

DATE: June 18, 2024

TO: Board of Trustees

FROM: Trustee Marcia Hole, Policy Review Committee
Trustee Jan Sawyer, Policy Review Committee
Trustee Saadiq Sumar, Chair, Policy Review Committee

SUBJECT: Second, third and final reading of Board Policy HFA.BP Sexual Orientation, Gender Identity and Gender Expression.

ORIGINATOR: Karen Mills, Director Board and Superintendent Relations

RESOURCE STAFF: Amanda Barrett, Rin Lawrence, Nancy Petersen, Wanas Radwan

REFERENCE: [Trustees Handbook](#) Section 5.4 – Caucus Committee
[Board Policy CH.BP – Framework for Policy Development and Review](#)

ISSUE

The Policy Review Committee (PRC) is presenting Board Policy HFA.BP Sexual Orientation, Gender Identity and Gender Expression to the Board of Trustees (the Board) for second, third and final reading at public Board.

BACKGROUND

The PRC's 2023-24 work plan includes a review of Board Policy HFA.BP Sexual Orientation and Gender Identity to ensure language is up to date and aligns with language in the *Alberta Human Rights Act*. The PRC is not seeking to change the intent or purpose of the policy from its original development.

The purpose of this policy is to reflect the Board's mandated responsibility and expectation for providing a welcoming, inclusive, safe and healthy learning and working environment throughout the Division. The policy does not direct or influence the official curriculum taught in Edmonton Public Schools or serve as a teaching tool; Division schools follow the Kindergarten to Grade 12 curriculum, as set by Alberta Education.

This work is a continuation of the PRC's 2022-23 work plan.

RELATED FACTS

- Updates to Board Policy HFA.BP Sexual Orientation and Gender Identity have been informed by PRC meetings in the 2023-24 school year. Revisions to this policy began in November 2023 and the PRC completed a final review of the draft Board Policy HFA.BP Sexual Orientation, Gender Identity and Gender Expression on February 1, 2024.
 - Changes to this policy are focused on updates to language that support clarity.
 - The direction of the policy remains unchanged and aligns with rights guaranteed under the *Canadian Charter of Rights and Freedoms, Alberta Human Rights Act* and *Education Act*.
- The review of this policy was supported by a review of the *Canadian Charter of Rights and Freedoms, Alberta Human Rights Act* and *Education Act*, engagement of Division staff who are subject matter

experts, as well as consultation with subject matter experts in the broader community.

- At the May 14, 2024, public Board meeting, the Board completed the first reading of draft Board Policy HFA.BP Sexual Orientation, Gender Identity and Gender Expression and approved the draft policy for stakeholder feedback.
- An online public survey was open from May 15, 2024, to June 12, 2024, to collect feedback from stakeholders on the first draft of the policy. The intent of this survey was to collect feedback relevant to the clarity of the language used in the draft policy and to confirm the values foundational to the policy.
 - A series of closed-ended questions and one open-ended question were asked in the survey. The open-ended question was optional to answer.
 - A total of 1,137 respondents completed the survey. The majority of survey respondents were parents/guardians (approximately 70 per cent), while the rest were staff members (approximately 16 per cent), community members (approximately 11 per cent) and students (approximately 3 per cent).
- A summary of the survey results, both quantitative and qualitative, was provided to the PRC for review on June 12, 2024.
 - Respondents' feedback around clarity of definitions and values in the draft policy ranged from 63-81 per cent confirmation of clarity, depending on the definition or value.
 - 68 per cent of respondents confirmed that the intent and purpose of the draft policy is clear.
 - At the end of the survey, all respondents were invited to answer the following open-ended question: "Is there anything else you would like the Board to know?" A total of 611 responses were received. The nature of the responses to the open-ended question extended beyond the areas of feedback being sought related to the policy. Through the open-ended questions, respondents shared a variety of feedback that reflect diverse opinions and feelings about the policy and about broader social and political contexts. These responses were coded and themed manually before being summarized into three broad categories, as outlined below:
 - Respondents who expressed support for the draft policy shared gratitude for the Board's work to update the language in the policy and emphasized the policy's role in supporting a safe and inclusive environment for sexual and gender diverse students in the Division.
 - Respondents who expressed feelings of concern primarily shared feedback about the intent and values framing the policy and their perceived potential implications this policy may have on students and families in the Division. Responses in this category ranged from broad feedback about parental involvement in school decision-making processes related to student identity, the teaching and learning materials used in classrooms to support curriculum and their perceived implications related to the safety of all students in schools.
 - Respondents shared a variety of suggestions to further revise the policy. This feedback ranged from suggestions to add or revise direction in the policy related to parental involvement, the nature of teaching and learning materials used in classrooms, and additional accountability measures that would monitor the implementation of the policy across the Division.
- As changes to this policy are focused on updates to language, the following changes have been made to the policy as a result of the feedback shared from the survey:
 - Update the definitions section of the policy by including a definition for the term "discrimination."
 - Strengthen clarity of particular definitions by including examples for the terms "perceived sexual orientation," "perceived gender identity" and "perceived gender expression."
 - Ensure congruence of language throughout the policy related to the terms "sexually diverse and/or gender diverse."

RECOMMENDATION

1. That Board Policy HFA.BP Sexual Orientation, Gender Identity and Gender Expression be considered for a second time.
2. That Board Policy HFA.BP Sexual Orientation, Gender Identity and Gender Expression be considered for a third and final time and be approved.

OPTIONS

Based on the information provided in this report, the following options are considered most appropriate:

1. Support the recommendation to approve Board Policy HFA.BP Sexual Orientation, Gender Identity and Gender Expression.
2. Complete the second reading of the policy and direct the PRC to adopt revisions to the policy prior to a third and final reading.

CONSIDERATIONS and ANALYSIS

The proposed revised draft Board Policy HFA.BP Sexual Orientation, Gender Identity and Gender Expression supports clarity and alignment with the *Education Act*, and reflects Board values and current practices in place to support a welcoming, inclusive, safe and healthy learning and working environment throughout the Division. The proposed revisions ensure language in the policy aligns with language in the *Alberta Human Rights Act*.

The PRC's 2023-24 work plan includes a review of Board Policy HFA.BP Sexual Orientation and Gender Identity. Approval to move forward with this policy will align with this timeline.

NEXT STEPS

Upon approval of the recommendation, the updated policy will be posted to the Division website and the Superintendent of Schools will oversee necessary steps to support the implementation of the updated policy.

ATTACHMENTS and APPENDICES

ATTACHMENT I Draft Board Policy HFA.BP Sexual Orientation, Gender Identity and Gender Expression

SS:wr

CODE: HFA.BP

EFFECTIVE DATE: (29-11-2011)

TOPIC: Sexual Orientation, Gender Identity and Gender Expression

ISSUE DATE: (29-01-2020)

REVIEW YEAR: (2031)

PURPOSE

To articulate the Board of Trustees' (the Board) commitment to support all sexually diverse and/or gender diverse students, staff and families.

To reflect the Board's mandated responsibility and expectation for providing a welcoming, inclusive, safe and healthy learning and working environment throughout the Division.

DEFINITIONS

Cisgender is a term used to describe a person whose gender identity aligns with their sex assigned at birth.

Cisnormativity refers to an implicit cultural or social framework that assumes all individuals are either cisgender male or cisgender female. This assumption contributes to the marginalization of gender diverse people (i.e., people who do not identify as cisgender).

Discrimination is negative differential treatment of a person or group on the basis of race, religious beliefs, ethnicity, language, colour, gender, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status, gender identity and/or gender expression or sexual orientation (This definition applies to this policy and does not supercede the definition of discrimination as set out in other Board policies, administrative regulations or procedures).

Gender Expression, as defined by the Alberta Human Rights Commission, refers to the varied ways a person expresses their gender. This can include a combination of dress, demeanour, social behaviour and other factors.

Gender Identity, as defined by the Alberta Human Rights Commission, refers to a person's internal, individual experience of gender, which may or may not align with the sex assigned to them at birth. For example, the Alberta Human Rights Commission explains that a person may identify as being a woman, a man, transgender, two-spirit, non-binary, gender non-conforming, intersex or another gender. Gender identity is different from sexual orientation.

Heteronormativity refers to an implicit cultural or social framework that assumes all individuals are heterosexual. This assumption contributes to the marginalization of sexually diverse people (i.e., people who do not identify as heterosexual).

Heterosexual is a term used to describe a person who feels physically and emotionally attracted to someone who is considered to be the opposite gender identity.

Perceived Gender Expression refers to the ways in which someone may interpret another person's gender expression. (An example of this term may include interpreting gender expression based on the style of clothing a

person wears.)

Perceived Gender Identity refers to the ways in which someone may interpret another person's internal, individual experience of gender. This interpretation may be made based on someone's outward expression of self. (An example of this term may include interpreting gender identity based on someone's choice to wear makeup.)

Perceived Sexual Orientation refers to the ways in which someone may interpret another person's physical, emotional or romantic attraction to others. (An example of this term may include an assumption that everyone is attracted to individuals of the opposite gender identity.)

Sexual Orientation, as defined by the Alberta Human Rights Commission, refers to a person's physical, emotional or romantic attraction to others. A person may be heterosexual, lesbian, gay, bisexual, pansexual, asexual, queer or any other sexual orientation.

POLICY

The Board is committed to establishing and maintaining a safe, inclusive, equitable and welcoming learning and teaching environment for all members of the school community. This includes students, staff and families who identify or are perceived as sexually diverse and/or gender diverse. The Board expects all members of this diverse community to be welcomed, respected, accepted and supported in every Division working and learning environment.

All members of the school community have the right to learn and work in an environment free of discrimination, prejudice and harassment. This right is guaranteed under the *Canadian Charter of Rights and Freedoms*, *Alberta Human Rights Act* and *Education Act*. These rights will be supported, and enforced, so that all members of the school community may work together in an atmosphere of mutual respect and appreciation for individual differences. The Board strives to create learning and working environments that are free of harassment, bullying, intimidation or discrimination on the basis of a person's actual or perceived sexual orientation, gender identity and/or gender expression.

The Board affirms their commitment to the protection of 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 Board and each student enrolled in a school operated by the Board.

The Board believes that all sexually diverse and/or gender diverse students, staff and families have the right to:

- Be treated fairly, equitably and with dignity and respect.
- Have their confidentiality protected and respected as per privacy legislation.
- Self-identification and determination.
- Freedom of conscience, expression and association.
- Be fully included and represented in an inclusive, positive and respectful manner by all school personnel.
- Have equitable access to the same supports, services and protections provided to heterosexual and cisgender students, staff and families.
- Have avenues of recourse (without fear of reprisal) available to them when they are victims of harassment, prejudice, discrimination, intimidation, bullying and/or violence.
- Have their unique identities, families, cultures and communities included, valued and respected within all aspects of the school environment.

The Board is committed to implementing measures that will:

- Define appropriate expectations, behaviours, language and actions with the goal to prevent discrimination, prejudice and harassment through greater awareness of, and responsiveness to, their harmful effects.
- Ensure that all reported incidents of discriminatory behaviours are reviewed appropriately.
- Improve understanding of the individual lives of sexually diverse and/or gender diverse students and their families, cultures and communities throughout the year.
- Develop, implement and evaluate inclusive educational strategies, professional development opportunities and administrative guidelines to ensure that sexually diverse and/or gender diverse staff, students and their families are welcomed and treated with respect and dignity in all aspects of the school community.
- Work towards the removal of institutional and individual barriers related to heteronormativity and cisnormativity in order to improve the experience of sexually diverse and/or gender diverse students, staff and families.

The Board also recognizes the need to develop and maintain mutually supportive relationships with a variety of diverse sexual orientation, gender identity and gender expression community groups and stakeholders in order to ensure the ongoing improvement of the implementation of this policy. These community relationships will involve ongoing feedback and collaboration.

ACCOUNTABILITY

The Superintendent will provide an annual update to the Board around progress made in support of student success and achievement within a welcoming, inclusive, safe and healthy environment.

In the Four-Year Education Plan, the Division will identify goals and strategies that reflect the Division's commitment to supporting our diverse school communities, and will provide an annual update on progress and priority strategies in support of this policy through the Annual Education Results Report to Alberta Education.

REFERENCES

AD.BP Vision, Mission, Values, and Priorities
AE.BP Welcoming, Inclusive, Safe and Healthy Learning and Working Environments
AE.BB.BP Wellness of Students and Staff
FA.BP Human Resources Framework
FBCA.AR Respectful Working Environments
FBCB.AR Division Staff Code of Conduct
FBE.AR Health and Wellness of Staff and Students
GGDA.AR Guidelines for Student Activities and Organizations
HF.BP Safe, Caring and Respectful Learning Environments
HF.AR Safe, Caring and Respectful Learning Environments
HFA.AR 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
Education Act Sections 3, 4, 6, 10, 12, 14, 33(1), 35.1(1), 52

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