



Policy 9.08

Category: Welcoming, Caring, Respectful and Safe School

Sexual Orientation, Gender Identities and Gender Expressions

BACKGROUND

The *Education Act, Section 53.1* states that School Authorities must establish, implement, and maintain a policy respecting its obligation under Section 33(2) 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.

**CAPE-Centre for Academic and Personal Excellence
Policy Manual**

Policy ~~9.09~~ 9.08

Category: Safety and Wellness

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

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;
 - 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.

CAPE-Centre for Academic and Personal Excellence

Policy Manual

Policy 9.08

Category: Welcoming, Caring, Respectful and Safe School

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 a gender), 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
 - 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.

CAPE-Centre for Academic and Personal Excellence
Policy Manual

Policy ~~9.09~~ 9.08

Category: Safety and Wellness

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. **Student Name and Pronoun Use**
 - a. For students under the age of 16, parental consent is required before a student may be referred to by a name or pronoun that differs from their legal name or biological sex.
 - b. No staff member shall use a student's new preferred name or pronouns until the student's parent has been notified and consent has been obtained, as required under Section 33.2(3) of the Education Act (as amended by Bill 27).
 - c. In circumstances where a student expresses that disclosure of their request to parents may place them at risk or harm the school shall ensure the student meets with a qualified counsellor before any notification is made.
 - d. Staff will receive training on how to handle such requests with discretion, sensitivity and adherence to privacy legislation.
19. The Superintendent shall structure, or cause to be structured, procedures in support of this policy.
20. 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.
21. The principal is responsible for administering this policy.
22. The administration will provide supports that respond to a student's individual needs and is respectful of an individual's right to self-identification.
23. 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.
24. 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.
25. Each student shall have full, safe and equitable participation to all school curricular, co-curricular and extra-curricular activities.
26. The school's physical environment shall support and respond to the needs of each student by providing safe and respectful accommodations.
27. 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.
28. Staff will ensure that students have the understanding, skills and opportunities to

CAPE-Centre for Academic and Personal Excellence

Policy Manual

Policy 9.08

Category: Welcoming, Caring, Respectful and Safe School

contribute to welcoming, caring, respectful and safe learning environments that respect diversity and nurture a sense of belonging and a positive sense of self.

29. Families are to be welcomed and supported as valued and valuable members of the school community.

References:

Education Act

Education Amendment Act (Bill 27)

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 Framework for Welcoming, Caring, Respectful, and Safe School Environment

CAPE Policy 9.04 Workplace Discrimination, Violence, Harassment and Abuse

CAPE Policy 9.05 Child Abuse

CAPE Policy 9.06 Bullying

CAPE Policy 9.07 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

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Motion: #2018-05-30-14

Motion: