

SEXUAL ORIENTATION AND GENDER IDENTITY (SOGI)

The Board of Education recognizes and values the diversity found within its school communities and believes that each individual contributes to the strength of the district's culture. The board recognizes that each member of the school and district community must share the responsibility for supporting all students and employees in addressing and facing challenges and that the district is responsible for providing an educational system that is safe, welcoming, inclusive and affirming for all.

All members of the school district have the right to expect that its policies, procedures, and communications are inclusive and respectful, taking into consideration visible and invisible diversities including but not limited to sexual orientation, gender identity and expression, race, religion, ability, culture and socioeconomic status.

The Board of Education will strive to promote safe environments, free from fear, harassment and discrimination by adhering to a code of conduct that is educative, preventative and restorative in practice and response; will foster school cultures that are responsive to the diverse needs of individuals and groups; will recognize the injustices of marginalization, advocate for social justice and promote human rights as defined in the B.C. Human Rights Code and Canadian Charter of Rights and Freedoms, and will participate in the ongoing development of practices that promote fair and equitable treatment for all, cultivating mutual respect, civility and sense of belonging.

The board will not permit, encourage, nor tolerate any behaviours contrary to these beliefs whether by commission or by failing to act to bring such behaviours to an end and by providing support and assistance to those who may be intended or unintended targets of such behaviours.

Statement of Intent

The Board of Education will promote a safe environment, free from harassment and discrimination, and pro-active strategies and guidelines to ensure that lesbian, gay, transgender, two spirit, bisexual, queer and questioning (2SLGBTQ+) students, employees and families are welcome, included, and affirmed in all aspects of education and school life and treated with respect and dignity. This includes acknowledging individual preferences around privacy and individual ownership of process. This policy will ensure that all programs, activities and interactions are free from discrimination based on sexual orientation and/or gender identity.

The purpose of this policy is to:

- define appropriate language, behaviours and actions in order to create an environment free from discrimination and harassment;
- develop, promote and implement respectful, proactive strategies and guidelines to ensure that 2SLGBTQ+ members of the education community and their families are welcome in, and included in all aspects of education and school life and are treated with

respect and dignity; and to

- ensure that complaints about homophobia and transphobia are taken seriously and dealt with expeditiously and effectively through collaboration with the impacted person and in line with policy and procedures.

General Guidelines

When considering aspects of this document, it is important to keep in mind that gender is fluid and not binary. It is important to create an environment in which individuals have the knowledge, freedom, safety and support to make the right choices for themselves at the right time for themselves.

The school district has an obligation to ensure that members of the school community who are 2SLGBTQ+, and members of diverse family structures are respected, included and safe in the school communities and related activities.

Safety

1. Homophobic and transphobic comments, discrimination, and bullying are demeaning to all students, students' parents or guardians, and employees regardless of their actual and perceived sexual orientation or gender identity. These forms of harassment and discrimination are prohibited under the B.C. Human Rights Code.
2. Any language or behaviour that deliberately degrades, denigrates, incites hatred, prejudice, discrimination, or harassment towards students or employees on the basis of their real or perceived sexual orientation or perceived gender identification will not be tolerated. Schools shall include the prohibition of such language and behaviour in their student codes of conduct.
3. All employees have an obligation to intervene in any interaction involving the use of homophobic or transphobic epithets and slurs, and behaviours regardless of the speaker's intentions, and to convey that such comments are against Board policy and will not be tolerated in the educational community.

Belief Statements

School District No. 71 (Comox Valley) accepts the responsibility to create safe and caring environments and believes that:

1. the district is responsible for ensuring that school cultures are safe, welcoming, inclusive, and affirming for 2SLGBTQ+ people;
2. the role of educators in the district is critical in creating positive societal change to address the difficulties that 2SLGBTQ+ people often face;
3. 2SLGBTQ+ students and same-gender parented families have a right to be recognized and affirmed by school personnel and have equal access to services as do opposite-gender parented families;
4. 2SLGBTQ+ students, staff and same gender-parented families have the right to:
 - be free from harassment, discrimination and violence;
 - be treated fairly, equitably and with dignity;
 - self-identification and freedom of expression;
 - be included and to be represented and affirmed in a positive and respectful manner;
 - have avenues of recourse (without fear of reprisal) available to them when they are impacted by harassment, discrimination, and violence; and
 - have their families and communities valued and affirmed.
5. a role of education is to prepare young people to work and live in open, pluralistic and democratic societies, free of discrimination or violence based on sexual orientation and gender identity and expression;
6. equity through education will foster principles of inclusion and will support 2SLGBTQ+ individuals and families through eliminating homophobia, transphobia, heterosexism and cisgenderism as they operate in the school system and school culture; and that
7. the initiation of comprehensive anti-homophobia and anti-transphobia initiatives support equity for 2SLGBTQ+ students and educate our staff and community about homophobic and transphobic language and bullying.

Leadership

As leaders of School District No. 71 (Comox Valley), the Board of Education and senior management shall jointly ensure that all staff know it is their individual and collective responsibility to identify individual discriminatory attitudes and behaviours, as well as work to eliminate the systemic inequities and barriers to learning for students who identify themselves on the basis of sexual orientation or gender identity and demonstrate accountability for the removal of these inequities and barriers so that all students and employees are treated with fairness and respect.

All administrators, teachers, counsellors, and staff and student leaders will model respect for 2SLGBTQ+ employees, students and families and recognize that transition is not an event but a process that belongs to the individual that is transitioning. This recognition includes the understanding that no person shall be “outed”. Communication about an individual’s identity, transition or sexual orientation shall only be personal initiative.

Privacy and Confidentiality

All persons have the right to privacy. This includes the right to have one's gender identity and sex assigned at birth, and sexual orientation private at school and worksites. Disclosing this information to students, parents, or other third parties violates privacy laws, such as the *Freedom of Information and the Protection of Privacy Act* (FOIPPA) and the B.C. Human Rights Code. The district will ensure that all information relating to an individual's sexual orientation and gender identity will be kept confidential in accordance with applicable district, municipal, provincial and federal policies and privacy laws, unless legally required to do so, or the student/parent or guardian has authorized such disclosure through the use of the district's release of information form.

All persons have the right to discuss and express their gender identity and expression openly and to decide when and how much private information to share and with whom. Those decisions need to be respected by school personnel. An individual shall determine the name and pronouns used to refer to themselves in all communications including when school personnel contact parents or guardians.

Schools must balance the parents' or guardians' need to be informed about their child's school experiences with individual's right to live freely in their self-identified gender and sexual orientation. This can be complicated when there is a responsibility to communicate with the parent or guardian about any situation at school directly related to an individual's gender identity and sexual orientation. In general, the older the student, the more ownership they should have in this process. School personnel should err on the side of using the individual's preferred name and pronoun to protect the individual's privacy and human rights.

Situations arising at school may make it difficult or impossible for the school to keep an individual's status from parents or guardians. Schools can, in consultation with the individual, work with trained support providers to formally reveal the individual's gender identity 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 personnel familiar with such situations, while respecting that the process is owned by the individual. Ensure that support services can be accessed if it becomes evident that the individual is no longer safe to return home after the meeting. Privacy concerns are not a reason to prevent an individual from living as their self-identified gender. Issues of confidentiality vs open, respectful discussion must be handled on an individual basis. Individuals who choose to be open about their gender identity, will be addressed by their chosen names and pronouns. Denying this is a violation of their rights to free expression and equal protection under the law.

Self-Identification

Every individual has the right to be addressed by a name and pronoun of their choice. A court-ordered name or gender change is not required, and the individual does not need to change their official records. When an individual has communicated their choices, it is the obligation of school personnel to use the chosen name and pronouns.

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. MyEd BC includes the ability for the identification of "preferred name" and "preferred gender", and in turn using the preferred name

to populate any internally generated records such as:

- class;
- Parent Advisory Committee (PAC) or photographer's lists;
- attendance sheets;
- report cards;
- diplomas;
- sibling records;
- student identification; and
- parent notifications.

For situations where a student's legal name must be used, such as provincial assessments, schools have utilized "hand coding" to help preserve a student's desired identification.

Official Records

Schools will maintain a mandatory permanent student record that includes a student's legal name and legal sex. The school will change a student's official record to reflect a change in legal name or sex upon receipt of documentation to which such change has been made by court order, or through amendment of provincial or federally issued identification. In situations where school staff or administrators are required by law to use or to report a transgender student's legal name or legal sex, such as for the purposes of standardized testing, school staff and administrators will adopt practices to avoid the inadvertent disclosure of such confidential information.

Washrooms, Locker and Change Rooms

All individuals have the right to safe and private washroom and changing facilities. They have the right to access washrooms, locker rooms and changing facilities that correspond to their gender identity. The individual's self-identification is the sole measure of the individual's gender. Schools may maintain separate washrooms, locker rooms or changing facilities for males and females, provided that individuals can access them based on their gender identity. Schools will designate gender-neutral facilities designed for use by one person at a time, accessible to all individuals, and to incorporate such single-use facilities into new construction or renovation. Any individuals who is uncomfortable using a shared facility while attending an off-site school-sponsored activity will be provided with a safe and private alternative. Individuals will not be required to use facilities that are inconsistent with their gender identity or personal needs.

Physical Education Classes, Curricular and Extra Curricular Activities

All students have the right to participate in physical education classes, curricular and extra-curricular sports/activities in a manner that respects and embraces their gender identity. Student's will be given the option to decide which activities they feel more comfortable doing. A request may come directly from the student or from a parent or guardian. It is the school administrator'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.

Other Gender-Based Activities, Rules and Practices

School personnel are required to evaluate all gender-based procedures, routines, activities, rules, and ceremonies to ensure inclusive language and purpose. Language used should be as gender neutral as possible in all cases. Newly written guidelines must be communicated to all staff, parents and students. Individuals have the right to expect that all policies, procedures, programs, and communications are appropriate, competent and respectful of gender diversity. Students will be permitted to participate in any activities consistent with their gender identity.

Billeting and Overnight Field Trips

Plans for billeting for sports teams and/or overnight school-based activities must provide accommodation for each student in a room where they will feel safe and accepted. The student can decide where they would feel most comfortable if they are staying in shared accommodations with other students and/or families. The school administrator or teacher in charge of the event will make any needed adjustments to support the student. When staying with a billet family discuss with the student or their parent or guardian whether the student requires the billet family to be informed of their sexual orientation or gender identity. Wherever possible, in a billet situation, a member of staff should be billeted along with the student to further ensure their feelings of safety.

Media and Community Communication

When the school district is communicating to the media or community about issues related to sexual orientation or gender identity, the school or district will designate a single spokesperson as the key contact person. All other district and school staff will direct community members and the media to the designated spokesperson. Protecting the privacy of 2SLGBTQ+ individuals is the top priority. All medical information is kept strictly confidential. Any violation of confidentiality of this information contravenes this administrative procedure and the privacy law *Freedom of Information and the Protection of Privacy Act* (FOIPPA).

Student Counselling and Support

School District No. 71 (Comox Valley) is committed to maintaining a safe learning and working environment which actively provides counselling and support to individuals who self-identify on the basis of sexual orientation or gender identity. School Counsellors and Youth and Family Support Workers are often the first point of contact for students seeking emotional support and will be specifically trained in culturally safe responses to 2SLGBTQ+ issues. School administrators have the primary responsibility for ensuring that all school staff, Parent Advisory Committees (PAC) and students are familiar with and understand the content of the Inclusion Policy and these procedures. The Board of Education is responsible for ensuring that employees who represent the district in other areas are equally as informed. Students can report incidents of harassment, bullying, intimidation and discrimination through the ERASE Bullying Website. Information regarding the website is available through the school administration. The district encourages and will facilitate in the formation of Gay-Straight Alliance and Gender-Sexuality Alliance clubs (GSAs) where students or staff have come forward requesting this opportunity. Schools are encouraged to appoint a minimum of two (2) members of staff to be safe contacts for 2SLGBTQ+ individuals. School administrators will inform students and other staff about the location and availability of these contact person.

Staff Development and Education

Education is the primary purpose of the district. Educational programs will include curricular topics and learning resources that promote the inclusion of all members of our community

regardless of sexual orientation or gender identity. In addition, staff will have resources and training available to help teach and promote the safe, caring and inclusive values of the district. Schools will conduct annual staff training for all staff members on their responsibilities under applicable laws, policies and administrative procedures. This will include teachers, educational assistants, administrators, counsellors and youth and family workers, and other staff as deemed necessary. Information regarding this administrative procedure shall be incorporated into information sessions for new school employees. All staff share the collective responsibility of creating safe, supportive, and inclusive learning environments for 2SLGBTQ+ individuals and their families.

Educators, Administrators, and school support staff will be expected to:

- be familiar with and know where to access the SOGI policy and prevention procedures;
- have a general understanding of definitions regarding sexual orientation and gender identity;
- develop appropriate communication strategies to interact with 2SLGBTQ+ individuals and their families;
- fully understand the concepts of protection of privacy for individuals and their families;
- be aware of strategies and procedures for intervening with issues, such as bullying, harassment and intimidation and/or discrimination, and have access to appropriate trained personnel;
- model and teach inclusive practices that honour and promote human rights;
- create inclusive and safe environments for 2SLGBTQ+ people and their allies.

Employees have an important role to play in teaching and modelling respect for gender diversity. It is expected that teachers will create classrooms and administrators will create schools where students can see a commitment to creating a safe, caring and discrimination free environment. Students need to see that adults are striving to promote an understanding of gender diversity beyond the binary of only two genders.

- addressing the class in non-gender ways (using inclusive language);
- seating and lining up students in non-gender groupings;
- creating mixed gender groups/teams;
- displaying signs, posters, safe place stickers, and books that depict a range of gender presentations;
- celebrating national and international days and events that raise awareness about gender identity;
- teaching students how to be allies for each other;

- avoiding making assumptions during health and career education instruction regarding sexual orientation and gender identity.

The board will establish a joint committee which includes both adult and student representatives from the 2SLGBTQ+ community to act in an advisory capacity in the implementation of staff development, in-service, and professional development.

The advisory committee will consider the following recommendations/beliefs.

The goals of ongoing staff development will be to support 2SLGBTQ+ people and families in the school district and to promote anti-homophobia and anti-cisheterosexism, and anti-transphobia initiatives.

- trustees, management and staff must model respect and affirmation of 2SLGBTQ+ individuals and families;
- in-service workshops and training on 2SLGBTQ+ issues will be provided for the benefit of trustees, management, and staff annually;
- trustees, management, and staff have the responsibility for addressing of homophobia, transphobia and cisheterosexism in the working and learning environment;
- teachers must be supported when they include positive images and accurate information about history and culture which reflects the accomplishments and contributions of 2SLGBTQ+ people;
- trustees, management and staff must facilitate safer school environments for people of all gender identities and expression and sexual orientations.
 - acknowledging that an acceptance of diversity is the starting point of respect;
 - treating everyone with respect;
 - using language that affirms all sexuality orientations and gender identities and expressions;
 - not using disparaging remarks or language that demeans 2SLGBTQ+ identities and families;
 - challenging staff, students and parents who behave in prejudicial ways towards 2SLGBTQ+ people;
 - encouraging teachers to sponsor and support 2SLGBTQ+ positive initiatives such as GSA's or Diversity Clubs;
 - supporting the right of 2SLGBTQ+ students to counselling that is supportive, affirming and free from efforts on the part of counsellors to try to change their sexual orientation and/or identity through the use of or the referral to aversion, reparative, or conversion therapies.

Employment Equity

1. The board believes in equitable treatment for all individuals regardless of race, colour, ancestry, ethnic origin, religion, socio-economic status, sex, sexual orientation, gender identity or expression, physical or mental ability, or political beliefs. The letter and spirit of the *Canadian Charter of Rights and Freedoms*, the *B.C. Human Rights Acts* and the Board's *Collective Agreements* shall be carefully observed, enforced, and supported, so that all members of the educational school community may work together in an atmosphere of respect and acceptance of individual differences.
2. The board will ensure the confidentiality of employees who are 2SLGBTQ+ and will give them the support they require to do their work in a safe and respectful environment.

School Community Involvement

The board is committed to ongoing, constructive, and open dialogue with 2SLGBTQ+ people and others who self-identify on the basis of sexual orientation or gender identity.

The board will support community partnerships that would enhance the board's commitment to 2SLGBTQ+ students, staff, teachers, and parents.

The board will encourage parent advisory councils to acknowledge and support the diversity of our school community. The board will acknowledge through the communication to students, staff and the community that 2SLGBTQ+ parents and family members need to be positively recognized and included as such.

Appropriate Intervention / Responding to Incident

All members of the SD #71 community have the right to expect a respectful and culturally safe environment free of discrimination, harassment, and bullying. In 2007, the Ministry of Education mandated that school districts establish procedures that align with the *Ministerial Order M2276/07*. Each school must, in consultation with staff, parents and students establish their own Code of Conduct based on the ministerial order and guidelines. Appropriate interventions are included in the Code of Conduct administrative procedures. School district personnel may also refer to the SD #71 *Bullying and Harassment Prevention Policy 3-8* as a guide in making intervention decisions.

Complaint Process

In the event that an incident occurs at a school site, refer the complaint, in writing, to the school administrator.

If a complaint is against the administrator, refer in writing to the Director of Instruction, Health and Safety.

A thorough investigation will be conducted.

The complaint process shall be communicated to all schools, partner groups, and contracted services and district administration is responsible to ensure that employees and contract providers are aware of the process.

Appeal Process

The Board of Education recognizes and respects the fact that students and/or parents or guardians may disagree with decisions made by employers. The *School Act* of British Columbia gives parents or guardians and students (with parental consent) the right to express concerns or appeal certain decisions. The right of appeal applies to decisions that significantly affect the health, education or welfare of students. Information regarding the board's appeal procedure and the formal appeal bylaw can be accessed on the District's website. (Management Relationship 2-5 Parent/Guardian/ Student Request for Review of Employee Decision). Prior to an appeal, it is expected that school administration, students and parents or guardians will try to resolve concerns at the school level.

Employees shall contact their respective unions for support and advice regarding appeals.

Legal Reference: Section 65, *School Act*