



Policy 9.09

Category: Welcoming, Caring, Respectful and Safe School

Sexual Orientation, Gender Identities and Gender Expressions

BACKGROUND

The *School Act, Section 45.1* (including *Section 16.1*) states that School Authorities must establish, implement, and maintain a policy respecting its obligation under subsection (1) to provide each enrolled student and every employed staff member with a welcoming, caring, respectful and safe learning environment that includes the establishment a code of conduct for students that addresses bullying behaviours.

Alberta Education's Inclusive Education Policy Framework six policy directions are designed to help bring a shared vision of inclusive education to life in Alberta. Inclusion is a way of thinking and acting that demonstrates universal acceptance of, and belonging for, all children and students. School authorities must ensure that all children and students (Kindergarten to Grade 12), regardless of race, religious belief, colour, gender, gender identity, gender expression, physical disability, mental disability, family status or sexual orientation, or any other factor(s), have access to meaningful and relevant learning experiences that include appropriate instructional supports. Students, parents and school authorities have responsibilities for ensuring welcoming, caring, respectful and safe learning environments that respect diversity and nurture a sense of belonging and a positive sense of self.

The CAPE Charter Board is committed to the maintenance of a welcoming, caring, respectful and safe school environment for all students, parents, employees, volunteers, and contract operators. The CAPE Charter Board believes in an equitable and inclusive educational environment that supports every child and youth's achievement of their full potential and the creation of a positive future for themselves, their families and their communities. The CAPE Charter Board requires that all programs, activities, and employment practices be free from discrimination, including discrimination based on sex, sexual orientation, gender identity or gender expression.

The purpose of this policy is:

1. to support the creation and maintenance of a welcoming, respectful, safe and caring learning and teaching environment for all students, parents, employees, volunteers, and contract operators i.e all members of the school community;
2. to support the creation and maintenance of a learning and teaching environment that fosters diversity and nurtures a sense of belonging and a positive sense of self;
3. to ensure that every student has equal and equitable access to all school programs and activities;
4. to support the creation and maintenance of a comprehensive whole-school approach to promoting healthy relationships.

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The CAPE Charter Board supports student organizations and activities in accordance with section 16.1 of the *School Act*.

16.1(1) If one or more students attending a school operated by a board request a staff member employed by the board 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, the principal of the school shall

(a) immediately grant permission for the establishment of the student organization or the holding of the activity at the school, and

(b) subject to subsection (4), 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.

(3) 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.

(3.1) For greater certainty, then principal shall not prohibit or discourage students from choosing a name that includes “gay-straight alliance” or “queer-straight alliance”.

(4) The principal shall immediately inform the board and the Minister if no staff member is available to serve as a staff liaison referred to in subsection (1), and if so informed, the Minister 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.

(6) The principal is responsible for ensuring that notification, if any, respecting a voluntary student organization or an activity referred to in subsection (1) is limited to the fact of the establishment of the organization or the holding of the activity, and (2) is otherwise consistent with the usual practices relating to notification of other student organizations and activities.

The CAPE Charter Board is bound by the provisions of the *Freedom of Information and Protection of Privacy Act* in the collection, use, and disclosure of personal information.

POLICY STATEMENT

5. The CAPE Charter Board acknowledges and accepts that each member of the school community has the right to learn and work in an environment free of discrimination, prejudice, and harassment as guaranteed under the *Canadian Charter of Rights and Freedoms*, the *Canadian Human Rights Act*, the *Alberta Human Rights Act*, and the *Alberta School Act*;
6. The CAPE Charter Board supports the establishment and maintenance of a welcoming, caring, respectful and safe learning and teaching environment for all students as well as parents, employees, volunteers, and contract operators i.e all members of the school community:
 - 6.1 that fosters diversity and nurtures a sense of belonging and a positive sense of self;

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- 6.2 in which every student has equal and equitable access to all school programs and activities;
- 6.3 that support the creation and maintenance of a comprehensive whole-school approach to promoting healthy relationships;
- 6.4 within which each member of the school community:
 - 6.4.1 has the right to be open about who they are, including expressing their sexual orientation, gender identity or gender expression without fear of unwanted consequences;
 - 6.4.2 has the right to privacy and confidentiality;
 - 6.4.3 is actively included in the collaborative decision-making process.
- 6.5 that is committed to respecting the rights and needs of students with diverse sexual orientations, gender identities and gender expressions and that these rights and needs inform decision-making.
- 7. The CAPE Charter Board supports self-identification as the sole measure of an individual's sexual orientation, gender identity and gender expression.

DEFINITIONS

This policy explicitly addresses the CAPE Charter Board's responsibility as it relates to students, parents, employees, volunteers, and contract operators i.e all members of the school community who identify as lesbian, gay, bisexual, trans (transgender, transsexual, gender fluid, gender diverse, and agender), two-spirit, queer, questioning, and/or gender-diverse.

- 9. **Discrimination** - the unjust or prejudicial treatment of different categories of people or things, for example on the grounds of race, age, or sex.
- 10. **Prejudice** - preconceived opinion that is not based on reason or actual experience.
- 11. **Harassment** - aggressive pressure or intimidation and, as defined by the Canadian Human Rights Commission, includes:
 - 11.1 verbal abuse or threats;
 - 11.2 unwelcome remarks, jokes or innuendoes or taunting about a person's body, attire, age, marital status, ethnic or national origin, religion, etc.;
 - 11.3 displaying pornographic, racist or other offensive or derogatory pictures;
 - 11.4 practical jokes which cause awkwardness or embarrassment;
 - 11.5 unwelcome invitations or requests, whether indirect or explicit, or intimidation leering or other gestures;
 - 11.6 condescension or paternalism which undermines self-respect;
 - 11.7 unnecessary physical contact such as touching, patting or pinching, or punching

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11.8 physical assault.

12. **Sexual Orientation** - A person's affection and sexual attraction to other persons. Like gender, sexual orientation can be expressed along a continuum.
13. **Gender Identity** - A person's internal sense or feeling of being male or female, which may or may not be the same as one's biological sex.
14. **Gender Expression** - Gender expression is the manner in which individuals express their gender identity to others. A person's gender expression is often based on the binary model of gender, which is either stereotypically male or female. However, some individuals choose to express themselves in terms of a multiple model of gender, mixing both male and female expressions since they do not see themselves as being either stereotypically male or female, but possibly some combination of both or neither genders.

LEGAL GROUNDS & APPLICATION

15. This policy is grounded in the various Acts stated below.
16. This policy covers all students, parents, employees, volunteers, and contract operators i.e all members of the school community.

GUIDELINES

17. The following guidelines speak particularly to supporting students with diverse sexual orientations, gender identities and gender expressions. They, however, apply to parents, employees, volunteers, and contract operators i.e all members of the school community.
18. The Superintendent shall structure, or cause to be structured, procedures in support of this policy.
19. The principal is responsible for making reasonable efforts to ensure that all individuals responsible for administering and implementing this policy are aware of this policy, understand its intent and scope, and have an opportunity to ask questions.
20. The principal is responsible for administering this policy.
21. The administration will provide supports that respond to a student's individual needs and is respectful of an individual's right to self-identification.
22. Official student and other school records shall be maintained in accordance with mandated rules and in a way that respects the wishes, privacy and confidentiality of the student as applicable.
23. The school's dress code shall be flexible and gender-inclusive in recognition of all students' and staff's right to dress in a manner consistent with their gender identity or gender expression.

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24. Each student shall have full, safe and equitable participation to all school curricular, co-curricular and extra-curricular activities.
 25. The school's physical environment shall support and respond to the needs of each student by providing safe and respectful accommodations.
 26. Professional learning opportunities shall be made available in order to build the capacity of staff to understand and support diverse sexual orientations, gender identities and gender expressions.
 27. Staff will ensure that students have the understanding, skills and opportunities to contribute to welcoming, caring, respectful and safe learning environments that respect diversity and nurture a sense of belonging and a positive sense of self.
 28. Families are to be welcomed and supported as valued and valuable members of the school community.
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References:

School Act

Canadian Human Rights Act

Alberta Human Rights Act

Canadian Charter of Rights and Freedoms

Teachers' Code of Professional Conduct

CAPE Code of Conduct for Certificated Staff

CAPE Code of Conduct for Non-Certificated Staff

CAPE Policy 9.01 Health and Safety of Students and Staff

CAPE Policy 9.05 Workplace Discrimination, Violence, Harassment and Abuse

CAPE Policy 9.06 Child Abuse

CAPE Policy 9.07 Bullying

CAPE Policy 9.08 Public Interest Disclosure Act (PIDA)

Alberta's Plan for Promoting Healthy Relationships and Preventing Bullying

Safe and Caring Schools LGBTQ Students: A Guide for Counsellors

Adopted: March 23, 2016

Revised: May 30, 2018

Motion: #2016-03-23-5

Motion: #2018-05-30-14