

**CODE:** HFA.AR**EFFECTIVE DATE:** (13-11-2012)**TOPIC:** Sexual Orientation, Gender Identity and Gender Expression**ISSUE DATE:** (18-12-2025)**REVIEW YEAR:** (2032)

## OBJECTIVE

The purpose of this administrative regulation is to:

- Affirm the rights, as provided for in the *Alberta Human Rights Act*, the *Canadian Charter of Rights and Freedoms* and the *Education Act*, of each staff member employed by the Division and each student enrolled in a school operated by the Division. Staff members employed by the Division and students enrolled in a school operated by the Division will not be discriminated against as provided for in the *Alberta Human Rights Act*, the *Canadian Charter of Rights and Freedoms* and the *Education Act*.
- Promote a welcoming, caring, respectful and safe learning and working environment that respects diversity and fosters a sense of belonging for everyone, including all sexually diverse and/or gender diverse students, staff and families.

## DEFINITIONS

**External party**, as defined by the *Education Act*, means any person or organization other than:

- A board
- An employee of a board
- A student
- A student organization established under section 35.1 of the *Education Act*
- A staff liaison designated, or responsible adult appointed, under Section 35.1 of the *Education Act*

**Class**, for the purpose of this administrative regulation, refers to a category or division for competition or a measure of an athlete's skill level. This does not include physical education courses.

**Learning and Teaching Resource**, as defined by the *Education Act*, means any resource used in a school to engage in learning or teaching. This definition does not apply to resources created by a student, or accessed by a student independently, including through a school library.

**New Chosen Name or Pronouns**, referred to as New Preferred Name or Pronouns in the *Education Act*, means a name or pronouns that:

- Vary from the name or pronouns that teachers, teacher leaders and other school staff have regularly used when referring to the student.
- The student prefers for reasons related to the student's gender identity.

**Parent** refers to an individual as defined in the *Education Act*, S.A. 2012, c.E-0.3, as amended from time to time.

Please refer to Board Policy HFA.BP Sexual Orientation, Gender Identity and Gender Expression for terms not otherwise defined in this regulation.

## RESPONSIBILITIES

The principal is responsible to:

1. Provide a welcoming, caring, respectful and safe learning environment that respects diversity and fosters a sense of belonging, by having:
  - a. All aspects of this regulation clearly communicated to all staff, students and families.
  - b. Clear processes to support awareness and adherence to all Division policies with respect to diversity, equity, human rights, sexual orientation, gender identity, discrimination, prejudice and harassment.
  - c. Clear requirements that staff will not refer students to programs or services that attempt to change or repair a student's sexual orientation or gender identity.
  - d. Inclusive and respectful services and supports available to sexually diverse and/or gender diverse students and families.
  - e. Staff know their professional responsibility to identify discriminatory attitudes and behaviours, and create caring, respectful and safe learning environments.
  - f. All reported incidents of discriminatory behaviours reviewed appropriately.
  - g. Staff address and provide appropriate remedial consequences for all interactions involving the use of comments, behaviours and actions which are homophobic, transphobic, and/or sexist, whether they occur in person or in digital form.
  - h. Staff utilize language and educational resources and approaches that are inclusive, age-appropriate and respectful of diverse sexual orientations, gender identities and gender expressions.
    - i. The use of learning and teaching resources that deal primarily and explicitly with gender identity, sexual orientation or human sexuality must adhere to the requirements outlined in *the Education Act*.
  - i. Staff work proactively to eliminate systemic inequities and barriers to learning for sexually diverse and/or gender diverse students and families.
  - j. A staff member to serve as a safe contact for sexually diverse and/or gender diverse students and families. The principal will inform the school community about the location and availability of this safe contact resource person.
  - k. All staff recognize the confidentiality of the sexual orientation, gender identity and gender expression of all students and protect them from unwanted disclosure of such information.
    - i. For students who request that school staff refer to them by a gender identity-related new chosen name or pronouns, the principal will comply with parental notification and consent requirements, as outlined in the *Education Act*.
2. Establish and maintain a student code of conduct (also known as the Student Rights and Responsibilities document), addressing the following requirements:
  - a. The school's Student Rights and Responsibilities document contains a statement of purpose that provides a rationale for the code of conduct, with a focus on welcoming, caring, respectful and safe learning environments.
  - b. The school's Student Rights and Responsibilities document contains one or more statements about what is acceptable behaviour and what is unacceptable behaviour, whether or not it occurs within the school building, during the school day or by electronic means.
  - c. The school's Student Rights and Responsibilities document contains one or more statements about the consequences of unacceptable behaviour, which must take account of the student's age, maturity and individual circumstances, and which must ensure that support is provided for students who are impacted by inappropriate behaviour, as well as for students who engage in inappropriate behaviour.
  - d. The school's Student Rights and Responsibilities document and this regulation is available throughout the year in a prominent location on a publicly accessible website maintained by or on behalf of the

Division.

- e. Display in a place clearly visible to students in each school the link for Board Policy HFA.BP – Sexual Orientation, Gender Identity and Gender Expression, Administrative Regulation HFA.AR – Sexual Orientation, Gender Identity and Gender Expression and the school's Student Rights and Responsibilities document on the publicly accessible website.
- f. On request, provide a copy of Board Policy HFA.BP – Sexual Orientation, Gender Identity and Gender Expression, Administrative Regulation HFA.AR – Sexual Orientation, Gender Identity and Gender Expression or the school's Student Rights and Responsibilities document to an individual.

3. Support the establishment of voluntary student organizations or activities, as outlined in Sections E and G of this regulation.
4. Follow all expectations outlined in the *Education Act* and the Division's supporting Parental Notification and Consent Protocol document, when a student requests that a gender identity-related new chosen name and/or pronouns be used by teachers, teacher leaders and other school staff when referring to the student in school.

## **REGULATION**

### **A. STAFF**

Edmonton Public Schools is a safe and respectful working environment where diversity is valued and embraced and staff are treated with respect and supported. All staff share responsibility for creating and maintaining a work environment that is free of discrimination and harassment. Complaints of discrimination and harassment based on sexual orientation and gender identity will be promptly investigated and resolved as set out in Administrative Regulation FBCA.AR - Respectful Working Environments.

The Division engages in employment practices which:

- Are free of bias resulting from any prejudice, including prejudice related to sexual orientation and gender identity.
- Ensure equal opportunity for employment and advancement.

### **B. PROFESSIONAL LEARNING**

To assist all staff to become more knowledgeable about sexually diverse and/or gender diverse identities, cultures and communities, the Division will provide professional learning opportunities to assist all staff to acquire the knowledge, skills, attitudes and appropriate teaching practices necessary to create safe, inclusive, equitable and respectful schools regardless of how students are perceived or identified.

### **C. LEARNING AND TEACHING RESOURCES**

1. Learning and teaching resources will be chosen and/or updated to promote critical thinking and should include age-appropriate materials that accurately reflect the diversity of Canada's sexually diverse and/or gender diverse students, families, cultures and communities.
2. In compliance with the *Education Act*, learning and teaching resources that deal primarily and explicitly with gender identity, sexual orientation or human sexuality may only be used or provided upon approval by the Minister of Education and Childcare.
3. In compliance with the *Education Act*, when an external party is using learning and teaching resources that deal primarily and explicitly with gender identity, sexual orientation or human sexuality, both the external party and the learning and teaching resources must be approved by the Minister of Education and Childcare.

**D. SEXUAL ORIENTATION AND GENDER IDENTITY ADVISORY COMMITTEE**

To foster community involvement, a Sexual Orientation and Gender Identity Advisory Committee may be established. Should such a committee be established, this committee would serve in an advisory role to support the effective implementation of this regulation.

**E. GENDER IDENTITY AND GENDER EXPRESSION**

To support the safety, health, and educational needs of individuals who identify as, or are perceived to be, transgender or gender diverse persons, Division staff will adhere to the following recommended practices wherever possible and appropriate:

1. Name and Pronouns
  - a. A staff member has the right to be addressed by a name and pronouns that correspond to their consistently asserted gender identity.
  - b. A student has the right to be addressed by a new chosen name or pronouns that corresponds to their gender identity by a teacher, teacher leader and other school staff, when parental notice and consent requirements are met, as set out in the *Education Act* (see Section F of this regulation).
2. Official Records and Communication - When requested, as outlined in Section F of this regulation, through written consent by an independent student, or the parent, the student's official record will be changed to reflect their preferred name, sex or gender. All school forms and records will be changed to ensure that a student's preferred name and sex or gender is current on class lists, timetables, student files, identification cards, etc.
3. Gender-Segregated Activities - To the greatest extent possible, schools should reduce or eliminate the practice of segregating students by gender (with the exception of already established single gender-based alternative programs). In curricular or extracurricular programs where students are segregated by gender, all students should be given the option to be included in the group that corresponds to their consistently asserted gender identity, except in female-only leagues, classes or divisions of relevant sports as outlined in the *Fairness and Safety in Sport Act* and its associated regulation.
4. Student Organizations (such as Gay-Straight Alliances, or Queer-Straight Alliances) - All students will be supported in the establishment of a voluntary student organization such as a "gay-straight alliance," or a "queer-straight alliance" and/or to lead a related activity intended to promote a welcoming, caring, respectful and safe learning environment that respects diversity and fosters a sense of belonging.
5. Locker Room and Change Room Access and Accommodation for Physical Education Courses and Athletics
  - a. All schools will proactively review their student procedures and practices (both curricular and extracurricular) to ensure they are inclusive of sexually diverse and/or gender diverse students, subject to requirements outlined in the *Fairness and Safety in Sport Act* and its associated regulation.
  - b. Transgender and gender diverse students will, subject to safety considerations, be permitted to participate in any gender-segregated activities in accordance with their consistently asserted gender identity, if they so choose, except in female-only leagues, classes or divisions of relevant sports as outlined in the *Fairness and Safety in Sport Act* and its associated regulation.
  - c. All students will, subject to safety considerations, have access to locker room facilities that correspond to their consistently asserted gender identity. In locker rooms that require undressing in front of others, students who desire increased privacy, for any reason (e.g., medical, religious, cultural, gender identity, etc.) will be provided with accommodations that best meet their individual needs and privacy concerns.
6. Restroom Accessibility - All students will have access to a restroom that allows for appropriate privacy and that does not significantly disrupt the school environment. Staff will consistently demonstrate

sensitivity to the needs and safety of all students with respect to restroom access. The principal will ensure that individual solutions to restroom access are implemented with respect and discretion.

7. Dress Code - All students have the right to dress in a manner consistent with their gender identity or gender expression.
8. Resolving Conflict
  - a. Subject to clause i. below, the principal will be the final determiner of disputes that may arise with regard to transgender or gender diverse students' participation in curricular or extracurricular programs. The principal will strive to ensure that the resolution of any conflict reflects reasonable accommodation and inclusiveness.
    - i. Challenges related to female-only leagues, classes or divisions of relevant sports as outlined in the *Fairness and Safety in Sport Act* and its associated regulation, will be addressed as per protocols set out in Administrative Regulation HOA.AR Fairness and Safety in Sport.

**F. PARENTAL NOTIFICATION AND CONSENT FOR GENDER IDENTITY-RELATED NEW CHOSEN NAME AND PRONOUNS**

1. In compliance with the *Education Act* and subject to clause F.4. below, if a student requests that a new gender identity-related chosen name or pronouns be used by teachers, teacher leaders and other school staff when referring to the student in school, the principal will initiate the Division's protocol (see Parental Notification and Consent Protocol document).
2. A teacher, teacher leader or other school staff member will not use a new chosen name or pronouns when referring to a student in school:
  - a. In the case of a student who is 16 or 17 years of age, until the student's parent is notified.
  - b. In the case of a student who is under 16 years of age,
    - i. Until the student's parent is notified.
    - ii. The parent has provided written consent for the new preferred name or pronouns to be used by teachers, teacher leaders and other school staff when referring to the student in school.
3. Following receipt of written consent, the teacher, teacher leader and other school staff will ensure compliance in accordance with Section E.2. of this administrative regulation.
4. For an independent student or a student who is 18 years of age or older, a teacher, teacher leader or other school staff member will use a new chosen name or pronouns when requested to do so by the student.
  - a. An independent student or a student who is 18 years of age or older can request that their official records are updated by providing written direction to their school.
5. Where:
  - a. Notifying the student's parent is reasonably expected to cause emotional or psychological harm to the student.
  - b. The student requests access to assistance.

The principal will ensure that the student is provided with counselling or other assistance before notifying the student's parent.
6. Teachers, teacher leaders and other school staff members will adhere to Division processes guiding notification and consent procedures, as set out in the Parental Notification and Consent Protocol document. The procedures in the Division protocol will provide students with time to:
  - a. Consider the steps that will follow a request to be referred to by a new gender identity-related name or pronouns, including requirements for notification and consent from parents.
  - b. Access counselling or other assistance prior to parental notification taking place.
  - c. Confirm their request, prior to parental notification taking place.

7. When a student 16 or 17 years of age requests that a new gender identity-related chosen name or pronouns be used by teachers, teacher leaders and other school staff when referring to the student in school:
  - a. The principal will initiate the Division protocol (see Parental Notification and Consent Protocol document) for notification, including providing the student with the opportunity for counselling or other assistance, as needed or requested.
  - b. School staff will only begin to use the new chosen name or pronouns when referring to the student when parent notification has been confirmed by the principal.
8. When a student who is under 16 years of age requests that a new gender identity-related chosen name or pronouns be used by teachers, teacher leaders and other school staff when referring to the student in school:
  - a. The principal will initiate the Division protocol (see Parental Notification and Consent Protocol document) for notification and consent, including providing the student with the opportunity for counselling or other assistance, as needed or requested.
  - b. School staff will only begin to use the new chosen name or pronoun when referring to the student upon receipt of written consent from the student's parent and confirmation from the principal.
9. These requirements do not apply to:
  - a. Preferred names or nicknames that are not related to the student's gender identity.
  - b. Interactions between students involving gender identity-related names and pronouns.

#### **G. VOLUNTARY STUDENT ORGANIZATIONS**

1. If one or more students attending a school operated by the Division requests support from a staff member 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, such as "gay-straight alliance" or "queer-straight alliance", the principal of the school will:
  - a. Permit the establishment of the student organization or the holding of the activity at the school.
  - b. 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.
2. The students may select a respectful and inclusive name for the organization or activity, including the name "gay-straight alliance" or "queer-straight alliance", after consulting with the principal.
3. For greater certainty, the principal will not prohibit or discourage students from choosing a name that includes "gay-straight alliance" or "queer-straight alliance".
4. The principal is responsible for ensuring that notification, if any, respecting a voluntary student organization or an activity such as a "gay-straight alliance" or "queer-straight alliance":
  - a. Is limited to the fact of the establishment of the student organization or the holding of the activity, and is consistent with the usual practices relating to notifications of other student organizations and activities.
5. The principal will immediately inform their direct supervisor if no staff member is available to serve as a staff liaison. The supervisor, working in collaboration with the relevant Central decision unit, will assist the principal in appointing a responsible adult from the school community 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, such as a "gay-straight alliance" or "queer-straight alliance".
6. If no responsible adult can be found, the Division will inform the Minister of Education and Childcare who will 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, such as a "gay-straight alliance" or "queer-straight alliance".

## H. PRIVACY

1. The *Protection of Privacy Act* and the *Access to Information Act* govern the disclosure of personal information by the Division.

## I. REPORTING

1. The Superintendent will provide an annual update to the Board around progress made in support of student success and achievement within a welcoming, inclusive, safe and healthy environment.
2. In the Four-Year Education Plan, the Division will identify goals and strategies that reflect the Division's commitment to supporting our diverse school communities, and will provide an annual update on progress and priority strategies in support of this policy through the Annual Education Results Report to Alberta Education.

## REFERENCES

AD.BP – Vision, Mission, Values and Priorities

AE.BP – Welcoming, Inclusive, Safe and Healthy Learning and Working Environments

AEBB.BP – Wellness of Students and Staff

FA.BP – Human Resources Framework

FBCA.AR – Respectful Working Environments

FBCB.AR – Division Staff Code of Conduct

FBE.AR – Health and Wellness of Staff and Students

GGDA.AR – Guidelines for Student Activities and Organizations

GI.AR – Learning and Teaching Resources

HA.BP – Inclusive Education

HF.BP – Safe, Caring, and Respectful Learning Environments

HF.AR – Safe, Caring, and Respectful Learning Environments

HFA.BP – Sexual Orientation, Gender Identity and Gender Expression

HG.BP – Student Behaviour and Conduct

HG.AR – Student Behaviour and Conduct

HO.AR - Student Records

HOA.AR Fairness and Safety in Sport

*Access to Information Act*

*Alberta Human Rights Act*

Alberta Teaching Profession Commission

Alberta Teachers' Association Declaration of Rights and Responsibilities

*Canadian Charter of Rights and Freedoms*

Division's Parental Notification and Consent Protocol Document

*Education Act*

*Protection of Privacy Act*