



Memorandum

vancouver school board



2014 June 10

Item 1
(Revised)

TO: Committee III

FROM: Maureen Ciarniello, Associate Superintendent

RE: NEW REVISION June 10, 2014: Further Revision to Draft Policy and Regulations: Sexual Orientation and Gender Identities (ACB and ACB R-1) June 10, 2014

PLEASE NOTE: Upon reviewing the June 6th document, staff has taken time to make a few other revisions: to correct any typos which were identified; to restore some of the original wording from the May 14th document; and to do further rewording of existing language.

Background

The Board adopted policy ACB Lesbian, Gay, Bisexual, Transgender, Transsexual, Two-spirit, Questioning in February 2004. Over the past year and half, the PRIDE Advisory Committee, with representation from district Learning Services staff, employee groups, District Parent Advisory Council, Vancouver Coastal Health, and related community organizations, has been working on revisions to the earlier policy. It is a regular practice, of the Board, to review and to update existing policies.

The purpose of this particular policy is to ensure that there are consistent practices across the district for to create safe, supportive learning environments for students who identify as LGBTTTQ+. The revisions to current policy separates policy language from regulation language, and creates regulations, based on current district practices, to outline for all staff what is expected in terms of supporting students who identify as LGBTTTQ+.

Review and Consultation Process

The proposed draft policy revision was presented at Committee III on April 16, 2014 for initial review and discussion, with the intent to have further discussion at May Committee III meeting. The Committee heard from 90+ speakers over the course of the May 16th Committee III meeting, and two Special Committee III meetings on May 22nd and 29th, 2014. The speakers' presentation notes, and written submissions from other interested individuals and organizations, who gave permission to post their letters, are posted on the district website: <http://www.vsb.bc.ca/policy-manual>.

Further Revision of Draft Policy

In considering the submissions and presentations, district staff have further revised the draft policy to clarify some of the wording and intent of the regulations. Since posting the agenda on June 6th, district staff have made further revisions, correcting some typos, and reverting to earlier language in some instances.

The revised wording has been reviewed by legal counsel.

The changes are summarized in Table A below, with a brief rationale. Following Table A is the next revision of the policy and regulations. Changes between the **April 16th version** and the **June 10th version** are indicated as follows:

- New wording is in red font;
- Wording that is replaced or removed is indicated through use of strike-through font (**example**)

Staff will speak further to these changes at the meeting.

Action

The trustee members of Committee III are being asked to consider bringing the following recommendation forward to the Board meeting.

IT IS RECOMMENDED THAT the Board approve the June 10, 2014 Policy and Regulations: Sexual Orientation and Gender Identities (ACB and ACB R-1)

Summary of Changes

TABLE A

Amendments	Rationale
<p>Policy: P. 6 Opening Statement: Replaced “including all students and employees who identify as (or are perceived as) lesbian, gay, bisexual, trans*, queer, Two-Spirit, and those who are questioning their sexual orientation and/or gender identity (LGBTQ+)” with “regardless of real or perceived sexual orientations, gender identities, and gender expressions which includes lesbian, gay, bisexual, trans*, Two-Spirit, queer, and those who are questioning(LGBTQ+) .”</p>	<ul style="list-style-type: none"> To add clarity and provide language that is more inclusive.
<p>P. 6 Bottom section - Second point: Replaced “homophobic and transphobic complaints” with “complaints of discrimination or harassment based on sexual orientation, gender identity and/or gender expression”</p>	<ul style="list-style-type: none"> To provide clarity.
<p>P. 6 Last point: Replaced “ who identify as LGBTQ+ (or are perceived as such)” with “whose real or perceived identity is LGBTQ+”</p>	<ul style="list-style-type: none"> To be congruent with language in first paragraph.
<p>Regulations: P. 7 A. Removed “towards those individuals” Inserted “real or perceived” prior to “sexual orientation”</p>	<ul style="list-style-type: none"> To ensure that all complaints of homophobic and transphobic discrimination are addressed regardless of to whom they are directed.
<p>P. 7 C – Last point: replaced “who identify as LGBTQ+ (or are perceived as such)” with “whose real or perceived identity is LGBTQ+.”</p>	<ul style="list-style-type: none"> To be congruent with wording in first paragraph.
<p>P. 8 D. Inserted a new second point “counsellors and staff are provided with</p>	<ul style="list-style-type: none"> Although there is a statement about programs and services under Leadership, this statement clarifies the role of district

information, from the district, on support programs or services for students and families that follow best practices in LGBTTQ+ care.”	staff in providing guidance to school staff on best practices in LGBTTQ+ care.
P. 8 F. Added “sexual orientations and”	<ul style="list-style-type: none"> Omission in original document.
<p>P. 9 G. Replaced “who identify as, or are perceived to be,” with “whose real or perceived identity is”.</p> <p>Replaced “ district staff” with “staff”</p> <p>Removed: “wherever possible and appropriate”</p>	<ul style="list-style-type: none"> To be congruent with wording in first paragraph To clarify that this statement refers to staff at all sites. Wording is redundant with selected sections, e.g.3 a) and b).
<p>P. 9 G. Add new heading 1) Consultation and the following text: “School staff are encouraged to consult with district staff, to review best practices for supporting trans* students”</p> <p><i>Renumbered all subsequent sections in G.</i></p>	<ul style="list-style-type: none"> It is an expectation that school staff consult with district staff, who are responsible for providing advice in this area.
P. 9 G. 2. a) Removed the word “independent”.	<ul style="list-style-type: none"> The term has no clear definition.
P. 9 G. 2. c) Replaced “..., will be recognized and protected.” with “..., will be respected.”	<ul style="list-style-type: none"> To acknowledge the individual’s right to privacy while recognizing that certain information sharing is subject to the School Act.
P. 9 G. 3. Removed “that corresponds to their gender identity” and replaced it with “they prefer to use”	<ul style="list-style-type: none"> Aligns with language in the following section.
<p>P. 9 G. 4. a) Removed the word “independent”.</p> <p>4. b) Added, “, at the request of a student or of a students’ parent(s)/guardian”</p>	<ul style="list-style-type: none"> The term has no clear definition. Provides additional clarity.
P. 9 G. 4. c) Removed “ to protect student safety” and reorganized the remainder of the sentence.	<ul style="list-style-type: none"> Provides clarity that the decisions to communicate preferred gender identity are initiated by the student or student’s parent(s)/guardian.
P. 10 G. 6. Removed “such as for health education classes”	<ul style="list-style-type: none"> It is not the practice of the VBE to segregate health education classes.
P. 10 G. 8. d) Replaced “an all-gender/gender neutral washroom” with “single stall gender neutral washrooms”	<ul style="list-style-type: none"> Provides clarity that providing gender-neutral washrooms can be done with little cost, in a way that addresses privacy concerns.

<p>Glossary: P. 12 Added the word “trans*” to the definition of LGBTTQ+ Removed “ within queer communities”</p>	<ul style="list-style-type: none"> • Correcting an omission in previous draft version. • Phrase is redundant.
<p>P. 13 Added definition “Perceived as LGBTTQ+: refers to someone who is treated as if they are LGBTTQ+ even if they do not identify as such”</p>	<ul style="list-style-type: none"> • The term is referenced in the policy, so it warrants a definition.
<p>P. 13 Added to definition of Pronoun: he/him/his; she/her/hers; they/them/theirs; xe, xem, xyr,” to the definition of pronouns.</p>	<ul style="list-style-type: none"> • Omission in previous draft version.
<p>End References: Added Non-VBE Policy References</p>	<ul style="list-style-type: none"> • To indicate that Board policy is informed by legislation.

POLICY STATEMENT:

ACB: Sexual Orientation and Gender Identities

Classification:

A: Foundations and Basic Commitments

Code: ACB

The Board of Education (the “Board”) is committed to establishing and maintaining a safe, inclusive, equitable, and welcoming learning and working environment for all members of the school community, ~~including all students and employees who identify as (or are perceived as) lesbian, gay, bisexual, trans*, queer, Two Spirit, and those who are questioning their sexual orientation and/or gender identity (LGBTQ+).~~ **regardless of real or perceived sexual orientations, gender identities, and gender expressions, which includes lesbian, gay, bisexual, trans*, Two-Spirit, queer, and those who are questioning(LGBTQ+).**

The Board believes that all LGBTQ+ students, staff and families have the right to have:

- their confidentiality protected and respected;
- self-identification and determination; and
- their unique identities, families, cultures, and communities included, represented, valued, and respected within all aspects of the school environment.

The Board will promote pro-active strategies and guidelines so that all members of this diverse community are welcomed, respected, accepted and supported in every school and worksite.

The Board is committed to implementing measures that will:

- define appropriate expectations, language, behaviours and actions in order to prevent discrimination and harassment;
- ensure that ~~homophobic and transphobic complaints~~ **complaints of discrimination or harassment based on sexual orientation, gender identity and/or gender expression** are taken seriously and dealt with expeditiously and effectively through consistently applied policy and procedures;
- raise awareness and improve understanding of the lives of people who identify as LGBTQ+; and
- strive to eliminate the systemic inequities and barriers for members of the school community ~~who identify as~~ **whose real or perceived identity is** LGBTQ+ ~~(or are perceived as such)~~ and demonstrate accountability in leadership so that everyone is treated with fairness and respect.

REGULATIONS

Regulation ACB – R – 1-- Sexual Orientation and Gender Identities

A. Anti-Harassment

The Board will strive to prevent and to provide effective procedures to respond to any language or behaviour that degrades, denigrates, labels, or stereotypes students on the basis of their **real or perceived** sexual and/or gender identities and/or gender expression, or that incites hatred, prejudice, discrimination or harassment ~~towards these individuals~~ on such bases.

B. Leadership

The Board will consult with the Pride Advisory Committee to ensure that policy directions, priorities and implementation of programs and services are consistent with this Sexual Orientation and Gender Identities policy.

There will be ongoing, constructive and open dialogue with LGBTTTQ+ communities to increase co-operation and collaboration among home, school and the community.

Administrators, teachers, counsellors, and other staff and student leaders should consult with LGBTTTQ+ students and their designated support groups and take concrete actions to make schools more welcoming, inclusive and safer places.

Staff will not refer students to programs or services that attempt to change a student's sexual orientation or gender identity.

C. Professional Development and Training

The Board will strive to ensure that professional development and training is provided for staff to develop the awareness, knowledge, skills and attitudes necessary to:

- deliver an LGBTTTQ+ inclusive curriculum (including anti-homophobia and anti-transphobia education);
- identify and address homophobic and transphobic discriminatory attitudes and behaviours; and
- support and advocate for the needs of students **whose real or perceived identity is LGBTTTQ+** ~~who identify as LGBTTTQ+ (or are perceived as such).~~

D. Counselling and Student Support

The Board will ensure that:

- counsellors are trained to respond competently to the needs of LGBTTTQ+ students as well as to the needs of students with LGBTTTQ+ family members;

- **counsellors and staff are provided with information, from the district, on support programs or services for students and families;**
- elementary and secondary schools appoint at least one staff person to be a Safe Contact who is able to act as a resource person for LGBTTTQ+ students, staff and families. (Note: School administrators will act as the Safe Contact if no one voluntarily steps forward.) School administrators will inform students and other staff about the location and availability of this contact person; and
- all secondary schools are supported in establishing and maintaining Gay or Queer/Straight Alliance clubs.

E. Curriculum Learning Resources

The Board is committed to:

- ensuring that staff utilizes language and educational resources and approaches that are inclusive, developmentally appropriate, and respectful of diverse sexual orientations, gender identities, and gender expressions;
- enabling all LGBTTTQ+ students and families to see themselves and their lives positively reflected in the curriculum, through the provision of library and other curricular resources;
- creating or acquiring developmentally appropriate, current and relevant learning resources for sexual health education that are LGBTTTQ+ inclusive; and
- providing learning resources in languages and in formats easily accessible to ELL students and their families, where possible.

F. Communications

The Board will:

- acknowledge through its communication to students, staff, and the community that some students live in LGBTTTQ+ families and need to be positively recognized and included as such; and
- ensure that school forms and communications reflect the diversity of **sexual orientations and** gender identities of students, staff and parents/guardians.

G. Gender Identity and Gender Expression

To support the safety, health, and educational needs of students who identify as, ~~or are perceived to be,~~ trans*, district staff shall adhere to the following practices: ~~wherever possible and appropriate.~~

1. Consultation

School staff are encouraged to consult with district staff, to review best practices for supporting trans* students.

2. Confidentiality and Privacy

- a) A student's trans* status, legal name, or gender assigned at birth may constitute confidential personal information that will be kept confidential unless its disclosure is legally required or unless the ~~independent~~ student or the student's parent(s)/guardian have given authorization.
- b) In situations where school staff or administrators are required by law to use or to report a trans* student's legal name or sex, such as for purposes of data collection, school staff and administrators will adopt practices to avoid the inadvertent disclosure of such information.
- c) 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 recognized and protected~~ **will be respected.**

3. Names and Pronouns

Trans* students will be addressed by the names and pronouns ~~that corresponds to their gender identity~~ **they prefer to use.**

4. Official Records and Student Information

- a) Whenever possible and permitted by law, requests made by ~~an independent~~ a student, or the parent/guardian, to change the student's official record to reflect their preferred name and/or gender identity will be accommodated.
- b) Whenever possible, **at the request of a student or of a students' parent(s)/guardian**, the student's preferred name and/or gender identity will be included on class lists, timetables, student files, identification cards, etc.
- c) ~~To protect student safety, communications between school and home shall use a student's legal name and the pronoun corresponding to the student's gender assigned at birth unless the independent student or the parent/guardian has specified otherwise.~~
Unless the student or the student's parent/guardian has specified otherwise, communications between school and home shall use a student's legal name and the pronoun corresponding to the student's gender assigned at birth.

5. Dress

Students have the right to dress in a manner consistent with their gender identity or gender expression. This includes students who may dress in a manner that is not consistent with societal expectations of masculinity/femininity.

6. Sex-segregated Activities

Schools will reduce or eliminate the practice of segregating students by sex. In situations where students are segregated by sex, ~~such as for health education classes,~~ trans* students will have the option to be included in the group that corresponds to their gender identity.

7. Access to Physical Education and Sports

- a) Where possible, students will be permitted to participate in any sex-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 sex-segregated activity that is not aligned with their gender identity.
- b) 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 sex-segregated activities in accordance with their gender identity if they so choose.

8. Washroom and Change Room Accessibility

- a) The use of washrooms and change rooms by trans* students shall be assessed on a case-by-case basis with the goals of maximizing the student's social integration, ensuring the student's safety and comfort, minimizing stigmatization and providing equal opportunity to participate in physical education classes and sports.
- b) Trans* students shall have access to the washroom and change room that corresponds to their gender identity. Students who desire increased privacy will be provided with a reasonable alternative washroom and/or changing area. Any alternative arrangement will be provided in a way that protects the student's ability to keep their trans* status confidential.
- c) The decision with regard to washroom and change room use shall be made in consultation with the trans* student.
- d) ~~The Board will strive to make available an all-gender/gender neutral washroom at all school locations and worksites.~~ **The Board will strive to make available single stall gender neutral washrooms at all school locations and worksites.**

9. Student Transfers

Schools will aim to keep trans* students at their original school site, unless it is a student's wish to transfer. Should the student wish to transfer, it is not necessary to disclose the student's gender identity and/or gender expression as the reason for transfer.

10. Resolving Conflict

Disputes will be resolved in a manner that involves the trans* student and an adult ally (teacher, service provider, parent/guardian) in the decision-making process to maximize inclusiveness.

Glossary

Asexual: A person who is not sexually attracted to any gender or sex. Asexual people may still be romantically attracted to people of a variety of genders and sexualities and have romantic, non- sexual relationships.

Bisexual: A person who is attracted to both women and men.

Gay: A person who is attracted to someone of the same sex and/or gender as themselves. This word can be applied to all genders of relationships, but has primarily been used in reference to men.

Gender: A socially constructed concept of identity based on roles, behaviours, activities, and appearance such as masculine, feminine, androgynous, etc.

Gender expression: The ways a person presents their sense of gender to others (for example, through clothes, hairstyle, mannerisms, etc.).

Gender identity: A person's internal sense of being a man, a woman, genderqueer etc. This is not the same thing as a person's biological sex, and may not be consistent with how they are perceived by others.

Gender nonconforming: A term that often refers to children who express gender in ways that differs from societal expectations of the sex and gender assigned to them at birth. For the purposes of this policy and accompanying regulations gender nonconforming children are included under the term trans*.

Homophobia: The fear, ignorance and mistreatment of people who are, or are perceived to be, lesbian, gay or bisexual. This often leads to bias, discrimination, hatred, harassment and violation of the human rights of lesbian, gay or bisexual people. Homophobic bullying can also be targeted against any individual, regardless of perceived sexual orientation.

Intersex: Refers to people whose reproductive or sexual anatomy is not easily defined as male or female. There are a variety of ways someone can be intersex, ranging from having ambiguous genitalia to having mixture of XX and XY chromosomes. Intersex individuals have historically been mistreated in North American society (i.e. being forced to have "corrective" genital surgeries as infants). The term Disorders of Sexual Development is being used increasingly amongst medical professionals in reference to intersex conditions, however, this term has not been fully adopted by intersex communities at the time this policy is being written. The word hermaphrodite was historically used to describe intersex individuals, however, this term is considered highly offensive.

Lesbian: A woman who is attracted to other women.

IGBTQ+: An acronym that in this case stands for lesbian, gay, bisexual, **trans***, and queer/questioning. There is a wide range of other terms often included in this acronym (often referred to by queer communities as "the alphabet soup") such as asexual, Two-Spirit, **intersex**, etc., and this acronym tends to vary depending on the source. The plus sign (+) indicates the inclusion of all sexual and gender identities **within queer communities**.

Perceived as LGBTIQ+: Refers to someone who is treated as if they are LGBTIQ+ even if they do not identify as such.

Pronouns: The words one uses to refer to themselves (e.g. **he/him/his; she/her/hers; they/them/theirs; xe, xem, xyr,** etc.)

Queer: An umbrella term (often used in place of the LGBTIQ+ acronym) used to describe individuals who identify as being part of sexual and gender diverse communities (e.g. lesbian, gay, transgender).

Sex: A biological classification based on physical attributes such as sex chromosomes, hormones, internal reproductive structures, and external genitalia. At birth, it is used to identify individuals as male or female. For those whose sex is not easily categorized as male or female see Intersex.

Sexual Orientation: Refers to a person's attraction towards a particular gender or sex. Someone may identify as lesbian, gay, bisexual, queer, pansexual, etc. It is important to remember that sexual identity and gender identity are separate.

Trans*: (also Trans, Transgender, Transsexual) An umbrella term that can be used to describe people whose gender identity and/or gender expression differs from what they were assigned at birth. Some trans* people may choose to medically transition by taking hormones, having surgery. Some trans* people may choose to socially transition by changing their name, clothing, hair, etc.

Transphobia: Fear, ignorance and mistreatment of people who are, or are perceived to be, trans* or gender nonconforming. This often leads to bias, discrimination, hatred, harassment and violation of the human rights of transgender or gender nonconforming people. Transphobic bullying can also be targeted against any individual, regardless of perceived gender expression.

Transition: A term most commonly used to refer to someone transitioning from one gender to another. Transition often consists of a change in style of dress, selection of a new name, and a request that people use the correct pronoun when describing them. Transition may, but does not always, include medical care like hormone therapy, counseling, and/or surgery.

Two-Spirit: An Aboriginal term describing the embodiment of both masculine and feminine spirits. This identity is not limited to gender expression or sexuality, but encompasses them both while incorporating a spiritual element. It is a standalone identity, not an Aboriginal term for gay or lesbian.

(These definitions are adapted from *Questions & Answers for Parents and Family Members of Gender Variant and Transgendered Youth* (Vancouver School Board, 2011).)

DMT Responsibility: AS-

IS Cross References:

ALA: Multiculturalism and Anti-Racism; FB: Facilities Planning; GBAB: Employment Equity; GBCBA: Sexual Harassment; IGBA: Programs for Disabled Students; IIA: Instructional Materials; IIAE: Hate Crimes and Propaganda; JB: Equal Educational Opportunities; KLB: Public Complaints about the Curriculum/Instructional Materials

Non-VBE Policy References:

BC Human Rights Code; The Charter of Rights and Freedoms; Freedom of Information and Protection of Privacy Act; and the School Act.