

**DATE:** May 14, 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:** Board Policy HFA.BP Sexual Orientation and Gender Identity

**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](#)

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## ISSUE

The Policy Review Committee (PRC) is presenting Board Policy HFA.BP Sexual Orientation and Gender Identity to the Board of Trustees (the Board) for first 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 intent of the current policy is to address discriminatory, hostile and unsafe environments that impact the ability of students to feel safe, respected, fully included and capable of ambitious learning in their schools. The policy does not direct or influence the official curriculum taught in Edmonton Public Schools; 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. The PRC completed a final review of the draft Board Policy HFA.BP Sexual Orientation, Gender Identity and Gender Expression on February 1, 2024.
- The review of this policy was supported by 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 some consultation with subject matter experts in the broader community.
- Revisions to this policy include:
  - o Changes to the title of the policy to reflect updated language (i.e., Board Policy HFA.BP Sexual Orientation and Gender Identity is changed to Board Policy HFA.BP Sexual Orientation, Gender Identity and Gender Expression).
  - o The addition of relevant definitions (i.e., "Cisgender," "Cisnormativity," "Gender Expression," "Gender Identity," "Heteronormativity," "Heterosexual" and "Sexual Orientation.>").

- o Updated language throughout the policy to support inclusivity and to reflect current Division practices.
- The draft policy was shared with the Board of Trustees for feedback at the April 16, 2024, special Caucus committee meeting.
- As changes to this policy are focused on updates to language and the direction of the policy aligns with rights guaranteed under the *Canadian Charter of Rights and Freedoms*, *Alberta Human Rights Act* and *Education Act*, engagement will focus on collecting stakeholder input around the clarity and accessibility of language and confirmation of the values that are foundational to the policy. The survey does not seek input to inform revision of direction or intent of the policy.
  - o Public engagement will occur through an online public survey that will be open for four weeks following the policy's first reading at the public Board meeting on May 14, 2024.

## RECOMMENDATION

1. **That Board Policy HFA.BP Sexual Orientation, Gender Identity, and Gender Expression be read for the first time and be approved for stakeholder feedback.**

## OPTIONS

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

1. Approve first reading of the policy.
2. Provide the PRC with feedback to inform revision of the document to support approval of first reading at an upcoming Board meeting.

## 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 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 draft policy and a public survey will be posted to the Division website for four weeks to gather stakeholder feedback.

## ATTACHMENTS and APPENDICES

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

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**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 sexual and 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).

**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. A person may identify as 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.

**Perceived Gender Identity** refers to the ways in which someone may interpret another person's internal, individual experience of gender.

**Perceived Sexual Orientation** refers to the ways in which someone may interpret another person's physical, emotional or romantic attraction to others.

**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 sexual 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 sexual 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 in order 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 sexual and 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 sexual and 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 sexual and 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