



SEXUAL ORIENTATION AND GENDER IDENTITY POLICY	
DM Approval: original signed by DM Valerie Royle	Effective Date: September 5, 2012

GENERAL INFORMATION

The Department of Education values diversity in its school communities and wants to provide safe, welcoming, inclusive and affirming learning environments for all students.

The Department recognizes that students and school community members identifying as lesbian, gay, bisexual, transgender, transsexual, two-spirit, intersex, queer or questioning (LGBTQ) face a unique set of challenges within schools and communities, including being targets for discriminatory behaviours. All members of the school community share the responsibility for supporting students and staff in addressing and facing these challenges.

Homophobic and gender-based comments, discrimination, and bullying are demeaning to all students, parents or guardians and employees regardless of their actual or perceived sexual orientation.

The Department will not permit or tolerate any homophobic behaviour or bullying, whether by commission or by failing to act to end such behaviour. Staff will respond to all incidents and provide support and assistance to those who are the intended or unintended targets of such behaviour.

PURPOSE

The purpose of this policy is to provide clarity to school staff, parents and students regarding their roles and responsibilities...

DEFINITIONS

“LGBTQ” is an acronym for “Lesbian, Gay, Bisexual, Transgender, Transsexual, Two---Spirit, Queer and Questioning” people, intended to be widely inclusive.

“Bisexual” means a person who is attracted physically and emotionally to both males and females.

“Gay” means a person who is physically and emotionally attracted to someone of the same sex. Gay can include both males and females, or refer to males only.

“Gender” means the expression, behaviour or identification of a person considered as masculine, feminine, androgynous or any mix thereof. Not necessarily dependent on the sex one is assigned at birth or on sexual characteristics. Different communities and

cultures have different ways of thinking of gender and classifying people into different genders.

“Gender Expression” means the way a person publicly shows one’s gender identity through clothing, speech, body language, wearing of make-up and/or accessories and other forms of displaying masculinity or femininity.

“Gender Identity” means a person’s internal sense or feeling of being male or female. Gender Expression relates to how a person presents their sense of gender to the larger society. Gender Identity and gender expression are often closely linked with the term transgender.

“Gender Non-conforming” is a term for individuals whose gender expression is different from societal expectations related to gender.

“Homophobia” means a fear and/or hatred of homosexuality in others, often exhibited by name---calling, bullying, exclusion, prejudice, discrimination, or acts of violence. Anyone who is LGBTQ or assumed to be LGBTQ can be the target of homophobia.

“Intersex” means people who are born with or develop primary and secondary sex characteristics that do not fit neatly into society’s definitions of male or female. Many intersex babies/children receive surgical intervention (without their consent and sometimes without their knowledge) to make their sex characteristics conform to binary expectations. Intersex people do not necessarily identify as trans. While some people may identify with the term hermaphrodite, intersex is considered a more neutral term.

“Lesbian” means a female who is attracted physically and emotionally to other females.

“Queer” is, historically, a negative term for homosexuality, but more recently reclaimed by the LGBT movement to refer to itself. Increasingly, the word “queer” is popularly used by LGBT youth as a positive way to refer to themselves.

“Questioning” means a person who is unsure of their sexual orientation or gender identity.

“Straight/Heterosexual” means a person who is sexually and emotionally attracted to someone of the “opposite” sex.

“Trans” is a term commonly used to refer to transgendered and/or transsexual people. While it is often used as an umbrella term, some people identify just as trans. Used as an adjective, not as a prefix. In other words, it’s appropriate to say trans person, not transperson.

“Transgender” is used most often as an umbrella term to include the following: those whose gender identity, behaviour, or expression is different from their assigned sex; those whose gender changes at some point in their lives; those who identify as a gender outside the man/woman binary; those who have no gender or multiple genders; those who perform gender or play with it (e.g. in drag contexts); and others.

“Transition” means the process of changing one’s gender expression. It may include any combination of coming out; changing one’s dress, appearance, and mannerisms; changing one’s name and/or pronouns; hormones; surgery. (MTF refers to a person

who transitions from the “male” end of the spectrum towards the “female” end, while FTM refers to a person who transitions from the “female” end of the spectrum towards the “male” end.)

“Transsexual” means those who identify as members of a sex that is different from the sex they were assigned at birth. Many pursue hormones and/or surgical interventions, but not all those who pursue such medical interventions identify as transsexual.

“Two Spirit” is an aboriginal term. Some aboriginal people identify themselves as Two Spirit rather than as lesbian, gay, bisexual or transgender. Historically, in many Aboriginal cultures two-spirited persons were respected leaders and medicine people. Two-spirited persons were often accorded special status based upon their unique abilities to understand both male and female perspectives.

“Passing” means the act of living and/or being perceived as a certain gender, sexuality, etc. This is often used to refer to “succeeding” at presenting the gender a person identifies with, but people can pass in other circumstances, sometimes even when they don’t want to. The word passing was originally used in the contexts of people of mixed African-American and white heritage in the U.S.A. who could pass for white.

“Perceived Sexual Orientation” means when someone wrongly assumes that you are lesbian, gay, or bisexual without knowing what your true sexual orientation really is (heterosexual).

“Sex” means the male or female (or intersex) classification that one is assigned at birth and based upon one’s anatomy. One’s sex is often thought of as a much more concrete matter than it actually is: a person’s assigned sex may or may not be the same as their present anatomical sex which may or may not be the same as their sex of identity. Even purely biological sex can be defined in term of chromosomes, anatomy, hormones, or any combination, and there are always people who are male under one definition and female under another.

“Sexual Identity/Orientation” means a person’s deep seated feelings of emotional and sexual attraction to another person. This may be with people of the same gender (lesbian or gay), the other gender (heterosexual/straight) or either gender (bisexual).

POLICY STATEMENT

Standards and Procedures

1. School Administrators must ensure that students and staff practice appropriate behaviour and actions to prevent homophobic discrimination and harassment through greater awareness of and responsiveness to their harmful effects.
2. School communities, with the support of Area Superintendents and the Social Emotional Learning Consultant, must develop, promote and implement respectful, pro-active strategies (for example Gay/Straight Alliances) and school based policies to ensure that LGBTQ members of school communities and their families are welcomed and included in all aspects of education and school life, and are treated with respect and dignity. Educational resources and guidance in developing strategies and policies are available through the Department (see Appendix 1).

3. School based policies intended to prohibit sexual discrimination must state consequences of discrimination and harassment and Administrators must take action to address such behaviors and document all actions following an incident of homophobic behavior.
4. School administrators must respond to all complaints about homophobia seriously and ensure that they are dealt with effectively through consistently applied policy and procedures.

School Based Policies

School based policies must include the following key elements:

1. That language or behaviour that degrades or incites hatred, prejudice, discrimination or harassment towards students or employees on the basis of their real or perceived sexual orientation or gender identification will not be tolerated. The prohibition of such language and behaviour should be specified in the school's student codes of conduct.
2. The responsibility of all staff to exercise individual and collective responsibility to identify discriminatory attitudes and behaviours. School staff will work to eliminate systemic inequities and barriers to learning for students who identify themselves on the basis of sexual orientation or gender identity.
3. All administrators, teachers, counselors, and staff and student leaders will model respect for LGBTQ students and families.
4. Administrators will support teachers striving to include in their teaching positive images and accurate information about history and culture which reflects the accomplishments and contributions of LGBTQ people.
5. All staff have an obligation to intervene in any interaction involving the use of homophobic epithets and slurs, and behaviours regardless of the speaker's intentions, and to convey that such comments are against policy and will not be tolerated in the school community.
6. School based policies must include procedures through which individual or group-based complaints will be effectively resolved and which specify any consequences of breaching this standard of behavior.
7. School based policies must be posted in a visible place and made readily available to parents and the school community.

Student Counseling and Support

1. Using best judgment to determine numbers, principals must appoint at least one member of staff as a safe contact for students who identify themselves on the basis of sexual orientation or gender identity. School administrators are responsible for informing students, parents and other staff about the location and availability of this contact person.
2. Working with the school's safe contact, principals will visually mark an area as welcoming and reaffirming for LGBTQ students and staff (for example, through the use of posters and affirming principles).

3. Training and resources shall be offered to those identified staff members and counsellors to be sensitive and respond knowledgeably to LGBTQ students as well as students with LGBTQ family members. Identified staff and counsellors must receive training.
4. The Department supports the right of LGBTQ students to counseling that is supportive, affirming and free from efforts on the part of counselors to try to change their sexual orientation and/or identity through the use of or the referral to aversion, reparative, or conversion therapies.

The Administrator will make best efforts to facilitate the formation of Gay/Straight Alliance clubs (GSAs), where students or staff come forward requesting this support.

ROLES AND RESPONSIBILITIES

School communities, including the Area Superintendents and the Social Emotional Learning Consultant are responsible for developing, promoting and implementing proactive strategies and school based policies to ensure that LGBTQ students and their families are treated with respect and dignity and are welcomed and included in all aspects of education and school life.

School administrators are responsible for ensuring that students and staff practice appropriate behaviour in the school, for responding to all complaints about homophobia seriously, and for taking action to address homophobic behavior in the school. School administrators are also responsible for ensuring that the requirements of the policy are adhered to in the school.

Department of Education staff are responsible for not permitting or tolerating homophobic behavior or bullying, for responding to all incidents, and for providing support and assistance to those who are the targets of such behavior. Staff are also responsible for modeling respect for LGBTQ students and their families.

APPLICATION

This policy applies to all staff of the Department of Education, school councils, and all other members of the school community.

EXCEPTIONAL CIRCUMSTANCES

In situations where the individual circumstances of a case are such that the provisions of this policy cannot be applied or to do so would result in an unfair or an unintended result, the decision may be based on the individual merits and justice of the situation. Such a decision will be considered for that specific case only and will not be precedent setting.

EFFECTIVE DATE

This policy is effective September 5, 2012.

LEGISLATIVE AND POLICY REFERENCES

Education Act ss. 4 (b) and (e); ss. 34 (e)

Human Rights Act ss. 7 (g)

Canadian Charter of Rights and Freedoms s. 15

Yukon Education Policy 'Safe and Caring Schools'

Yukon Education 'Violence Threat Risk Assessment Protocol'

HISTORY

Sexual Orientation and Gender Identity Policy, effective September 5, 2012.