

Policy 713

Sexual Orientation and Gender Identity

Effective: August 17, 2020

Revised: July 1, 2023; August 23, 2023

1.0 Purpose

This policy sets minimum requirements for school districts and public schools to create a safe, welcoming, inclusive, and affirming school environment for all students, families, and allies who identify or are perceived as LGBTQI2S+.

2.0 Application

This policy applies to the school environment, which includes:

- a) all students who are registered in public schools in New Brunswick;
- b) all school personnel, contract/casual employees, visiting professionals, student teachers, parents, visitors, and volunteers;
- c) school transportation: on school buses or other school system-organized transportation;
- d) school sponsored and endorsed events and activities;
- e) all school documents, classroom instruction, forms, report card, classroom materials, and evaluations/tests; and
- f) all communications related to school (e.g. meetings, phone calls, written correspondence, emails, social media messaging, and other instances that could have an impact on the school environment).

3.0 Definitions

Ally refers to an individual who acknowledges that LGBTQI2S+ people face discrimination and advocates for social justice.

Cisgender refers to an individual whose gender identity corresponds with their sex assigned at birth.

Formal use of preferred first name refers to the preferred first name and/or pronoun(s) that has been identified by a transgender or non-binary student to be used for record-keeping purposes,

daily management (school software applications, report cards, class lists, etc.), classroom interactions and extracurricular and co-curricular activities (by staff, teachers and coaches).

Gender Expression refers to the way an individual expresses themselves and how they present and communicate their gender to society. An individual can express themselves by using a name, pronoun, or physical appearance that is different from the social normativity. An individual's gender expression is independent from their sex assigned at birth or sexual orientation.

Gender Identity refers to an individual's internal sense of their gender, which may or may not align with their sex assigned at birth and is not visible to others.

Homophobia/transphobia refers to negative attitudes, feelings, discrimination, and behaviours towards individuals who identify or are perceived to be a member of the LGBTQI2S+ community.

Informal use of preferred first name refers to the preferred first name and/or pronoun(s) that has been identified by a transgender or non-binary student to be used in social interactions outside of classroom interactions.

Legal name refers to the name that appears on a birth certificate. The use of the legal name will appear on high school diplomas and official transcripts.

LGBTQI2S+ is a commonly used acronym that represents different identities within society. The acronym refers to an individual who identifies as: lesbian, gay, bisexual, transgender, queer, intersex and two-spirited. The acronym ends with a plus symbol to reflect that in society there are many more identities that could be represented.

Members of the school environment refer to all students who are registered in the public school system in New Brunswick, all school personnel, contract and casual employees, visiting professionals, student teachers, parents, visitors, and volunteers.

Non-binary gender refers to an individual whose gender identity is neither exclusively male nor female or is in between or beyond both genders.

Parents refer to parents or guardians, as defined in the *Education Act*.

Preferred first name refers to a name that has been identified by a transgender or non-binary student to be used in place of their legal first name.

Preferred pronoun refers to a pronoun that has been identified by a transgender or non-binary student that aligns with their gender identity.

Sexual orientation refers to an individual's psychological, emotional and/or sexual attraction towards another person.

Students refer to pupils, as defined in the *Education Act*.

School Personnel as defined in the *Education Act*. For the purpose of this policy, school personnel also include volunteers.

Transgender refers to an individual who does not identify either fully or in part with the gender associated with their sex assigned at birth.

4.0 Legal Considerations and Authority

Education Act, section 6

The Minister...

b.2) may establish provincial policies and guidelines related to public education within the scope of this Act [...]

Education Act,

Subsection 13(1)(e) and 13(3), Roles of parents

Subsection 27(1), Duties of Teachers

Subsection 48(2)(b), Duties of Superintendent

Paragraphs 28(2)(c), 28(2)(e) and 28(2)(h), Duties of Principals

Paragraphs 33(1.1), Duties of Parent School Support Committees

Paragraphs 36.9(5)(a) and (b), Duties of the District Education Council

5.0 Goals/Principles

The Department of Education and Early Childhood Development (EECD) believes:

- 5.1** All members of the school environment have the right to self identify and express themselves without fear of consequences and with an expectation of dignity, privacy, and confidentiality;
- 5.2** All members of the school environment have the right to learn and work together in an atmosphere that is respectful and free from harassment and discrimination;
- 5.3** It is important that all students have a sense of belonging and connection to their school environment. Students should feel that they are supported by school personnel;
- 5.4** School personnel will create a culture whereby LGBTQI2S+ students see themselves and their lives positively reflected in the school environment;
- 5.5** It is important to collaborate with community stakeholders to support the needs of all LGBTQI2S+ members of the school environment; and
- 5.6** Support groups such as Gender and Sexuality Alliances (GSA) are important and provide a safe space for students. Gender and Sexuality Alliance and school personnel will work together to create a safe and inclusive school environment for LGBTQI2S+ students.

6.0 Requirements/Standards

6.1 Supportive School Environment

- 6.1.1** The school principal will ensure that all members of the school environment are aware of the requirements set out in this policy.

- 6.1.2 School personnel will ensure that the school environment respects student's right to self-identify, and appropriate measures are in place to protect personal information and privacy.
- 6.1.3 EECD and school districts will provide professional learning opportunities to school personnel to understand and support the needs of LGBTQI2S+ students.
- 6.1.4 Homophobic/transphobic language, behaviour, or discrimination towards a member of the school environment will not be tolerated and will be immediately reported to the principal or designate. All allegations will be taken seriously and dealt with in a timely and effective manner as per Policy 703 – Positive Learning and Working Environment.
- 6.1.5 All students will be able to participate in curricular, co-curricular, and extracurricular activities that are safe and welcoming.
- 6.1.6 EECD, school districts, and school personnel will ensure that classroom materials and activities contain positive and accurate information related to sexual orientation and gender identities.
- 6.1.7 EECD, school districts, and schools will strive to use inclusive and gender-neutral language when communicating with members of the school environment. This includes: classroom instruction, classroom materials, school and school district newsletters, forms, social media, emails, phone calls, and meetings.

6.2 Supportive Alliances

- 6.2.1 All schools will have a designated member of the school environment to act as an advocate for students who identify as LGBTQI2S+ and their families.
- 6.2.2 The school principals and school personnel will support the establishment of a Gender Sexuality Alliance and will support any events and activities organized by the group.
- 6.2.3 Gender Sexuality Alliance membership does not require parental consent and privacy and confidentiality will be respected.

6.3 Self-identification

- 6.3.1 School personnel will consult with a transgender or non-binary student who is 16 and over to determine their preferred first name and pronoun(s). The preferred first name and pronoun(s) will be used consistently in ways that the student has requested.
- 6.3.2 Formal use of preferred first name for transgender or non-binary students under the age of 16 will require parental consent.

If it is not possible to obtain consent to talk to the parent, the student will be encouraged to communicate with the appropriate professionals to develop a plan to speak with their parents when they are ready to do so.

If it is not in the best interest of the student or could cause harm to them (physically or mentally) to talk with their parents, they will be encouraged to communicate with professionals for support.

6.3.3 The use of preferred first name for transgender or non-binary students under the age of 16 may be used without parental consent if the student is:

- communicating with appropriate professionals in the development of a plan to speak to their parents; or
- when communicating one on one with school professionals for support.

6.4 Universal Spaces (Private)

6.4.1 All students will have access to washroom facilities that align with their gender identity. The washroom facilities will be available to all students in a non-stigmatizing manner.

6.4.2 All schools will have at least one, universal washroom facility (private) that is accessible at all times.

6.4.3 Private universal changing areas will be available in all schools.

7.0 Guidelines/Recommendations

7.1 Where possible, schools are encouraged to provide more than one, universal washroom facility that is accessible at all time.

7.2 Superintendents will make reasonable efforts to support students who request to transfer schools due to reasons relating to their sexual orientation, gender identity, and gender expression.

7.3 Where possible, student should have access to accommodations that align with their gender identity when travelling off school property. This includes field trips, co-curricular and curricular activities, travelling for competition, or events at another school, etc.

8.0 District Education Council (DEC) Policy Making

A District Education Council may develop policies and procedures that are consistent with, or more comprehensive than, this provincial policy. Their policy must be posted on the school district website and shared with all members of the school environment at the beginning of every school year.

9.0 References

Canadian Charter of Rights and Freedom

Human Rights Act

Education Act

10.0 Contacts for Additional Information

Department of Education and Early Childhood Development, Policy and Planning Division, (506) 453-3090

Department of Education and Early Childhood Development, Education and Support Services Branch (Anglophone Sector), 506 453-2816

Original Signed by

Minister