



Administrative Procedure 347 – Sexual Orientation and Gender Identity

AP 347 – Sexual Orientation and Gender Identity

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Purpose

AP 347 is a guideline to ensure that all programs, activities, and interactions are free from discrimination based on sexual orientation, or gender identity. The procedure covers conduct that takes place in the school, on school property, at school-sponsored functions and activities, on school buses or vehicles and at bus stops. It also pertains to usage of electronic technology and electronic communication that occurs in the school, on school property, at school-sponsored functions and activities, on school buses or vehicles and at bus stops, as well as, on school computers, networks, forums, and mailing lists.

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The *Nanaimo Ladysmith Public Schools Inclusion Policy (2.10)* is based on the principles of respect, acceptance, safety, and equity. It is the recognition and honouring of diversity, and valuing the contributions of all members of our school communities, ensuring that learning environments are safe, caring and inclusive.

The policy does not anticipate every situation that might occur with respect to sexual orientation or gender identity; therefore, the needs of each student must be assessed on an individual basis with the intent to protect the rights and safety of all students and staff.

Objectives

- To support the implementation of the *NLPS Inclusion Policy (2.10)*;
- To establish the Board's commitment to creating respectful, accepting, safe, and supportive educational environments for everyone who learns and works in NLPS regardless of sex, sexual orientation, gender identity, or gender expression;
- To facilitate compliance with district, *BC Human Rights Code*, and the *School Act*.

Definitions for the purpose

LGBTQ+ is the acronym used to refer to the community that includes lesbian, gay, bisexual, trans, queer, questioning, two-spirit, intersex, asexual, pansexual, etc. people.

Non-binary/Gender Expansive/Gender Non-conforming/Gender Creative/Gender Fluid can refer to a person who does not conform to society's expectations of their gender role or gender expression. These are broad terms that include boys who behave, dress and interact in feminine ways; girls who behave, dress and interact in masculine ways; or a mixture of many gender expressions and/or identities; in addition to trans students.

Gender Expression refers to the way a person expresses one's gender, through dress, grooming habits, choice of name and pronoun, mannerisms, activities, etc.

Gender Identity refers to one's psychological and intellectual understanding of our internal identity as a girl (or woman), boy (or man), or both, or neither, regardless of one's sex assigned at birth.

Sexual Orientation is an enduring pattern of romantic or sexual attraction (or a combination of these) to persons of the opposite sex or gender, the same sex or gender, or to both sexes or more than one gender.

Trans Person refers to a person whose gender identity is different from the sex they were assigned at birth. This includes people who were assigned male at birth but identify as female, people who were assigned female at birth but identify as male, and people who identify as both or neither male nor female.

Two-Spirit Person refers to a First Nations, Métis, or Inuit person who self-identify as having a gender identity, gender expression, or gender role outside the colonial binary and in accordance with the traditions and teachings of their culture.

Social Transition is a process that can involve sharing one's gender identity with others and the transition to identifying as trans or non-binary publically. This may or may not include changes to one's gender expression or sharing information about one's assigned sex.

Adapted from: *The Gender Spectrum: What Educators Need to Know* Pride Education Network

General Guidelines

When considering aspects of this procedure, it is important to keep in mind that gender is fluid and not binary. It is helpful to see male and female at opposite ends of the continuum of gender identity. By seeing only two genders in decisions about procedure, there is a possibility of pressuring students to

conform to gender stereotypes and the social roles assigned to females and males. Environments could be created that compel students who are questioning to make decisions before they are ready. NLPS has an obligation to ensure that members of the school community who are LGBTQ+, and members of diverse family structures are respected, included and safe in the school communities and related activities.

Privacy and Confidentiality

All persons have a right to privacy. This includes the right to have one's gender identity and/or sex assigned at birth private at school. Disclosing this information to other students, parents, or other third parties may violate privacy laws, such as the *Freedom of Information and the Protection of Privacy Act* (FOIPPA). The district will ensure that all medical information (e.g. assigned sex) relating to all students will be kept confidential in accordance with applicable district, municipal, provincial and federal policies and privacy laws. School staff will not disclose information that may reveal students' sexual orientation or assigned sex 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.

Transgender and gender nonconforming students 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 who. Those decisions need to be respected by school personnel. If a student chooses to disclose their gender identity to staff or other students it does not authorize school staff to disclose any medical information about the student. When contacting the parent or guardian of a transgender student, school personnel should use the student's legal name and the pronoun corresponding to the student's sex assigned at birth unless the student, parent or guardian has specified otherwise.

Schools must balance a parent or guardian's need to be informed about their child's school experiences with the student's right to live freely in their affirmed gender. This can be complicated when there is a responsibility to communicate with the parent or guardian about any situation at school directly related to the student's gender identity. In general, school personnel should err on the side of using the person's affirmed name and pronoun to ensure that the person's identity and human rights are respected within the school. Ongoing, open communication with a person during and after social transition is key to avoiding mistakes or inadvertently outing them across varied contexts. When in doubt, always ask the person before you gender them in unfamiliar circumstances.

Situations arising at school may make it difficult or impossible for the school to keep a student's status from the parent or guardian. Schools can, in consultation with the student, work with trained support providers to formally reveal the student's gender status 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 individuals familiar with such situations. Ensure that support services can be accessed if it becomes evident that the student is no longer safe to return home after the meeting. Privacy concerns are not a reason to prevent a student from living as their affirmed gender. Issues of confidentiality vs. open, respectful discussion must be handled on an individual basis. Students who are open about their transgender or otherwise gender nonconforming status must be acknowledged by their gender identity. Denying this is a violation of their rights to free expression and equal protection under the law.

Names and Pronouns

Every student has the right to be addressed by a name and pronoun that corresponds to their gender identity. A court-ordered name or gender change is not required, and the student does not need to change their official records. A student who is transitioning while at school will likely indicate name and pronoun preferences. Students must be addressed by the pronoun that reflects their gender identity regardless of their presentation – it is their decision. If a student’s gender identity is blended or is fluid or is neither, the student may request to not be referred to with a pronoun or with gender neutral pronouns such as they/them/theirs. When school personnel become aware of this, privately ask the student how they want to be addressed in class, in correspondence to the home, or at conferences with the student’s parent or guardian. Once declared, these preferences must be respected to ensure the student’s sense of wellbeing and security. Schools must proactively anticipate such situations and be informed of appropriate, expected responses to students. Parents do not have a right of veto over a student’s express preferences. Parents cannot compel schools to engage in discriminatory conduct. It is always preferable to first try to work with the student and parents to establish common understandings, but ultimately the school will honor the student’s wishes.

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 is being updated to allow for a student’s gender identity and assigned sex to be entered separately. Assigned sex is confidential medical information that should not be shared under any circumstances. For the purposes of school operations only a student’s gender identity should be used.

Official Records

Schools will maintain a mandatory permanent student record that includes a student’s legal name and assigned sex. The school will change a student’s official record to reflect a change in legal name or assigned 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 assigned sex, such as for purposes of standardized testing, school staff and administrators will adopt practices to avoid the inadvertent disclosure of such confidential information.

Personal Education Number (PEN), 1701 and Provincial Assessments (FSA)

The name that is presented when the student logs on with their PEN is the legal name submitted with the 1701. Schools are sent a list by the Ministry of Education of all their registered students and are required to check that list to ensure that all students are indicated. If the school sees a student who has had a name change/adjustment they generally contact the Ministry and are advised how they can change it at the site. An outline of the “name” process is as such:

- In September/October schools submit their 1701.
- The FSA information for students in Grades 4 and 7 is drawn from the schools 1701 – hence it has the legal name.
- The PEN and legal name of the students are sent to our technical contractors for uploading into the electronic system (no gender information is sent).
- The Ministry sends the school the list of students (PEN and legal name) they expect to be writing at the school.

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- The school is required to check the list and contact the Ministry if there are any name changes/adjustments.
- Students log on and write their FSA under their PEN submitted in the 1701 (or if there was a name adjustment under that name).
- Schools send reports home with students based on whatever name the student has written under.
- The Ministry technical contractor sends data back with PEN information only to the Ministry. They do not send back any names. The PEN connects back to whatever legal name we have on file from the 1701.

If a school adjusts a name at the local level in the FSA, that information is **not** dynamically linked to the Ministry. It will stay in the system for the duration of the schools' use (writing of the FSA by the student and printing reports to go home to parents) but it will not change the name here in our PEN system. To change a name legally with the Ministry a legal name change must be submitted to the PEN department.

Washrooms, Locker & Change Rooms

All students have a 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 regardless of their assigned sex. The student's self-identification is the sole measure of the student's gender. Schools may maintain separate washrooms, locker rooms or changing facilities for male and female students, provided that students can access them based on their gender identity. Where available, schools will designate facilities designed for use by one person at a time as accessible to all students, and to incorporate such single-use facilities into new construction or renovation. Any student who is uncomfortable using a shared facility while attending an off-site school-sponsored co-ed activity will be provided with a safe and private alternative. Students will not be required to use facilities that are inconvenient to access or inconsistent with their gender identity.

Where concerns may arise around who is using which bathroom it is imperative that district staff communicate that behaviour is the only pertinent factor when determining whether someone's bathroom use is inappropriate or unsafe. Problematic behaviour (staring, rude comments, mocking, etc.) by anyone in the washroom should be dealt with in accordance with the school's code of conduct, and the details of one's identity should be left out of the matter.

Gender Neutral Washrooms

The district and school administration will ensure the existence of at least one washroom, that is unlocked and clearly accessible, is available for use by everyone in the building. All such facilities must include signage that makes it absolutely clear that they are not restricted by gender.

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. Students who present as gender neutral or gender non-conforming 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.

Class Placement

During the process of considering how to place students in classes for a school year, school personnel carefully consider each student's unique behavioural traits and learning attributes as the primary factors. Using gender as a defining characteristic is to be avoided when looking at how to balance the composition of a class. It is important to be aware of and minimize the impacts of gender stereotypes and generalizations in all our practices in schools, including the way we construct classes.

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. Students have the right to expect that all policies, procedures, programs and communications are appropriate, competent and respectful, taking into consideration all parts of their identities. Students will be permitted to participate in any such activities or conform to any such rule, policy or practice 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 every effort to make 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.

International Students

Students must be placed into families where they feel safe and accepted and who are knowledgeable about individuals who are LGBTQ+. All host families will be required to answer a questionnaire regarding societal issues, one of which will be about sexual orientation and gender identity. Direction must also be taken from the students themselves. It must be acknowledged and accepted that each case is different and that a student knows best what they need for them to feel safe and comfortable in a new home environment.

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 transgender and gender nonconforming students is the top priority. All medical information is kept strictly confidential. Any violation of confidentiality of this

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information contravenes this administrative procedure and the privacy law *Freedom of Information and the Protection of Privacy Act* (FOIPPA).

Transitioning at School/Work

NLPS staff should be prepared to support any member of the NLPS community through the process of social transition at school/work at any time. For students in transition it is advisable to create a gender support plan to ensure that staff and the student (and/or their family if desired) have the opportunity to go over all changes and/or accommodations that may be necessary throughout the process. A template of a gender support plan is available [here](#). Initiating the creation of any gender support plan must be done with the full support and involvement of the person in transition, and should be customized to the extent necessary for it to be effective and in alignment with the needs of the subject.

Support for Students

NLPS is committed to maintaining a safe, inclusive learning environment which actively seeks to support students who identify themselves on the basis of sexual orientation or gender identity. School Counsellors and Child & Youth Family Support Workers are often the first point of contact for students seeking emotional support and will be specially trained in culturally safe responses to LGBTQ+ students and students with LGBTQ+ family members. All staff employed by, or providing services within the district, will be educated in the knowledge and skills required to deal with LGBTQ+ issues with students, and will be informed about the *NLPS Inclusion Policy (2.10)* and Procedures including *AP 347 - Sexual Orientation and Gender Identity*; *AP 312 - Harassment, Intimidation, Bullying and Discrimination (Student)*; and, *AP 344 - Code of Conduct*. School administrators have the primary responsibility for ensuring that all school staff, Parent Advisory Committees 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*. Access to this site is on each school's website or information is available through school administration.

Gender and Sexuality Alliances – GSAs

There is significant evidence that simply having a gender and sexuality alliance (Queer/Gay-Straight Alliance) in a school reduces homophobic bullying and the associated negative impacts for *all* students, not just LGBTQ+ students. All NLPS schools are encouraged to form a student-led GSA and support its ongoing existence.

In order to ensure safety and to provide supervision and guidance/support a staff sponsor (ideally identified by the students in consultation with the principal) should be in attendance at all GSA meetings/functions/events/etc..

Establishing a well understood mutual agreement among members about how the group will function and expectations of members is recommended at the beginning of each year. As new members join it

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will be important to go over this throughout the year. All students are welcome to join their school's GSA provided they accept the agreement.

Staff sponsors must be conscious of student privacy and confidentiality in ensuring that students' membership in a GSA is not shared or publicized for any purpose without the permission of each student. Students do not need to obtain parent permission to participate in clubs or other student-led organizations and GSAs are no different.

Appropriate Intervention - Responding to Incidents

Students and other members of the NLPS community have the right to expect a respectful and culturally safe school environment free of discrimination, harassment and bullying. In 2007, the Ministry of Education mandated that schools and districts establish procedures that align with the *Ministerial Order M276/07 Code of Conduct*. NLPS' Procedure *AP 344 Code of Conduct* outlines the safe, caring and inclusive behaviour guidelines for acceptable student conduct that respects the rights, dignity and diversity of others and promotes civility. *Section 3.0* of the procedure outlines the appropriate intervention guidelines that must be educative, preventative and restorative in focus and purpose.

Each school must, in consultation with staff, parents and students, establish their own Code of Conduct based on the Ministerial Order and the guidelines outlined in *AP 344*, including a section on appropriate intervention. Schools may also refer to *AP 312 Harassment, Intimidation, Bullying and Discrimination -1. Complaints, Section 3*. to guide the decision on the most appropriate intervention.

Students and members of the NLPS community expect that all employees have a duty to intervene in any interactions involving the use of offensive discriminatory language, regardless of the speaker's intention, and to be educative, preventative and restorative in conveying that such comments do not align with the NLPS Inclusion Policy, are prohibited under the B.C. Human Rights Code, and are not acceptable in our educational community.

Board of Education Responsibilities

Inclusion Policy (2.10) expects that all employees will reflect on how their interactions can create a respectful, accepting, safe, and supportive environment for the students, staff and families of our school communities. Therefore, the Board of Education is committed to:

- provide opportunities for staff to increase their knowledge and skills in:
 - promoting respect for human rights,
 - supporting and honouring diversity,
 - addressing discrimination in schools through a code of conduct that is educative, preventative and restorative and,
 - understanding of the scope and impact of discrimination against LGBTQ+ people.
- develop and implement respectful and proactive strategies to support students, staff and community members of all sexual orientations or gender identities.
- establish consistent, widely understood and maintained school-based practices to ensure that LGBTQ+ members of school communities and all families are welcomed, accepted and included in all aspects of education and school life.

- provide training to all new personnel as part of its employee orientation workshops. This training will focus on the district's *Inclusion Policy* and procedural guidelines regarding sexual orientation and gender identity.

Staff Development and Education

Education is the primary purpose of the district. The educational programs in NLPS will include curricular topics and learning resources that reaffirm 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 them 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 child, youth, and family support 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 and working environments for individual LGBTQ+ staff, students, and students from LGBTQ+ families.

Educators and school support staff will be expected to:

- be familiar with and know where to access the district Inclusion Policy and prevention procedures □
have a general understanding of definitions regarding sexual orientation and gender identity
- develop appropriate communication strategies to interact with LGBTQ+ staff, students and their families.
- fully understand the concepts of protection of privacy for staff, students, and families
- be aware of strategies and procedures for intervening with issues, such as bullying, harassment, intimidation and/or discrimination
- model and teach inclusive, respectful practises that honour diversity and promote human rights

Educators have an important role to play in teaching and modeling respect for gender diversity. It is expected that teachers will create classrooms where students can see a commitment to creating a safe, caring and discrimination-free environment. Students need to see that teachers are striving to change the notions of only two genders by:

- addressing the class with gender-inclusive language
- sorting students with gender-inclusive language
- creating mixed-gender groups/teams
- displaying signs, posters, stickers and books that depict gender-inclusive images
- celebrating national and international days and events that raise awareness about gender identity
- teaching students how to be allies for marginalized groups
- avoid making assumptions during instruction regarding romantic attraction or use exclusively heteronormative examples of relationships/families
- honouring and talking about diverse and non-traditional families

All students including LGBTQ+ students need to see themselves, their lives and the lives of their families positively reflected in the curriculum through resources that honour diversity. Textbooks, storybooks, novels, worksheets, videos, music, and websites are tools to show people in non-stereotypical

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appearances, behaviours and/or interests and to teach the curriculum in a manner that addresses the impact of discrimination and the expectation that students will treat each other respectfully. Educators are encouraged to include positive images and accurate information about history and culture which reflects the accomplishments and contributions of LGBTQ+ people.

Recommended Resource: *THE GENDER SPECTRUM: What educators need to know* Pride Education Network

Learning, Curriculum and Library Resources

Learning, curriculum and library resources need to reflect and value the diversity of NLPS. Resources should be chosen or updated to promote critical thinking and include materials that accurately reflect the range of LGBTQ+ communities. All resources will emphasize universal human themes that acknowledge human diversity as an essential and enriching element of our society and provide all students with opportunities to become familiar with diversity.

School-Community Involvement

The Board of Education and district employees will work to increase parental awareness of the needs of LGBTQ+ staff, students and/or their LGBTQ+ family members. District communications to students, staff, and the community can build awareness of students who live in LGBTQ+ families who need to be positively recognized and included. There is a commitment to ongoing, constructive and open dialogue and, inclusiveness with LGBTQ+ people and others who identify themselves on the basis of sexual orientation or gender identity.

The Board of Education supports and encourages community partnerships that enhance the Board's commitment to inclusivity of LGBTQ+ students, staff, teachers and parents. Parent advisory councils (all partners/stakeholders) will be encouraged to acknowledge and support the diversity of our school community and to engage in dialogue with identified LGBTQ+ staff, students and parents.

Process of Appeal

The Board of Education recognizes and respects the fact that students and/or parents or guardians may sometimes disagree with decisions made by employees. The *School Act* of British Columbia gives parents or guardians and students (with parental consent) the right to express concerns or appeal certain decisions. This right of appeal applies to decisions that significantly affect the health, education or welfare of students. Information regarding the Board's appeal procedure and a copy of the formal appeal bylaw can be accessed at sd68.bc.ca / Board Policies / 1000 Board Governance / 4.0 Bylaws. Prior to an appeal, it is expected that school administration, students and parents or guardians will work to try to resolve concerns at the school level.

Adopted: August 2016

Amended: February 2019; January 2023

References: *School Act*

B.C. Human Rights Code

Freedom of Information and the Protection of Privacy Act

Canadian Charter of Rights and Freedoms

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