


SEXUAL ORIENTATION AND GENDER IDENTITY POLICY	
Minister Approval: 	Effective Date: 09/05/2012 Date Updated: 08/15/2023

CONTEXT

This policy was updated on August 15, 2023 to reflect the following:

- the 2022 amendment to the Education Act; and
- fulfilling a commitment from the LGBTQ2S+ Inclusion Action Plan to:
 - address the use of a student's correct gender pronouns;
 - update terminology to be trans-inclusive; and
 - clarify points of contact and responsibilities at the department and school levels.
 - Clarify language to differentiate between the Department of Education SOGI policy and school-based procedures or guidelines (referred to as school-based policies in the 2012 version of the policy)

The Department of Education is committed to further evaluating and modernizing the Sexual Orientation and Gender Identity policy. This work will include addressing gender identity inclusion in sports, education and training for teachers and school administrators in 2SLGBTQIA+ cultural competency and provision of extra-curricular programming that is inclusive of queer relationships and diverse gender identity. The SOGI policy has always applied to all school-sponsored activities, and trans students continue to be protected and entitled to support. The next rounds of evaluation will include deeper discussions around how to better proactively foster inclusion, with consideration for the inclusion of trans students in sports.

PURPOSE AND PRINCIPLES

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 2SLGBTQIA+ people face a unique set of challenges within our 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, transphobic and gender- or sexuality-based discrimination, bullying, and harassment are demeaning to all students, parents or guardians and employees regardless of their actual or perceived sexual orientation or gender identity.

The department will not permit or tolerate these types of discrimination, bullying or harassment, 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.

2SLGBTQIA+: an acronym for “two-spirit, lesbian, gay, bisexual, transgender, queer and/or questioning, intersex, asexual” people. For a list of accepted terminology and definitions, refer to the Definitions section of this policy (see Appendix A).

STANDARDS AND PROCEDURES

1. School Administrators must ensure that students and staff practice appropriate behaviour and actions to prevent discrimination, harassment or bullying based on sex, gender identity, gender expression or sexual orientation through greater awareness of and responsiveness to their harmful effects.
2. School communities, with the support of Area Superintendents, Executive Directors and the School Community Consultant and Curriculum and Assessment Consultants, must develop, promote and implement respectful, pro-active strategies (for example, Gender and Sexuality Alliances) and school-based procedures or guidelines to ensure that 2SLGBTQIA+ 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 procedures or guidelines are available through the Department (see Appendix C).
3. School-based procedures or guidelines to prohibit discrimination based on sex, gender identity, gender expression, or sexual orientation must state the consequences of discrimination and harassment. Administrators must take action to address such behaviors and document all actions following an

incident of discriminatory behaviour.

4. School administrators must take all complaints about discrimination based on sex, gender identity, gender expression or sexual orientation seriously, and must ensure that they are dealt with effectively through consistently applied procedures and guidelines.
5. Schools may seek support from the Department of Education Student Support Services and Curriculum and Assessment units.

School-based procedures or guidelines must include the following key elements:

1. At the beginning of each school year, the principal must ensure that there are planned initiatives in the school that promote equality and non-discrimination for the current school year,
 - a. which must include student activities relating to gender, gender identity, gender expression and sexual orientation, and
 - b. which may include, without limitation, student organizations promoting equality and non-discrimination, such as a gender and sexuality alliance.
2. Administrators, staff and students will recognize people's correct pronouns, as declared by the individuals themselves. This requirement applies to students who have not made official changes to their name or gender in school records.
3. 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.
4. The responsibility of all staff is to exercise individual and collective responsibility to identify discriminatory attitudes and behaviours. School staff will work to eliminate systemic inequities and barriers to learning based on a student's sexual orientation or gender identity.
5. All administrators, teachers, counselors, and staff and student leaders will model respect for 2SLGBTQIA+ students and families.
6. 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 2SLGBTQIA+ people.

7. All staff have an obligation to intervene in any interaction involving the use of epithets and slurs and behaviours targeting sexual orientation or gender identity, regardless of the speaker's intentions, and to convey that such comments are against policy and will not be tolerated in the school community.
8. School-based procedures or guidelines must include procedures through which individual or group-based complaints will be effectively resolved and which specify any consequences of breaching this standard of behaviour.
9. School-based procedures or guidelines must be posted in a visible place and made readily available to parents and the school community.

Student Counselling and Support:

1. Using best judgment to determine numbers, principals must appoint at least one member of staff as a safe contact for 2SLGBTQIA+ students. School administrators are responsible for informing students, parents and other staff about the location and availability of this contact person(s).
2. Working with the school's safe contact(s), principals will visually mark an area as welcoming and reaffirming for 2SLGBTQIA+ students and staff (for example, through the use of posters and affirming principles).
3. Training and resources shall be offered to all staff and further training to those identified staff members and counsellors to be sensitive and respond knowledgeably to 2SLGBTQIA+ students as well as students with 2SLGBTQIA+ family members. Identified staff and counsellors must receive training.
4. The department supports the rights of 2SLGBTQIA+ students to counselling that is supportive, affirming and free from efforts on the part of counsellors to try to change their sexual orientation and/or gender identity.
5. The Administrator will make best efforts to facilitate the formation of clubs such as Gender and Sexuality Alliances (GSAs), where students or staff come forward requesting this support.

Appendix A: Definitions

Bisexual – A person who is attracted physically and emotionally to two or more genders.

Cisgender – Identifying with the gender that one was assigned at birth. The prefix cis- means *on the side of*, in reference to the binary model.

Dead name – Refers to the name that a person (often a trans person) was given at birth, but is no longer actively using. The heavy connotation of the word dead is intended to stress the inappropriateness and offensiveness of a person's terminated name (which is typically associated with their birth-assigned gender, and therefore effectively misgenders them). It is not appropriate to ask people about their dead names nor imply that dead names are someone's "real" name. Some trans people use the term *birth name*.

Gay – A person who is mostly attracted to someone of the same gender, often used to refer to men.

Gender – The expression, behaviour or identification of a person considered as masculine, feminine, agender, non-binary, gender-nonconforming or another gender. Fundamentally different from 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 – The way a person publicly shows one's gender identity through name and pronoun choice, style of dress, voice modulation, speech, body language, wearing of make-up and/or accessories and other forms of displaying one's gender. How one expresses gender might not necessarily reflect one's actual gender identity.

Gender identity – A person's internal sense or feeling of being a man, woman, both, in between, neither or another understanding of gender. 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 creative / gender non-conforming – A term under the trans umbrella which refers to people who do not conform to society's expectations for their gender roles or gender expression.

Gender spectrum – The idea that gender is a wide, expansive collection of different experiences rather than a fixed binary between man and woman. It is an open concept containing masculine areas, feminine areas and other experiences or non-experiences

of gender.

Homophobia – Fear and/or hatred of, or aversion to, and/or discrimination against homosexuals or homosexual behavior. It is often exhibited by name-calling, bullying, exclusion, prejudice, discrimination, or acts of violence. Anyone who is 2SLGBTQIA+ or assumed to be 2SLGBTQIA+ can be the target of homophobia.

Inclusive language – The use of gender neutral language (i.e., partner instead of husband, or they instead of she) to avoid assumptions around gender identity and sexual orientation, and to enhance the accessibility of information and services. Educational, social service, and health professionals are expected to use inclusive language until advised otherwise by the person they are talking to or about.

Intersex – General term used for a variety of features in which a person is born with or develops reproductive or sexual anatomy, genetic makeup, or hormonal levels that do not seem to fit the current, typical 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 – A woman who is primarily attracted to women. There are also many non-binary or gender nonconforming lesbians, both in the present and throughout history. Due to our shifting understandings of gender, mainstream understandings of the term lesbian have broadened to include non-men who are attracted to non-men.

2SLGBTQIA+ - an acronym for “two-spirit, lesbian, gay, bisexual, transgender, queer and/or questioning, intersex, asexual” people.

Misgender: To refer to someone (especially a trans or non-binary person) by using a word, like a pronoun or form of address (i.e., sir, ma’am), that does not correctly reflect their affirmed gender identity. The act of misgendering can be done intentionally and with malice, or with ignorance; both are harmful. A related term, *ungender*, refers to the mental process by which someone tries to understand another person within a gender construct that does not reflect that person’s gender identity, often after learning about someone’s trans identity. In essence, the person may misgender said trans or non-binary person after finding out they are not cisgender.

Neopronouns – Pronoun sets, typically gender neutral, that are used as an alternative to more traditional pronouns such as *they/ them*. Neopronouns are typically conjugated and used in sentences the same way as other single third person pronouns. Some examples include *xe/xem* and *ze/zir*.

Non-binary – A collection, continuum, or spectrum of gender identities and expressions, often based on the rejection of the gender binary's assumption that gender is strictly an either/ or option of male/men or female/women, based on sex assigned at birth. Nonbinary can be both a specific term of identification, and/ or an umbrella term. Nonbinary is not synonymous with androgyny, as there are many different non-binary experiences and expressions affected by time, culture, and individual perception.

Pangender – Someone whose gender identity and/or expression encompass the many shades of gender.

Passing – A term sometimes used to refer to the state of an 2SLGBTQIA+ person not being visibly recognizable as 2SLGBTQIA+. People who “pass” may experience less queerphobia, transphobia, and/or discrimination. Some 2SLGBTQIA+ people consider passing to be very important for them, while others feel that choosing not to pass is an act of rejecting heterosexism, cissexism, and ciscentrism. Passing is a contested term since it may connote “a passing grade” or “passing something illegitimate off,” or it may imply external pressure to strive towards being read a certain way.

Perceived sexual orientation discrimination – Discrimination motivated by a person's incorrect assumption that someone is 2SLGBTQIA+.

QTIBIPOC – An acronym for queer, trans, intersex, Black, Indigenous, people of colour. Queer people of colour often experience intersecting oppressions on the basis of race, gender, sexual orientation, and other factors. QTIBIPOC identities often face discrimination in both queer and non-queer communities. QTIBIPOC is often used instead of QTIPOC (queer, trans, intersex, people of colour) to call attention to the specific mechanisms and impacts of oppression experienced by Black and Indigenous communities.

Queer – The word *queer* is sometimes used by 2SLGBTQIA+ youth as a positive way to refer to themselves. It is becoming more widely used among 2SLGBTQIA+ communities because of its inclusiveness. Queer can be used to refer to the spectrum of non-heterosexual and/or non-cisgender people and provides convenient shorthand for 2SLGBTQIA+. Queer is also used by some people as a specific identity term when referring to themselves. It is important to note that this is a reclaimed term that was,

and sometimes still is, used as a hate term and thus some people feel uncomfortable with it. Similarly, not all trans people see trans identities as being part of the term queer, and it is important to acknowledge the different histories of queer and trans communities.

Questioning – A term sometimes used by those in the process of exploring personal understandings of their own sexual orientation and/or gender identity, as well as those choosing not to use another, more specific label.

Sex – Refers to the physical and physiological characteristics chosen to assign humans as male, female, or intersex. It is determined by characteristics such as sexual and reproductive anatomy, hormonal levels, and genetic make-up. Hormonal levels correlated with certain sexes actually change over time and sexual characteristics are far more diverse than we have been led to believe. This means that instead of sex being an either-or scenario with two options (binary), there are two collections of attributes (like body hair which can vary depending on non-sexual characteristics like race and ethnicity) that many folks have in common with substantial overlap in all directions.

Straight/heterosexual – A person who is sexually and emotionally attracted to someone of the “opposite” sex.

Transgender (trans, trans*) – Transgender, frequently abbreviated to trans, is an umbrella term for a wide range of experiences and identities for people whose affirmed gender does not align with the gender they were assigned at birth. Being trans is something that can only be decided by an individual for themselves and does not depend on external criteria such as surgery or hormone treatments. The combination of the term trans with an asterisk was intended to actively include non-binary and/or non-static gender identities such as genderqueer and genderfluid, but has fallen out of frequent use.

Transition – The process of changing one’s gender expression and/or bodies. There are many ways a person may go about a transition, which can loosely be understood within three areas: 1. Social transition: name and pronoun change, wardrobe or hairstyle, legal ID, et cetera. 2. Medical transition: including hormonal therapy. 3. Surgical transition: including gender-affirming surgeries. There is no one right or complete way for someone to transition. It is better understood as a personal journey to support someone’s health and happiness. As allies to people transitioning, one can practice generosity and openness by thinking of a trans person’s journey as a transition out of a particular gender, rather than a transition to a predetermined end-point. (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. These terms are not often used in the 2020s, but may be important in medical contexts.)

Transsexual – Many people feel that the word transsexual has medical overtones or is used inaccurately and so prefer the terms transgender or trans.

Two-spirit (2S) – An umbrella term used by many Indigenous communities to describe people with diverse gender identities, gender expressions, gender roles, and sexual orientations. In many Indigenous communities, Two-spirit people were included and respected, and were sometimes considered sacred and highly revered. They often took on important roles as healers, mediators, and warriors.

Sexual identity/orientation – 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).

Appendix B: Application, Exceptional Circumstances and Legislated and Policy References

APPLICATION

This policy applies to all staff of the Department of Education, School Councils and School Boards, 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 division will be considered for that specific case only and will not be precedent setting.

EFFECTIVE DATE

This policy is effective August 15, 2023

LEGISLATIVE REFERENCES

Education Act - Section 4 (b)(e); Section 34 (e); Part 2 section 6(h); Section 169(w)

Yukon Human Rights Act – Section 7(g)

Sexual Orientation and Gender Identity Protection Act

POLICY REFERENCES

Safe and Caring Schools Policy

Threat Assessment Protocol

Inter-Schools Athletics Policy

HISTORY

Department of Education Policy "Sexual Orientation and Gender Identity", effective September 5, 2012.

Appendix C: Resources:

The resources below are current resources designed to build educator and student capacity for SOGI inclusive classrooms, education , safety, health and wellbeing.

Please contact the School Community Consultant at Student Support Services for further resources or support.

Canadian based content

SOGI 1 2 3: <https://www.sogieducation.org/>

SOGI 1 2 3 helps educators make schools inclusive and safe for students of all sexual orientations and gender identities (SOGI). At a SOGI-inclusive school, students' gender does not limit their interests and opportunities, and their sexual orientation and how they understand and express their gender are welcomed without discrimination.

SOGI 1 2 3 is a K-12 resource by educators, for educators. Access this resource for curriculum plans tied to curricular competencies, library resources, teaching resources, parent/educator video learning bursts, PD for school staff, FAQs, policy and procedures,

Egale: <https://egale.ca/>

Egale is a Canadian site with Canadian content designed to improve the lives of 2SLGBTQI people in Canada and to enhance the global response to 2SLGBTQI issues. Egale informs public policy, cultural change, and promotes human rights and inclusion through research, education, awareness and legal advocacy.

Egale is Canada's leading organization for 2SLGBTQI people and issues. Their work helps create societies and systems that reflect the universal truth that all persons are equal and none is other. Access this site for a breadth of resources, research, education, awareness and legal advocacy perspective, physical environments, student transitions and more.

British Columbia Teachers Federation ('BCTF'): <https://www.bctf.ca/topics/services-guidance/social-justice>

BCTF advocates for a free, inclusive and quality public education system where learning needs of all students can be met. BCTF is an educator resource.

Access this site to learn about Social Justice resources, calendars of events, posters, stickers, and classroom resources covering a breadth and depth of Social Justice topics,

inclusive classrooms, and more.

You Want to Start at GSA? <http://www.phsa.ca/search?k=GSA>

Genders & Sexualities Alliances, or GSAs for short, are student-run organizations that unite LGBTQ+ and allied youth to build community and organize around issues impacting them in their schools and communities. GSAs have evolved beyond their traditional role to serve as safe spaces for LGBTQ+ youth in middle schools and high schools and have emerged as vehicles for deep social change related to racial, gender, and educational justice.

A growing body of research confirms that the presence of a GSA has a positive and lasting effect on student health, wellness, and academic performance. It can also protect students from harassment based on sexual orientation or gender identity, and improve school climates for all students in the long-term.

Access this resource if you are an LGBTQ ally wishing to support a GSA in your school.

Pflag Canada: <https://pflagcanada.ca/>

Pflag Canada is a national charitable organization, founded by parents who wished to help themselves and their families understand and accept their LGBTQ2S children. Pflag brings together 2SLGBTQI people, families, and allies to support awareness, advocacy and allyship. Pflag does not have a Yukon chapter at this time.

Access this website to support 2SLGBTQI people and their families.

Out in Schools: <https://outonscreen.com/out-in-schools/>

Out In Schools is BC's award-winning 2SLGBTQIA+ education program. Out In Schools uses film and facilitated group discussion to engage youth in building safer, more inclusive communities. For educators, workshops are customizable to increase staff capacity and knowledge in supporting 2SLGBTQIA+ students. For students, several workshops are offered: Sexual Orientation and Gender Identity, Beyond SOGI 101, Indigenous Perspectives, Exploring Two-Spirit & Indigiqueer identities, GSA Events,

Access this website if as a school staff team, would like to build confidence, competence, knowledge and awareness of inclusive classrooms and supporting 2SLGBTQIA+ students. Or, as an educator, if you would like to bring Out In Schools to your classroom by way of presentations and discussions.

American Resources

GLSEN: <https://www.glsen.org/>

GLSEN is an American based website and worldwide ally to school communities. GLSEN was founded by a group of teachers in 1990 who sought to create and affirm learning environments for LGBTQ students. GLSEN supports educators, uplifts student-led movements, conduct research and policy analysis, develop evidence-based school and classroom resources we knew that educators play key roles in creating affirming learning environments for LGBTQ youth. But as well as activating supportive educators, we believe in centering and uplifting student-led movements, which have powered initiatives like the Day of Silence, Ally Week, and more.

Every day GLSEN works to ensure that LGBTQ students are able to learn and grow in a school environment free from bullying and harassment. Together, we can transform our nation's K-12 schools into the safe and affirming environment all youth deserve. Access this website if you are looking for ways to create and affirm learning environments for LGBTQ students, and universal safe spaces for healthy and vibrant student and school communities.

GroundSpark, Igniting Change through Film: <https://groundspark.org/films>

It's Elementary: The first film of its kind to address anti-gay prejudice by providing adults with practical lessons on how to talk with kids about gay people. Hailed as "a model of intelligent directing," *It's Elementary* shows that children are eager and able to wrestle with stereotypes and absorb new facts about what it means to be gay or lesbian.

It's Still Elementary: *It's Still Elementary* is a moving story about the power to ignite positive social change through documentary film and grassroots organizing. This film examines the incredible impact of *It's Elementary—Talking About Gay Issues in School*, over the last decade, and follows up with the featured teachers and students to see how lessons about LGBTQ people changed their lives. The film shows that children are eager and able to wrestle with stereotypes and absorb new facts about what it means to be gay or lesbian.

Access these resources for original resources and teaching about LGBTQ in the classroom. These films offer perspectives of LGBTQ teaching in the classroom.

