homophobia, interpersonal homophobia, and internalized homophobia.

**LGBTQ2S+** is an acronym for Lesbian, Gay, Bisexual, Transgender, Questioning and Two-Spirited people. The plus sign recognizes that not all people identify with these terms and may prefer terms such as Transsexual, Asexual, Queer, or Intersex. LGBTQ2S+ is meant to be an inclusive term for a very diverse group of people.

**Queer** is a term that is becoming more widely used among LGBT communities because of its inclusiveness. Queer can be used to refer to the range of non-heterosexual and non-cisgender people and provides a convenient shorthand for LGBT. It is important to note that this is a reclaimed term that was once and is still used as a hate term, and thus some people feel uncomfortable with it.

**Questioning** is sometimes used by those in the process of exploring personal issues of sexual orientation and gender identity, as well as choosing not to identify with any other label.

**Sexual Orientation** can cover the range of human sexuality including gay and lesbian, bisexual, transgender, two-spirit and heterosexual orientations.

**Trans or Transgender** describes a range of people whose gender identity differs from conventional expectations based on their assigned biological birth sex. Identifying as transgender or trans is something that can only be decided by an individual for themselves and does not depend on criteria such as surgery or hormone treatment status.

**Transitioning** refers to the process during which trans people may change their gender expression and/or bodies to reflect their gender identity or sexual identity. Transition may involve a change in physical appearance (hairstyle, clothing), behaviour (mannerisms, voice, gender roles), and/or identification (name, pronoun, legal details). It may be accompanied by changes to the body such as the use of hormones to change secondary sex characteristics (e.g. breasts, facial hair).

**Transphobia** is the fear or hatred of, aversion to, or discrimination against people who are transgender or who otherwise identify outside of traditional gender norms.

**Two-Spirit (2-Spirit)** is a term used by some North American Indigenous societies to describe people with diverse gender identities, gender expressions, gender roles, and sexual orientations. Two-spirited people have been and are viewed differently in different First Nations communities. Sometimes they have been seen without stigma and have been considered seers, child-carers, warriors, mediators, or emissaries from the creator and treated with deference and respect, or even considered sacred, but at other times this has not been the case.