



Progress Report on LGBTQ Policies of Four Alberta School Boards

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Public Interest Alberta

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Purpose/Overview

Public Interest Alberta has been supportive of efforts to ensure that the policies and guidelines of all of Alberta's sixty-one school boards fully reflect the requirements of recent provincial legislation with regard to sexual and gender minorities, and in particular the changes mandated by Bills 10 and 24.

The provincial government originally required school boards to submit their policies in this area by March 31, 2018. These policies must be made publicly available by June 30, 2018.

As an interim measure, Dr. Kristopher Wells, Assistant Professor of Educational Policy Studies at the University of Alberta, was asked by Public Interest Alberta to evaluate the current policies of four school boards, two each from public and Catholic systems (Sections 2A, 2B, 2C, and 2D).

The purpose of the project is not to generalize about the policies of the remaining boards on the basis of these four, but rather to analyze in detail the specific policies of these four boards in order to determine the nature and extent to which they currently meet the expectations of the legislation, and the kinds of changes that will be necessary in the near future as a result.

Our ultimate goal is to contribute to a process that will ensure all sixty-one boards have exemplary policies and guidelines which meet the legal requirements of government and, in turn, actively welcome, support, and affirm sexual and gender minority (LGBTQ) students, staff, and families as a full and valued part of the school community.

Further to that end, Dr. Wells has developed two additional documents for use by school boards in developing their policies and procedures.

The first is a set of criteria (*Sexual Orientation and Gender Identity Policy Development Criteria*, Section 1) used in determining the extent to which the specific elements of the legislative requirements are met by the board policy.

The analyses of the four school boards' policies provide concrete examples of the extent to which the policies meet the expectations of the legislation, and the changes that will be necessary to fully meet the criteria.

The second is a comprehensive exemplary policy (*Model Sexual Orientation, Gender Identity, and Gender Expression Policy*, Appendix 3) which boards can use to ensure that all requirements have been met in exemplary ways.

After all boards have submitted their policies to government and they are made publicly available (expected by June 2018), Public Interest Alberta intends to commission a comprehensive analysis of all boards' policies, based on the criteria used in this examination.

In the meantime, we encourage school boards to use the criteria and exemplary policy in continuing to develop their policies in this area. We also encourage members of the public to examine the policies of

their school boards, and to encourage them to ensure that their policies fully satisfy the expectations of legislation and support sexual and gender minorities in exemplary ways.

Observations on the policies of the four school boards

The policies of each school board were analyzed according to seven criteria, which involved the use of twenty-six specific elements. For each element, there is an indication of whether the policy did or did not adequately meet the requirement.

In addition, for each board, information is given on the board policies used, as well as notes on items of particular significance or concern.

There is no attempt to give an overall grade or score to the policies; rather, this report is a comprehensive indication of the extent to which the full range of necessary elements are adequately addressed, and the specific areas that need attention.

Further specific observations include the following:

- In our review of these four sets of policies, board policies and procedures were not easily accessible and were hard to find on District websites. For example, it is unclear which policies are intended to meet Minister Eggen's requirement that all boards demonstrate their "responsibility to the LGBTQ community." An LGBTQ student or parent should not need a lawyer to review school board policies to know whether they will be fully supported and included in their school environment.
- Many board policies use vague, ambiguous, and cloaked language to avoid direct mention or inclusion of LGBTQ students, staff, and families. How can policies possibly be effective at supporting this vulnerable community if they cannot even use the words lesbian, gay, bisexual, transgender, and queer? These constructed silences serve to further contribute to the marginalization and invisibility of LGBTQ people in our schools. They would seem to stand in direct opposition to a board's legal requirement to provide a welcoming, caring, respectful, and safe learning and working environment.
- Our review found that most policies and procedures have not been fully updated to comply with requirements of Bill 24, do not require legislated supports for GSAs or QSAs, and do not explicitly protect the privacy and confidentiality rights of LGBTQ students. (School boards have until June 30, 2018 to publicly post their policies.)
- The two Catholic school board policies and procedures continue to problematically rely on the LIFE Framework and Pastoral Guidelines, which are not in keeping with the requirements of government legislation and the responsibilities of publicly funded schools, particularly in the constraints being put around GSAs.
- In most cases, these district policies seem only to seek to comply with minimum obligations as defined in Alberta's human rights legislation. This approach is more akin to "tolerance" rather than the genuine acceptance of sexual and gender minorities, which has become a defining feature of Canadian society.
- We have created a model policy and evaluation criteria to help school boards move "beyond tolerance" to ensure their policies not only meet the base requirements of the Alberta School

Act, human rights legislation, and Bill 10 and Bill 24, but strive to actively welcome, affirm, and value LGBTQ students, staff, and families as valued, full, and contributing members of their school communities.

- The substantial inadequacies identified in the four boards' policies at this point raise serious concerns and point to the importance of closely examining the policies of all school boards in the coming months. We strongly encourage the ministry and members of the public to use the evaluation criteria and model policy in assessing board policies.
- For school board policies to be effective, they need to be clear and unambiguous, based in evidence and best practices, and be reviewed and evaluated on an annual basis, preferably with direct input from the LGBTQ community.
- Ultimately, if school boards across Alberta cannot or will not meet their legal requirements to provide a welcoming, caring, respectful, and safe environment for sexual and gender minorities in their policies, we call upon Minister Eggen to take this model Sexual Orientation and Gender Identity Policy and embed the requirements in the School Act so they apply equally and unequivocally to all school authorities in Alberta.
- In 2018, we believe that schools must not perpetuate discrimination through action, silence, or omission. Instead, they must be places of unqualified safety, full inclusion, and the active valuing of our diverse LGBTQ communities. Anything less is simply unacceptable within any publicly funded institution in Canada.

Section 1: Sexual Orientation and Gender Identity Policy

Development Criteria

The following criteria have been developed based upon Alberta government legislative requirements (Bill 7, Bill 10, Bill 24), human rights legislation, LGBTQ policy research, and a national best practice review of sexual orientation and gender identity school board policies and guidelines.

We suggest these criteria be used as a method to evaluate existing Alberta school board policies to ensure they meet legal requirements of the Alberta *School Act* and government legislation and, in turn, actively welcome, support, and affirm sexual and gender minority students, staff, and families as a full and valued part of the school community.

SOGI Policy Development Criteria

- (1) **Board has a welcoming, caring, respectful, and safe school policy, and student code of conduct, which specifically includes sexual orientation, gender identity, and gender expression**
 - ✓ Policy and code of conduct are made publicly available and easily accessible in a prominent location on district website
 - ✓ Policy and code of conduct website addresses are clearly posted in all schools or sites operated by the district
 - ✓ Policy and code of conduct are made available upon the request of any individual
 - ✓ Policy and code of conduct are reviewed by June 30 of each year

- (2) **Policy, procedures, and/or regulations comply with all government legislation and directives**
 - ✓ Clearly affirms the fundamental right to a discrimination-free learning and working environment as required by the *Alberta Human Rights Act* and *Canadian Charter of Rights and Freedoms*
 - ✓ Complies with all legislative requirements included in *Bill 10*, *Bill 24*, and the *School Act*
 - ✓ Specifically addresses the Board's responsibility as it relates to the LGBTQ community

- (3) **Clarifies and protects the privacy rights of any student who joins a gay-straight alliance (GSA) or queer-straight alliance (QSA)**
 - ✓ Privacy rights are protected, as required by either the Freedom of Information and Protection of Privacy Act (FOIP) or the Personal Information Protection Act (PIPA), which must specifically be named in policy
 - ✓ The principal is responsible for ensuring that notification, if any, respecting a GSA or QSA is limited to its establishment or activity (not its membership or student attendance)

- (4) **Provides specifically enumerated supports for GSAs/QSAs**
 - ✓ Students have the legal right to request a GSA/QSA
 - ✓ Students have the right to call their student organization a GSA or QSA without restriction or discouragement
 - ✓ The principal, upon request, will immediately approve the formation of a GSA/QSA or similar student organization
 - ✓ A staff liaison for the GSA/QSA will be provided in a timely manner

- ✓ Policy must specifically include Sections 16.1(1), (3), (3.1), (4) and (6) of the *Alberta School Act*

(5) Clearly addresses the needs of sexual and gender minority (LGBTQ) students, staff, and families

- ✓ Utilizes and supports gender-inclusive language
- ✓ Supports the human and employment rights of sexual and gender minority staff
- ✓ Supports and affirms same-sex parented families as a valued and contributing part of the school community
- ✓ Includes supportive and age-appropriate curricular, library, and classroom resources
- ✓ Encourages ongoing professional development for all staff members
- ✓ Identifies a staff member to serve as a “safe contact” in each school or program operated by the district
- ✓ Establishes a district-wide committee (including staff, students, and parents) to support policy implementation
- ✓ Requires an annual public report to the Board

(6) Provides specific supports for gender diverse students

- ✓ Includes clear provisions and accommodation supports for washrooms, student records, athletics, locker rooms, and field trips

(7) Imposes no special requirements or constraints

- ✓ Must not contain provisions or statements that are in conflict with GSA/QSA formation, naming, notification, activities, or staff supervision (Section 16.1)
- ✓ Must not contain provisions or statements, which undermine the promotion of a welcoming, caring, respectful, and safe learning environment that respects diversity and fosters a sense of belonging. For example, does not call students to “chastity” or refer to them as “evil”, “broken”, “disordered”, or “damaged” due to their sexual orientation, gender identity, or gender expression.
- ✓ Does not contain any hiring or employment restrictions for sexual and gender minority staff

References

Alberta Education. (2016). *Guidelines for Best Practices: Creating Learning Environments that Respect Diverse Sexual Orientations, Gender Identities and Gender Expressions*. Government of Alberta. Edmonton, AB.

Supporting Legislation

Bill 10: An Act to Amend the Alberta Bill of Rights to Protect Our Children

Bill 24: An Act to Support Gay-Straight Student Alliances

Alberta Human Rights’ Act

Alberta Personal Information and Protection of Privacy Act

Alberta School Act

Alberta Vital Statistics Act

Section 2: Review of Four Alberta School Boards

Westwind School Division # 74

We contacted Westwind School Division in January 2018 with a request to provide policies submitted to the Alberta Government that would satisfy the requirements of Alberta’s School Act, Bill 10, and Bill 24 and the Board’s responsibility as it directly relates to the LGBTQ community. We received no response to our request. Accordingly, we used the following terms to search the school district’s publicly available website: “sexual orientation,” “gender identity,” “gender expression,” “transgender,” “LGBTQ,” “Gay-Straight Alliance (GSA),” “Queer-Straight Alliance (QSA),” “Bill 10,” and “Bill 24.”

Policies and/or procedures found and reviewed:

Communication with Parents (155.0)
 Code of Conduct for Students (309.0)
 Welcoming, Safe, Caring & Respectful Schools (310.0)
 Harassment/Bullying/Hazing Prevention (326.0)

SOGI Policy Development Criteria

(1) Board has a welcoming, caring, respectful, and safe school policy, and student code of conduct, which specifically includes sexual orientation, gender identity, and gender expression

- X Policy and code of conduct are made publicly available and easily accessible in a prominent location on district website
- X Policy and code of conduct website addresses are clearly posted in all schools or sites operated by the district
- X Policy and code of conduct are made available upon the request of any individual
- X Policy and code of conduct are reviewed by June 30 of each year

Notes: Yes, the Board has a Welcoming, Safe, Caring & Respectful Schools policy, however, the policy is not prominently located on the District website and related policies are not easily accessible. As a result, it is unclear which policies would specifically relate to the Board’s responsibility toward the LGBTQ community.

(2) Policy, procedures, and/or regulations comply with all government legislation and directives

- ✓ Clearly affirms the fundamental right to a discrimination-free learning and working environment as required by the *Alberta Human Rights Act* and *Canadian Charter of Rights and Freedoms*
- X Complies with all legislative requirements included in *Bill 10*, *Bill 24*, and the *School Act*
- X Specifically addresses the Board’s responsibility as it relates to the LGBTQ community

Notes: Policies have not been updated to comply with requirements of Bill 24. The policies do not clearly articulate the boards support for or responsibility to the LGBTQ community. Policies focus on tolerance of diversity, rather than acceptance and valuing.

(3) Clarifies and protects the privacy rights of any student who joins a gay-straight alliance (GSA) or queer-straight alliance (QSA)

- X Privacy rights are protected, as required by either the Freedom of Information and Protection of Privacy Act (FOIP) or the Personal Information Protection Act (PIPA), which must specifically be named in policy
- X The principal is responsible for ensuring that notification, if any, respecting a GSA or QSA is limited to its establishment or activity (not its membership or student attendance)

Notes: Notification requirements, student confidentiality, and privacy rights are not clearly articulated as they apply to student membership in extracurricular clubs or activities such as GSAs or QSAs. Current policies are not in alignment with requirements of Bill 24. For example, the Board’s “Communication to Parents” policy states “School personnel will encourage students to inform their parents of their involvement in all school activities and student-led organizations of interest to them. 1. If a parent contacts the school with an query about the involvement of their child – the school shall disclose to the parent anything that falls within the parents’ legal right to receive. (See Alberta Family Law Act, Section 18 & 21)”. This appears to be a direct violation to Bill 24 and Alberta’s privacy legislation. It is unclear what the school board is trying to achieve with this communication policy as it creates confusion about an LGBTQ student’s right to privacy and confidentiality.

(4) Provides specifically enumerated supports for GSAs/QSAs

- ✓ Students have the legal right to request a GSA/QSA
- ✓ Students have the right to call their student organization a GSA or QSA without restriction or discouragement
- X The principal, upon request, will immediately approve the formation of a GSA/QSA or similar student organization
- X A staff liaison for the GSA/QSA will be provided in a timely manner
- X Policy must specifically include Sections 16.1(1), (3), (3.1), (4) and (6) of the *Alberta School Act*

Notes: Students’ right to have a GSA or QSA and name it as such are not directly included in policy, other than appendix, which cites an out of date version of Section 16 (Support for Student Organizations) contained within the School Act.

(5) Clearly addresses the needs of sexual and gender minority (LGBTQ) students, staff, and families

- X Utilizes and supports gender-inclusive language
- ✓ Supports the human and employment rights of sexual and gender minority staff
- X Supports and affirms same-sex parented families as a valued and contributing part of the school community
- X Includes supportive and age-appropriate curricular, library, and classroom resources
- X Encourages ongoing professional development for all staff members
- X Identifies a staff member to serve as a “safe contact” in each school or program operated by the district
- X Establishes a district-wide committee (including staff, students, and parents) to support policy implementation
- X Requires an annual public report to the Board

Notes: Language is vague and ambiguous. Policies do not even use the words sexual orientation, gender identity, or gender expression. They include no specific mention of LGBTQ students, staff, or families, which further silences and renders these identities invisible and, in turn, perpetuates a dominant perception that they are not welcome in the school community.

(6) Provides specific supports for gender diverse students

- X Includes clear provisions and accommodation supports for washrooms, student records, athletics, locker rooms, and field trips

Notes: We could not locate any policies or procedures which provide explicit accommodations or supports for transgender or gender diverse students.

(7) Imposes no special requirements or constraints

- ✓ Must not contain provisions or statements that are in conflict with GSA/QSA formation, naming, notification, activities, or staff supervision (Section 16.1)
- ✓ Must not contain provisions or statements, which undermine the promotion of a welcoming, caring, respectful, and safe learning environment that respects diversity and fosters a sense of belonging. For example, does not call students to “chastity” or refer to them as “evil”, “broken”, “disordered”, or “damaged” due to their sexual orientation, gender identity, or gender expression.
- ✓ Does not contain any hiring or employment restrictions for sexual and gender minority staff

Notes: In a very troubling area, our review found “H.I.V. Infection” policies for staff (292.0) and students (375.0), which have not been updated since 2000. These policies are woefully inadequate, not in keeping with current scientific or medical evidence, and could be construed to be offensive and discriminatory.

Christ the Redeemer Catholic Schools

We contacted Christ the Redeemer School Division in January 2018 with a request to provide policies submitted to the Alberta Government that would satisfy the requirements of Alberta's School Act, Bill 10, and Bill 24 and the Board's responsibility as it directly relates to the LGBTQ community. We received no response to our request. Accordingly, we used the following terms to search the school district's publicly available website: "sexual orientation," "gender identity," "gender expression," "transgender," "LGBTQ," "Gay-Straight Alliance (GSA)," "Queer-Straight Alliance (QSA)," "Bill 10," and "Bill 24."

Policies and/or procedures found and reviewed:

Inclusive Communities (AP #22)

Anti-Bullying (AP #21)

SOGI Policy Development Criteria

(1) Board has a welcoming, caring, respectful, and safe school policy, and student code of conduct, which specifically includes sexual orientation, gender identity, and gender expression

- X Policy and code of conduct are made publicly available and easily accessible in a prominent location on district website
- X Policy and code of conduct website addresses are clearly posted in all schools or sites operated by the district
- X Policy and code of conduct are made available upon the request of any individual
- X Policy and code of conduct are reviewed by June 30 of each year

Notes: It is unclear which policies or procedures explicitly fulfill the Board's legal requirement to provide welcoming, caring, respectful, and safe schools. Policies are not made clearly available or prominently accessible on the district's website.

(2) Policy, procedures, and/or regulations comply with all government legislation and directives

- X Clearly affirms the fundamental right to a discrimination-free learning and working environment as required by the *Alberta Human Rights Act* and *Canadian Charter of Rights and Freedoms*
- X Complies with all legislative requirements included in *Bill 10*, *Bill 24*, and the *School Act*
- X Specifically addresses the Board's responsibility as it relates to the LGBTQ community

Notes: Procedures have not been updated to comply with requirements of Bill 24. The procedures do not clearly articulate the board's support for or responsibility to the LGBTQ community. Procedures do not include mandatory human rights protections for staff.

(3) Clarifies and protects the privacy rights of any student who joins a gay-straight alliance (GSA) or queer-straight alliance (QSA)

- X Privacy rights are protected, as required by either the Freedom of Information and Protection of Privacy Act (FOIP) or the Personal Information Protection Act (PIPA), which must specifically be named in policy

- ✓ The principal is responsible for ensuring that notification, if any, respecting a GSA or QSA is limited to its establishment or activity (not its membership or student attendance)

Notes: Current procedures are not in alignment with requirements of Bill 24. Student privacy and confidentiality requirements do not include specific protections or inclusion of FOIP or PIPA. Sample notification requirements are included in procedures, which are limited to establishment of activity, and not identifying student membership.

(4) Provides specifically enumerated supports for GSAs/QSAs

- X Students have the legal right to request a GSA/QSA
- X Students have the right to call their student organization a GSA or QSA without restriction or discouragement
- X The principal, upon request, will immediately approve the formation of a GSA/QSA or similar student organization
- X A staff liaison for the GSA/QSA will be provided in a timely manner
- X Policy must specifically include Sections 16.1(1), (3), (3.1), (4) and (6) of the *Alberta School Act*

Notes: Student's right to have a GSA or QSA and name it as such are not directly included in procedures. Instead, explicit references are made to the LIFE Inclusion Framework, which is not consistent with the Alberta School Act, Bill 10, or Bill 24.

(5) Clearly addresses the needs of sexual and gender minority (LGBTQ) students, staff, and families

- X Utilizes and supports gender-inclusive language
- X Supports the human and employment rights of sexual and gender minority staff
- X Supports and affirms same-sex parented families as a valued and contributing part of the school community
- X Includes supportive and age-appropriate curricular, library, and classroom resources
- X Encourages ongoing professional development for all staff members
- X Identifies a staff member to serve as a "safe contact" in each school or program operated by the district
- X Establishes a district-wide committee (including staff, students, and parents) to support policy implementation
- X Requires an annual public report to the Board

Notes: Language is very vague and ambiguous. Procedures include no specific mention of LGBTQ students, staff, or families, which further silences and renders these identities invisible and, in turn, perpetuates a dominant perception that they are not welcome in the school community.

(6) Provides specific supports for gender diverse students

- X Includes clear provisions and accommodation supports for washrooms, student records, athletics, locker rooms, and field trips

Notes: We could not locate any policies or procedures, which provide explicit accommodations or supports for transgender or gender diverse students. For example, general references are made to the availability of “gender neutral single stall washrooms.” It is unclear whether transgender students may access these or other washrooms according to their gender identity.

(7) Imposes no special requirements or constraints

- X Must not contain provisions or statements that are in conflict with GSA/QSA formation, naming, notification, activities, or staff supervision (Section 16.1)
- X Must not contain provisions or statements, which undermine the promotion of a welcoming, caring, respectful, and safe learning environment that respects diversity and fosters a sense of belonging. For example, does not call students to “chastity” or refer to them as “evil”, “broken”, “disordered”, or “damaged” due to their sexual orientation, gender identity, or gender expression.
- X Does not contain any hiring or employment restrictions for sexual and gender minority staff

Notes: References to the LIFE Framework are in conflict with the intent and requirements of Bill 10 and Bill 24. School board procedures require chastity-based education, which research has shown to be ineffective and disproportionately impacts and marginalizes LGBTQ youth. Employment and human rights protections, complying with Alberta’s human rights legislation are absent from policies and procedures, making it unclear what employment rights and protections LGBTQ staff have in the school district.

A District document entitled “Teacher Faith Formation” states, “In a society riven with doubt about homosexuality, transvestites, the idea of “same-sex marriage,” the legitimization of sado-masochism as an “alternative lifestyle,” and so on and so on, the Church’s affirmation that God has a meaning and purpose in the way He created us is a voice of reason and of sanity. It offers for a confused people a compass-point of truth” (July 2016, p. 32). This statement is highly inappropriate, offensive, and perpetuates harmful stereotypes about LGBTQ people. These statements contradict the Alberta Teachers’ Association’s Code of Professional Conduct and other ATA policies and position statements.

Edmonton Catholic Separate School District No. 7

We contacted Edmonton Catholic School District in January 2018 with a request to provide policies submitted to the Alberta Government that would satisfy the requirements of Alberta’s School Act, Bill 10, and Bill 24 and the Board’s responsibility as it directly relates to the LGBTQ community. We received no response to our request. Accordingly, we used the following terms to search the school district’s publicly available website: “sexual orientation,” “gender identity,” “gender expression,” “transgender,” “LGBTQ,” “Gay-Straight Alliance (GSA),” “Queer-Straight Alliance (QSA),” “Bill 10,” and “Bill 24.”

Policies and/or procedures found and reviewed:

Commitment to Inclusive Communities in Edmonton Catholic Schools (Policy 18)

Commitment to Inclusive Communities in Edmonton Catholic Schools (AP 160)

Respect in the Workplace (AP 171)

Respect in the Workplace Guide

Student Code of Conduct (AP 351)

SOGI Policy Development Criteria

(1) Board has a welcoming, caring, respectful, and safe school policy, and student code of conduct, which specifically includes sexual orientation, gender identity, and gender expression

- X Policy and code of conduct are made publicly available and easily accessible in a prominent location on district website
- X Policy and code of conduct website addresses are clearly posted in all schools or sites operated by the district
- X Policy and code of conduct are made available upon the request of any individual
- ✓ Policy and code of conduct are reviewed by June 30 of each year

Notes: Board has an Inclusive Communities policy, which uses generic language and has no specific mention of or references to the LGBTQ community.

(2) Policy, procedures, and/or regulations comply with all government legislation and directives

- ✓ Clearly affirms the fundamental right to a discrimination-free learning and working environment as required by the *Alberta Human Rights Act* and *Canadian Charter of Rights and Freedoms*
- X Complies with all legislative requirements included in *Bill 10*, *Bill 24*, and the *School Act*
- X Specifically addresses the Board’s responsibility as it relates to the LGBTQ community

Notes: Policies have not been updated to comply with requirements of Bill 24. The policies do not clearly articulate the board’s support for or responsibility to the LGBTQ community.

(3) Clarifies and protects the privacy rights of any student who joins a gay-straight alliance (GSA) or queer-straight alliance (QSA)

- X Privacy rights are protected, as required by either the Freedom of Information and Protection of Privacy Act (FOIP) or the Personal Information Protection Act (PIPA), which must specifically be named in policy

- X The principal is responsible for ensuring that notification, if any, respecting a GSA or QSA is limited to its establishment or activity (not its membership or student attendance)

Notes: Notification requirements, student confidentiality, and privacy rights are not clearly articulated as they apply to student membership in extracurricular clubs or activities such as GSAs or QSAs. Current policies are not in alignment with requirements of Bill 24.

(4) Provides specifically enumerated supports for GSAs/QSAs

- X Students have the legal right to request a GSA/QSA
- X Students have the right to call their student organization a GSA or QSA without restriction or discouragement
- X The principal, upon request, will immediately approve the formation of a GSA/QSA or similar student organization
- X A staff liaison for the GSA/QSA will be provided in a timely manner
- X Policy must specifically include Sections 16.1(1), (3), (3.1), (4) and (6) of the *Alberta School Act*

Notes: Students' explicit right to have a GSA and name it as such are not directly included in policy. Problematically, policies and procedures refer to the "LIFE Framework", which is not consistent with the Alberta School Act or Bill 10 or Bill 24.

(5) Clearly addresses the needs of sexual and gender minority (LGBTQ) students, staff, and families

- X Utilizes and supports gender-inclusive language
- ✓ Supports the human and employment rights of sexual and gender minority staff
- X Supports and affirms same-sex parented families as a valued and contributing part of the school community
- X Includes supportive and age-appropriate curricular, library, and classroom resources
- X Encourages ongoing professional development for all staff members
- X Identifies a staff member to serve as a "safe contact" in each school or program operated by the district
- X Establishes a district-wide committee (including staff, students, and parents) to support policy implementation
- X Requires an annual public report to the Board

Notes: Language is vague and ambiguous. Policies and procedures do not even use the words sexual orientation, gender identity, or gender expression, instead they are cloaked under the generic banner of inclusive communities. As a result, they include no specific mention of LGBTQ students, staff, or families, which effectively ignores these communities and contributes to further silencing, marginalization, and invisibility.

(6) Provides specific supports for gender diverse students

- X Includes clear provisions and accommodation supports for washrooms, student records, athletics, locker rooms, and field trips

Notes: There is no specific mention or direct inclusion of transgender or gender diverse students. Procedures reference “Pastoral Approach to Supporting and Guiding Students in Inclusive Communities – Gender Identity and Expression.” Clear and unqualified supports for transgender and gender diverse students should be explicitly included in school district policies.

(7) Imposes no special requirements or constraints

- X Must not contain provisions or statements that are in conflict with GSA/QSA formation, naming, notification, activities, or staff supervision (Section 16.1)
- X Must not contain provisions or statements, which undermine the promotion of a welcoming, caring, respectful, and safe learning environment that respects diversity and fosters a sense of belonging. For example, does not call students to “chastity” or refer to them as “evil”, “broken”, “disordered”, or “damaged” due to their sexual orientation, gender identity, or gender expression.
- ✓ Does not contain any hiring or employment restrictions for sexual and gender minority staff

Notes: Procedures reference the “Pastoral Letter to Young People on Chastity”, which is discriminatory to LGBTQ students in a publicly-funded school environment. Workplace Harassment Guide has no specific mention of gender identity or gender expression as prohibited grounds against harassment or discrimination. This is a serious absence and a potential breach of human rights.

Buffalo Trail Public Schools

We contacted Buffalo Trail School Division in January 2018 with a request to provide policies submitted to the Alberta Government that would satisfy the requirements of Alberta’s School Act, Bill 10, and Bill 24 and the Board’s responsibility as it directly relates to the LGBTQ community. We received no response to our request. Accordingly, we used the following terms to search the school district’s publicly available website: “sexual orientation,” “gender identity,” “gender expression,” “transgender,” “LGBTQ,” “Gay-Straight Alliance (GSA),” “Queer-Straight Alliance (QSA),” “Bill 10,” and “Bill 24.”

Policies and procedures found and reviewed:

Students Rights and Responsibilities (202BP)
 Facilities Operations (801BP)
 Student Records (201-6AP)
 Students’ Responsibilities (202-2AP)
 Student Code of Conduct (202-7AP)
 Extra Curricular Student Groups (302-11AP)
 Staff Code of Conduct (402-2AP)

SOGI Policy Development Criteria

(1) Board has a welcoming, caring, respectful, and safe school policy, and student code of conduct, which specifically includes sexual orientation, gender identity, and gender expression

- X Policy and code of conduct are made publicly available and easily accessible in a prominent location on district website
- X Policy and code of conduct website addresses are clearly posted in all schools or sites operated by the district
- X Policy and code of conduct are made available upon the request of any individual
- X Policy and code of conduct are reviewed by June 30 of each year

Notes: There is no one clear policy or procedure that relates to sexual orientation, gender identity, or gender expression. Relevant policies and procedures are not easy to find or access on the district’s website. Policies and relevant procedures were not made available upon public request. Nothing in policies indicate they will be reviewed annually or evaluated.

(2) Policy, procedures, and/or regulations comply with all government legislation and directives

- ✓ Clearly affirms the fundamental right to a discrimination-free learning and working environment as required by the *Alberta Human Rights Act* and *Canadian Charter of Rights and Freedoms*
- X Complies with all legislative requirements included in *Bill 10*, *Bill 24*, and the *School Act*
- X Specifically addresses the Board’s responsibility as it relates to the LGBTQ community

Notes: Human rights obligations are included in codes of conduct. Policies and procedures do not currently comply with Bill 24. None of the policies and procedures directly relate to the board’s responsibility to the LGBTQ community.

(3) Clarifies and protects the privacy rights of any student who joins a gay-straight alliance (GSA) or queer-straight alliance (QSA)

- X Privacy rights are protected, as required by either the Freedom of Information and Protection of Privacy Act (FOIP) or the Personal Information Protection Act (PIPA), which must specifically be named in policy
- X The principal is responsible for ensuring that notification, if any, respecting a GSA or QSA is limited to its establishment or activity (not its membership or student attendance)

Notes: Some statements are included in relation to student privacy and confidentiality, however, FOIP or PIPA requirements are not mentioned in policies or procedures. Notification requirements must be clearly included in Board's Extra Curricular Student Groups procedure.

(4) Provides specifically enumerated supports for GSAs/QSAs

- ✓ Students have the legal right to request a GSA/QSA
- ✓ Students have the right to call their student organization a GSA or QSA without restriction or discouragement
- X The principal, upon request, will immediately approve the formation of a GSA/QSA or similar student organization
- ✓ A staff liaison for the GSA/QSA will be provided in a timely manner
- X Policy must specifically include Sections 16.1(1), (3), (3.1), (4) and (6) of the *Alberta School Act*

Notes: Extra Curricular Student Groups procedure is new and complies with Bill 10, however, it needs to be updated to meet requirements of Bill 24. This procedure should be part of a larger policy which directly relates to the board's responsibility to the LGBTQ community.

(5) Clearly addresses the needs of sexual and gender minority (LGBTQ) students, staff, and families

- X Utilizes and supports gender-inclusive language
- ✓ Supports the human and employment rights of sexual and gender minority staff
- X Supports and affirms same-sex parented families as a valued and contributing part of the school community
- X Includes supportive and age-appropriate curricular, library, and classroom resources
- ✓ Encourages ongoing professional development for all staff members
- X Identifies a staff member to serve as a "safe contact" in each school or program operated by the district
- X Establishes a district-wide committee (including staff, students, and parents) to support policy implementation
- X Requires an annual public report to the Board

Notes: Policies and procedures contain many important omissions and absences. Staff Code of Conduct includes a clear statement that staff must "refrain from directing students to programs or services that attempt to change a student's religious beliefs, cultural beliefs, gender, gender

identity, gender expression or sexual orientation.” This is a positive example other boards should follow as a best practice.

(6) Provides specific supports for gender diverse students

- ✓ Includes clear provisions and accommodation supports for washrooms, student records, athletics, locker rooms, and field trips

Notes: Provisions are made under the Student Records administrative procedure to change a student’s name, gender, and pronouns. Student Code of Conduct procedure has provisions for washroom and locker room access, however it is unclear how this would provide support to transgender and gender diverse students. No mention of athletics or field trips. The current facilities policy is still too vague to ensure for required inclusion of transgender and gender diverse students. Further work is needed to ensure for the full accommodation of transgender and gender diverse students.

(7) Imposes no special requirements or constraints

- ✓ Must not contain provisions or statements that are in conflict with GSA/QSA formation, naming, notification, activities, or staff supervision (Section 16.1)
- ✓ Must not contain provisions or statements, which undermine the promotion of a welcoming, caring, respectful, and safe learning environment that respects diversity and fosters a sense of belonging. For example, does not call students to “chastity” or refer to them as “evil”, “broken”, “disordered”, or “damaged” due to their sexual orientation, gender identity, or gender expression.
- ✓ Does not contain any hiring or employment restrictions for sexual and gender minority staff

Notes: No special requirements or constraints are included in Board policies or procedures.

Section 3: Model Policy

Introduction: What makes for effective policy to support sexual and gender minority (LGBTQ) students, staff, and families?

We recognize that many school boards across Alberta create and operationalize policies in different and compelling ways. For example, some boards have only a few guiding policies, with more detailed procedures or administrative regulations that state the “why” and the “how” this work should be included and operationalized in schools. Regardless of the approach, when it comes to supporting sexual and gender minority students, staff, and families, generic or “catch all” policies are seldom effective. Policies need to be comprehensive, explicit, evidence-informed, monitored, and evaluated to ensure they effectively support sexual and gender minorities in all facets of the school environment.

Based on research-informed best practices, we have created sample criteria and a model policy, which meets all the requirements of human rights and government legislation such as Bill 7, 10, and 24. We strongly encourage boards to use this model criteria and sample policy to evaluate their current policies, procedures, or regulations to ensure they comply with legal and legislative requirements and will clearly and effectively affirm, value, and support sexual and gender minorities staff, students and families in their school division.

Policies are important value statements, which not only provide support and protection to vulnerable groups, they also signal sexual and gender minorities are actively welcomed and valued as an important part of our school communities. Ask yourself, what message do your policies currently communicate to the LGBTQ community?

Sexual Orientation, Gender Identity, and Gender Expression Policy, Procedures or Regulations

Background

The Board is committed to establishing and maintaining a welcoming, caring, respectful, safe and inclusive learning and working environment for all members of the school community, regardless of actual or perceived sexual orientation, gender identity, and gender expression.

This means that each and every person, regardless of race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation, has the relevant learning opportunities, working environment, and appropriate supports needed to feel valued and to be successful in all of our schools, programs, and work places.

The Board believes that all sexual and gender minority 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.

Procedures

A. Anti-Discrimination and Anti-Harassment

The Board will develop policies, and codes of conduct, that expressly prohibit any language, bullying, or behaviour that degrades, denigrates, labels, targets, or stereotypes students or staff members on the basis of their actual or perceived sexual orientation, gender identity, or gender expression, or any actions that incite hatred, prejudice, discrimination or harassment on these protected grounds whether they occur in person or in digital form.

B. Leadership

The Superintendent shall:

- Clearly define appropriate expectations, behaviours, language, and actions in order to prevent discrimination, bullying, prejudice, and harassment through greater awareness of, and responsiveness to, their harmful effects in student codes of conduct and district procedures.
- Ensure all discriminatory behaviours and complaints will be taken seriously, documented, and dealt with expeditiously and effectively through consistently applied procedures.
- Support the development of human rights cultures, which actively support, affirm, and celebrate diverse sexual orientations, gender identities, and gender expressions.
- Develop, implement, and evaluate inclusive educational strategies, professional development opportunities, and administrative guidelines to ensure that sexual and gender minority students, staff, and families are welcomed and treated with respect and dignity in all aspects of the school community.

- Require each school principal to identify a staff person to serve as a “safe contact” for students and families with diverse sexual orientations, gender identities, and gender expressions. Principals will inform the entire school community of the location and availability of this safe contact person.
- Ensure staff will not refer students to programs or services that attempt to change, fix or repair a student’s sexual orientation, gender identity, or gender expression.
- Ensure employment practices are free of bias or structural disadvantage resulting from any forms of prejudice or discrimination.
- Ensure equal opportunity for employment and advancement of sexual and gender minorities in all aspects of the school district.
- Ensure all aspects of this policy are clearly communicated and made publicly available to all staff, students, and families.
- Create a district advisory committee (composed of staff, students, administrators, parents, and community members) to oversee the implementation of this policy, which includes an annual report to the Board of Trustees.
- Ensure this policy, and code of conduct, are reviewed by June 30 of each year.

C. Confidentiality

- Recognize and support the confidentiality of sexual and gender minority students and protect their identities from unwanted disclosure as required by *Alberta’s Personal Information Protection Act*.

D. Student Organizations

The following provisions are required by the *Alberta 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.
- 16.1(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.
- 16.1(3.1) For greater certainty, the principal shall not prohibit or discourage students from choosing a name that includes “gay-straight alliance” or “queer-straight alliance”.

- 16.1(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.
- 16.1(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.

E. Professional Development and Training

- Support professional learning opportunities that build the capacity of staff and families to understand and support diverse sexual orientations, gender identities, and gender expressions.
- Ensure counsellors and other wellness professionals are adequately trained to support the mental health needs of sexual and gender minority students and are aware of inclusive and affirming district and community supports and services.

F. Communication

- Ensure for the use of respectful and gender-inclusive language in all forms, processes, and communications.
- Ensure Welcoming, Safe, Caring and Respectful Learning Environment policies, which are required under the School Act, and student codes of conduct, are publicly communicated, website addresses are posted in each school, and policies are posted prominently on the district's website.

G. Teaching and Learning Resources

- Ensure all resources are accurate, non-judgmental, age-appropriate, reflect Canada's diversity, and promote critical thinking.
- Enable students and families to see themselves and their lives and cultures positively reflected in the curriculum, through the provision of library, classroom, and other curricular resources.
- Ensure all sexual health education programs, resources, and professional development respect human rights and are science-based, non-judgmental, age-appropriate, and inclusive of diverse sexual orientations, gender identities, and gender expressions.
- Provide inclusive learning resources in languages and formats easily accessible to English Language Learners students and their families, where possible.

G. Gender Identity and Gender Expression

1. Confidentiality and Privacy

- Ensure, where possible, a student's right 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.

2. Names and Pronouns

- Ensure students will be addressed by the names and pronouns they prefer to use. This includes on class lists, timetables, student records/files, identification cards, etc.

3. Official Records and Student Information

- Maintain student records in a way that respects students' privacy and confidentiality and complies with Alberta's privacy legislation.
- Students will be informed of any limitations regarding their chosen name and gender identity or gender expression in relation to official school records that may require legal name and designation.

4. Dress Codes

- Ensure that all students have the right to dress and express their identity in a manner consistent with their gender identity or gender expression in accordance with school guidelines.

5. Gender-Segregated Activities

- Schools will strive to reduce or gradually eliminate the practice of segregating students by gender.
- In situations where students are segregated by gender, transgender students will have the option to be included in the group that corresponds to their gender identity.

6. Physical Education and Athletics

- Ensure students who choose to or are required to participate in physical education or extracurricular activities, including competitive and recreational athletic teams, can do so in ways that are comfortable for them and supportive of their diverse sexual orientations, gender identities, and gender expressions.
- Ensure all students have full access to recreational or competitive athletic activities in accordance with their self-declared gender identity.
- Ensure no student is limited to independent study to earn physical education credits, unless they freely choose to do so.
- Proactively review all athletic, curricular, extra-curricular policies, and procedures to ensure they are inclusive of diverse sexual orientations, gender identities, and gender expressions.
- Provide specific training for all athletic coaches, advisors, and volunteers to ensure for welcoming, caring, respectful, and safe environments for all students, including students with diverse sexual orientations, gender identities, and gender expressions.

7. Washroom and Change Room Accessibility

- Provide safe access to a washroom and/or change room for use by any student who desires increased privacy.
- Transgender students shall have access to washrooms and change rooms that correspond to their gender identity.
- Where possible, readily accessible universal or gender-inclusive washrooms shall be made available at each school and worksite.

8. Overnight and Out of School Field Trips

- Ensure that in planning for field trips or school outings the needs of students who have diverse sexual orientations, gender identities, and gender expressions are proactively taken into consideration. It is helpful to make decisions regarding washroom and change room access prior to embarking on any fieldtrips or school outings. Gender and sexual minority students may feel comfortable using public washrooms that align with their gender identity. Some students, however, may not feel comfortable or safe with this option. Efforts should be made to research the availability of gender-inclusive or universal washrooms at fieldtrips or out of school destinations.
- When planning activities that involve the need for overnight or housing accommodations, staff shall ensure these issues are addressed on a case-by-case basis. There is no “one way” in which students are accommodated. Many factors are carefully considered including the needs and wishes of the student and their parents/guardians, the facilities where students will be sleeping, the beds in which students would be sleeping, and the supervision provided.
- School staff will make every reasonable effort to provide accommodations that are inclusive, respectful, and acceptable to the student and that do not impose any additional expense or burden for the student or their family. The privacy and confidentiality of the student will be maintained at all times.

9. Student Transfers

- Schools will aim to keep gender diverse 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 student and an adult ally (teacher, parent/guardian, consultant, service provider) in the decision-making process to maximize inclusiveness and reflect the best interests of the student.

References:

- *Canadian Charter of Rights and Freedoms*
- *Alberta Human Rights’ Act*
- *Alberta Personal Information and Protection of Privacy Act (PIPA)*
- *Alberta Vital Statistics Act*
- *Alberta School Act*
- *Bill 10: An Act to Amend the Alberta Bill of Rights to Protect Our Children*
- *Bill 24: An Act to Support Gay-Straight Student Alliances*
- Alberta Education: Guidelines for Best Practices: Creating Learning Environments that Respect Diverse Sexual Orientation, Gender Identities and Gender Expressions
- Alberta Teachers’ Association: Code of Professional Conduct & Declaration of Rights and Responsibilities
- Alberta Schools’ Athletic Association: Policy Handbook

- Canadian Centre for Ethics in Sports: Creating Inclusive Environments for Trans Participants in Canadian Sport, Guidance for Sports Organizations
- Canadian Teachers' Federation: Supporting Transgender and Transsexual Students in K-12 Schools: A Guide for Educators