

CODE: HFA.AR**EFFECTIVE DATE:** (25-06-2018)**TOPIC:** Sexual Orientation and Gender Identity**ISSUE DATE:** (26-06-2018)**REVIEW YEAR:** (2017)**OBJECTIVE**

This regulation affirms the rights, as provided for in the *Alberta Human Rights Act* and the *Canadian Charter of Rights and Freedoms*, of each staff member employed by the District and each student enrolled in a school operated by the District. Staff members employed by the District and students enrolled in a school operated by the District will not be discriminated against as provided for in the *Alberta Human Rights Act* or the *Canadian Charter of Rights and Freedoms*.

This regulation also promotes a welcoming, caring, respectful and safe learning and working environment that respects diversity and fosters a sense of belonging for everyone, including all sexual minority staff, students and families.

REGULATION**A. PRINCIPAL****1. Establishment of a welcoming, caring, respectful and safe learning environment****The Principal shall:**

- a. provide a welcoming, caring, respectful and safe learning environment that respects diversity and fosters a sense of belonging;
- b. ensure all aspects of this regulation are clearly communicated to all staff, students, and families;
- c. ensure awareness and adherence to all District policies with respect to diversity, equity, human rights, sexual orientation, gender identity, discrimination, prejudice, and harassment;
- d. ensure staff know their professional responsibility to identify discriminatory attitudes and behaviours, and create caring, respectful and safe learning environments;
- e. ensure staff address and provide appropriate remedial consequences for all interactions involving the use of comments, behaviours and actions which display homophobic, transphobic, and sexist, whether they occur in person or in digital form;
- f. ensure discriminatory behaviours and complaints will be taken seriously, documented and dealt with expeditiously;
- g. ensure staff utilize language and educational resources and approaches that are inclusive, age-appropriate, and respectful of diverse sexual orientations, gender identities, and gender expressions;
- h. provide inclusive and respectful services and supports to sexual and gender minority students and families;
- i. ensure staff work proactively to eliminate systemic inequities and barriers to learning for sexual and gender minority students and families;
- j. identify a staff member to serve as a safe contact for sexual and gender minority students. The Principal will inform the school community about the location and availability of this safe contact resource person;

- k. ensure staff will not refer students to programs or services that attempt to change or repair a student's sexual orientation or gender identity; and
- l. ensure all staff recognize the confidentiality of the sexual orientation and gender identity of all students and protect them from unwanted disclosure of such information.

2. Establishment of a voluntary student organization or activity

- a. If one or more students attending a school operated by the District requests a staff member for support to establish a voluntary student organization, or to lead an activity intended to promote a welcoming, caring, respectful and safe learning environment that respects diversity and fosters a sense of belonging, such as “gay-straight alliance” or “queer-straight alliance”, the Principal of the school shall:
 - i. immediately grant permission for the establishment of the student organization or the holding of the activity at the school, such as a “gay-straight alliance” or “queer-straight alliance”, and
 - ii. within a reasonable time from the date that the principal receives the request, designate a staff member to serve as the staff liaison to facilitate the establishment, and the ongoing operation, of the student organization or to assist in organizing the activity.
- b. The students may select a respectful and inclusive name for the organization or activity, including the name “gay-straight alliance” or “queer-straight alliance”, after consulting with the Principal.
- c. For greater certainty, the Principal shall not prohibit or discourage students from choosing a name that includes “gay-straight alliance” or “queer-straight alliance”.
- d. The Principal is responsible for ensuring that notification, if any, respecting a voluntary student organization or an activity such as a gay-straight alliance” or “queer-straight alliance”:
 - i. is limited to the fact of the establishment of the organization or the holding of the activity, and
 - ii. is otherwise consistent with the usual practices relating to notifications of other student organizations and activities.
- e. The Principal shall immediately inform their Assistant Superintendent if no staff member is available to serve as a staff liaison. The Assistant Superintendent, working in collaboration with the Director of Diversity Education and Comprehensive School Health, shall assist the Principal in appointing a responsible adult from the school community to work with the requesting students in organizing the activity or to facilitate the establishment, and the ongoing operation, of the student organization at the school, such as a “gay-straight alliance” or “queer-straight alliance”.
- f. If no responsible adult can be found, the District shall inform the Minister of Education who shall appoint a responsible adult to work with the requesting students in organizing the activity or to facilitate the establishment, and the ongoing operation, of the student organization at the school, such as a “gay-straight alliance” or “queer-straight alliance”.

3. Student Code of Conduct – hereinafter referred to as the school’s “Student Rights and Responsibilities document”

The Principal shall:

- a. ensure the school’s Student Rights and Responsibilities document contains a statement of purpose that provides a rationale for the code of conduct, with a focus on welcoming, caring, respectful and safe learning environments;
- b. ensure the school’s Student Rights and Responsibilities document contains one or more statements about what is acceptable behaviour and what is unacceptable behaviour, whether or not it occurs within the school building, during the school day or by electronic means;
- c. ensure the school’s Student Rights and Responsibilities document contains one or more statements about the consequences of unacceptable behaviour, which must take account of the student’s age, maturity and individual circumstances, and which must ensure that support is provided for students who are impacted by inappropriate behaviour, as well as for students who engage in inappropriate behaviour;
- d. make this regulation and the school’s Student Rights and Responsibilities document available throughout the year in a prominent location on a publicly accessible website maintained by or on behalf of the District;
- e. display in a place clearly visible to students in each school the URL of HFA.BP – Sexual Orientation and Gender Identity, HFA.AR – Sexual Orientation and Gender Identity, and the school’s Student Rights and Responsibilities document on the publicly accessible website; and
- f. on request, provide a copy of HFA.BP – Sexual Orientation and Gender Identity, HFA.AR – Sexual Orientation and Gender Identity or the school’s Student Rights and Responsibilities document to an individual.

4. Disclosure of personal information

- a. The *Freedom of Information and Protection of Privacy Act* governs the disclosure of personal information by the District.

B. STAFF

All staff share responsibility for creating and maintaining a work environment that is free of discrimination and harassment. Complaints of discrimination and harassment based on sexual orientation and gender identity shall be promptly investigated and resolved as stated in Administrative Regulation FBCA.AR – Respectful Working Environments.

The District engages in employment practices which:

- are free of bias resulting from any prejudice, including prejudice related to sexual orientation and gender identity; and
- ensure equal opportunity for employment and advancement.

C. PROFESSIONAL LEARNING

To assist all staff to become more knowledgeable about sexual and gender minority identities, cultures, and communities, Diversity Education and Comprehensive School Health will provide professional learning opportunities to assist all staff to acquire the knowledge, skills, attitudes, and

appropriate teaching practices necessary to create safe, inclusive, equitable, and respectful schools regardless of how students are perceived or identified.

D. TEACHING AND LEARNING RESOURCES

Teaching and learning resources shall be chosen and/or updated to promote critical thinking and should include age-appropriate materials that accurately reflect the diversity of Canada's sexual and gender minority families, cultures, and communities.

E. SEXUAL ORIENTATION AND GENDER IDENTITY ADVISORY COMMITTEE

To foster community involvement, a Sexual Orientation and Gender Identity Advisory Committee may be established. Should such a committee be established, this committee would serve in an advisory role to support the effective implementation of this regulation.

E. GENDER IDENTITY AND GENDER EXPRESSION

To support the safety, health, and educational needs of students who identify as, or are perceived to be, transgender or transsexual persons, District staff shall adhere to the following recommended practices wherever possible and appropriate:

- **Names and Pronouns** - A student or staff member has the right to be addressed by a name and pronoun that corresponds to his or her consistently asserted gender identity.
- **Official Records and Communication** - When requested by an independent student, or the parent/guardian, the student's official record will be changed to reflect their preferred name, sex, or gender. All school forms and records shall be changed to ensure that a student's preferred name and sex or gender is current on class lists, timetables, student files, identification cards, etc.
- **Gender-Segregated Activities** - To the greatest extent possible, schools should reduce or eliminate the practice of segregating students by gender (with the exception of already established single gender-based alternative programs). In classroom activities or school programs where students are segregated by gender, all students should be given the option to be included in the group that corresponds to their consistently asserted gender identity.
- **Gay-Straight Alliances or Queer-Straight Alliance Organizations and Activities** - All students shall be supported in the establishment of a voluntary student organization such as a gay-straight alliance or a queer-straight alliance and/or to lead a related activity intended to promote a welcoming, caring, respectful and safe learning environment that respects diversity and fosters a sense of belonging.
- **Athletics, Locker Room, and Change Room Access and Accommodation**
 - All schools shall proactively review their student athletic policies to ensure they are inclusive of sexual and gender minority students. Transgender and transsexual students shall not be asked or required to have Physical Education outside of assigned class time, and shall, subject to safety considerations, be permitted to participate in any gender-segregated activities in accordance with their consistently asserted gender identity, if they so choose.
 - All students shall, subject to safety considerations, have access to locker room facilities that correspond to their consistently asserted gender identity. In locker rooms that require undressing in front of others, students who desire increased privacy, for any reason (e.g., medical, religious, cultural, gender identity, etc.)

shall be provided with accommodations that best meet their individual needs and privacy concerns.

- **Restroom Accessibility** - All students shall have access to the restroom that allows for appropriate privacy and that does not significantly disrupt the school environment. Staff shall consistently demonstrate sensitivity to the needs and safety of all students with respect to restroom access. The Principal shall ensure that individual solutions to restroom access are implemented with respect and discretion.
- **Dress Code** - All students have the right to dress in a manner consistent with their gender identity or gender expression.
- **Resolving Conflict** - The Principal shall be the final determiner of disputes that may arise with regard to a transgender or transsexual student's participation in educational or athletic activities. The principal shall ensure that the resolution of any conflict ensures reasonable accommodation and inclusiveness.

The District understands that change occurs over time and believes that the provision of an annual report at a public board meeting on progress related to each of the strategic directions identified in this regulation will ensure accountability and demonstrate the District's commitment to support our diverse community.

REFERENCES

AD.BP – District Vision, Mission, Values and Priorities
AE.BP – Welcoming, Inclusive, Safe and Healthy Learning and Working Environments
AEBB.BP – Wellness of Students and Staff
FAA.BP – Human Resources Framework
FBCA.BP – Respectful Working Environments
FBCA.AR – Respectful Working Environments
FBCB.BP – District Staff Code of Conduct
FBCB.AR – District Staff Code of Conduct
FBE.AR – Health and Wellness of Staff and Students
GGDA.AR – Guidelines for Student Activities and Organizations
GI.AR – Teaching and Learning Resources
HA.BP – Inclusive Education
HF.BP – Safe, Caring, and Respectful Learning Environments
HF.AR – Safe, Caring, and Respectful Learning Environments
HFA.BP – Sexual Orientation and Gender Identity
HG.BP – Student Behaviour and Conduct
HG.AR – Student Behaviour and Conduct
Alberta Human Rights Act
Alberta Teachers' Association Code of Professional Conduct
Alberta Teachers' Association Declaration of Rights and Responsibilities
Canadian Charter of Rights and Freedoms
Freedom of Information and Protection of Privacy Act
United Nations Convention on the Rights of the Child
School Act s. 16.1, 16.11, 20(a), 45.1, 45.3, 50.1(4)