

To the Boards of Trustees of Lethbridge School District No. 51, Palliser Regional Schools, Holy Spirit Roman Catholic Separate Regional Division #4:

This is an open letter to the boards of trustees of school districts in Lethbridge and the surrounding area regarding the maintenance of safe and caring environment for all students in their division, and especially for Lesbian Gay Bisexual Transgender and Queer (LGBTQ) youth.

As you may know the government of Alberta recently passed Bill 10, The Gay Straight Alliance bill, and this bill will be in force as of June 1, 2015. The content of this bill has a twofold implication for policy within school districts, which we would like to discuss below.

The first impact is that Gay Straight Alliances (GSAs) must be allowed in any schools where students desire to have them. Many districts are progressive in this respect, as there are already many GSAs operating at high schools, junior high schools, and middle schools in this region. We do believe that districts should consider promoting the establishment of GSAs at any high schools where this is not the case, and that this would undoubtedly help to meet the needs of the LGBTQ students in those schools.

The second and potentially more significant impact of this legislation for the day to day operation of school divisions is that “gender identity” and “gender expression” have been added to Alberta’s Bill of Rights. As employers that receive provincial funding, the divisions will become legally obligated to reflect this affirmation of individual rights in their policy. It is important to note that school boards are already legally obligated to prevent discrimination based on gender, including transgender under section 4.B of the Alberta Human Rights Act, but these amendments to the Bill of Rights further emphasize the need for explicit policy in this area.

Currently many divisions have no explicit policy ensuring that transgender students and staff are safe and free from discrimination. This lack of unambiguous policy has led to incidents in at least one high school where transgender students have been barred from accessing the washrooms which match their gender identity, often despite requests and protests to the contrary. Instances like this represent fairly clear cut cases of discrimination based on gender identity and or expression, where transgender students are not granted the same accommodations, services, and access to the same spaces as cisgender students.

We believe that the boards already have an obligation to address this discrimination, as section 45(8) of the School Act states “A board shall ensure that each student enrolled in a school operated by a board is provided with a safe and caring environment that fosters and maintains respectful and responsible behaviours.” Additionally the changes to the Bill of Rights leave boards subject to possible human rights complaints being filed against them, and litigation that might result from those complaints. Furthermore, failure to address these kinds of issues in other districts within Canada and abroad has usually resulted in significant negative press, which quite often has resulted in community pressure to implement policies which ensure the safety of all students and staff.

We believe that it is in the best interest of your division, its students, and staff to take a proactive approach, and as soon as possible implement policy which explicitly protects the rights of transgender students, staff and visitors, and which sets out clear expectations of behaviour to prevent discrimination.

Alberta is far from the first jurisdiction to be faced with having to develop these policies. Many of the issues that may have import for the context here in Southern Alberta have been addressed in school districts around the country. We suggest that boards look to the examples of other divisions to assist in developing a policy which is both fair in terms of the community context, but which also unequivocally supports the rights of all students, staff, and visitors, and which ensures that our schools remain safe and caring environments. Of particular interest may be the Toronto District School Boards policies that are quite comprehensive. Their documentation can be found here: [http://www.tdsb.on.ca/Portals/0/AboutUs/Innovation/docs/tdsb%20transgender%20accommodation%20FINAL\\_1\\_.pdf](http://www.tdsb.on.ca/Portals/0/AboutUs/Innovation/docs/tdsb%20transgender%20accommodation%20FINAL_1_.pdf)

Specifically we would like to see issues of washroom access be addressed, and implementation a policy like the one quoted below would be ideal:

*“All students have a right to safe restroom facilities and the right to use a washroom that best corresponds to the student’s gender identity, regardless of the student’s sex assigned at birth. Requiring students to ‘prove’ their gender (by requiring a doctor’s letter, identity documents, etc.) is not acceptable. A student’s self-identification is the sole measure of the student’s gender. Where possible, schools will also provide an easily accessible all- gender single stall washroom for use by any student who desires increased privacy, regardless of the underlying reason. **Use of an all-gender single stall washroom should be an option students may choose, but should not be imposed upon a student by the school because of the student’s gender identity.**” (Emphasis ours)*

Thank you for your time and consideration in this matter. We recognize that this issue is complex and multifaceted, but we believe it is imperative that boards act now to ensure the safety and students and staff, and to protect itself from possible litigation and/or negative press. We trust that you will be able to find a solution that balances the community context, with the obligation of your board to prevent discrimination and abuses of human rights on its property.

on behalf of,

Board of Directors OUTReach Southern Alberta

Boys and Girls Club of Lethbridge

Department of Women and Gender Studies, University of Lethbridge

LPIRG, University of Lethbridge

Trans Equality Society of Alberta (TESA)

ULSU PRIDE

Womanspace Resource Centre

YWCA Lethbridge

