



**COMMISSION SCOLAIRE EASTERN
SHORES EASTERN SHORES SCHOOL
BOARD**

**DISCRIMINATION, HARASSMENT, AND SEXUAL
ORIENTATION AND GENDER IDENTIFICATION IN
SCHOOLS**

POLICY ES-185

Adopted on: December 13, 2006
Amended on: April 21, 2020

Resolution: C06-12-328
C20-04-548

Policy Scope:

Eastern Shores School Board is committed to safe schools and centres by fostering an atmosphere, which allows our students to work and learn in a safe environment, to be treated with dignity and respect, and be free from discrimination and harassment. This policy encompasses many stakeholders and their roles in working toward safe schools and centres for all ESSB students. The term 'schools' is used and intended to encompass both ESSB schools and centres. The term 'principals' is used and intended to encompass both ESSB principals and centre coordinators.

1. DEFINITIONS

LGBTQ+ groups: students and staff members who assemble to promote wellness, acceptance and equality among those who identify as lesbian, gay, bisexual, transgender, queer, two spirit and cisgender. See also SOGI.

SOGI: Sexual Orientation and Gender Identity is a term borrowed from the BC Human Rights Code to describe an area of prohibited discrimination. It is an inclusive term that encompasses all individuals regardless of where they identify on the sexual orientation or gender identity spectrums, including lesbian, gay, bisexual, transgender, queer, two-spirit, heterosexual, and cisgender.

Recourse: a formal, documented set of procedures aimed at resolving a complaint.

Youth Protection Act: an act which establishes the rights of children and of parents and the basic principles directing social and legal interventions in matters of youth protection in Quebec. The law applies to situations where the security or the development of minors, less than 18 years old, is or could be in danger. Its objective is to end these situations and to prevent their repetition.

Discrimination: when an individual or a group of individuals is treated differently on account of personal characteristics. Discrimination may occur through distinction, exclusion or preference. It can be practiced by an individual or an organization. Discrimination creates inequalities between individuals and prevents the individual or group of individuals subjected to discrimination from fully exercising their rights. There are several forms of discrimination: direct, indirect, and systemic. All forms of discrimination are prohibited under the [Charter of Human Rights and Freedoms](#). E.g.: Being treated differently because of your sexual orientation, gender identity or expression, language, creed, race, colour, disability, religion, social condition, etc.

Quebec Charter of Human Rights and Freedoms c. 61, s. 2. 10. *“Every person has a right to full and equal recognition and exercise of his human rights and freedoms, without distinction, exclusion or preference based on race, colour, sex, gender identity or expression, pregnancy, sexual orientation, civil status, age except as provided by law, religion, political convictions, language, ethnic or national origin, social condition, a handicap or the use of any means to palliate a handicap.”*

Harassment: occurs when a person's behaviour undermines the dignity and psychological or physical well-being of another person or persons. It can involve offensive, disparaging, hostile, or unwanted remarks or behaviour directed at a person or a group of persons. A single serious incident that has a lasting harmful effect on the targeted person may also constitute harassment. Harassment based on a personal characteristic is considered as discriminatory harassment, which is forbidden by the [Charter of Human Rights and Freedoms](#). E.g.: The victim of undesired conduct in person or through social media which is humiliating based on sexual nature, which demeans and causes discomfort, which is threatening, which uses abusive language based on but not limited to racial slurs or gestures, which spreads malicious rumors or which is falsely accusatory.

School/ESSB Community: Encompasses staff, students, parents, volunteers and community partners.

2. PROCEDURES

- 2.1 Employee rights as outlined in the respective collective agreements shall remain in effect.
- 2.2 Nothing in this policy shall relieve any employee of ESSB from the obligations imposed under the Youth Protection Act.
- 2.3 Expectations and steps will be individually outlined in the code of conduct for each school.
- 2.4 Students who engage in harassing anyone in the school will be subject to consequences that are fair, equitable and consistent with the general goals of education.
- 2.5 If an employee must be disciplined due to a complaint, the process described in the appropriate collective agreement or in the *Regulation Respecting Certain Conditions of Employment of Senior Staff of School Boards* will be followed.
- 2.6 ESSB shall actively investigate all reports submitted in accordance with the procedure outlined in this policy and shall take appropriate action where complaints are justified.
- 2.7 Complaints will be dealt with in a confidential manner.
- 2.8 All staff members must be made aware of the “*Employee Assistance Program*” which is available to all personnel. The phone number should be posted in every staff room.

3. RESPONSIBILITIES

3.1 All members of the ESSB community shall:

- 3.1.1 Report incidents to the school principal or a trusted adult in the establishment;

3.1.2 Expect that each incident be investigated promptly and with confidentiality;

- 3.1.3 Have the right to an informal resolution (mutually satisfactory resolution for all parties with consequences);
- 3.1.4 Have the right to a formal recourse (formal written complaint with parental signature when required by law to the school principal);
- 3.1.5 Respect and promote diversity.

4 REPORTING

- 4.1 Forms in Appendix A may be used for reporting incidents of harassment and/or discrimination.

5 SEXUAL ORIENTATION AND GENDER IDENTITY (SOGI) IN SCHOOLS

5.1 Roles and Responsibilities

- 5.1.4 Schools will collaborate with the individual person and their family when applicable, in order to provide adequate support for their needs and preoccupations. They will be supported on a case by case approach to respect the uniqueness of each school and community culture.

- 5.1.5 Schools will implement accommodations for a particular student based on the needs expressed by the student.

- 5.1.6 The school should, for example, form a committee made up of various school stakeholders (psychoeducator, staff assistant, etc.) to develop strategies, recognize International Day against Homophobia, and identify a resource to be a safe contact for students requiring support.

- 5.1.7 All ESSB establishments will use fair and equitable practices to maintain the dignity and integrity of individuals. Above all else, measures will be put in place with respect to the unique characteristic of each individual.

6.2 Privacy

- 6.2.1 All students have the right to privacy; unless specifically directed by the student. Schools must keep a student's SOGI status confidential. Therefore, school staff should not disclose a student's status to others unless there is a specific need.

- 6.2.2 Given that some students are not open about their identity at home, a school should never disclose a student's status to their caregiver(s) without the student's consent. This is true regardless of the age of the student. It is suggested that the administrator ask students at the beginning of the school year how they want to be addressed in correspondence to the home or at meetings involving caregiver(s).

6.3 Official Student Records

- 6.3.1 The school will change a student's official records to reflect a change in legal name or gender upon receipt of documentation that such legal name or sex has been changed.
- 6.3.2 All students have the right to be addressed by a preferred name and pronouns corresponding to their SOGI. This is true regardless of whether the student has obtained a legal name or sex designation change. A student's "preferred or chosen name" and a change of gender can be used on class lists, timetables, etc.
- 6.3.3 Intentionally addressing a student by the incorrect name or pronoun may be considered a form of discrimination and is not condoned.



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Student Report Form

Date: _____

Your name: (_____) Witness Victim
(We will contact you confidentially to get more information)

Type of incident (if it can be identified): Bullying Violence Bullying and Violence
Harassment Discrimination Other _____

Frequency: Isolated act Repeat incident

Description of the incident:

Alleged victim's name: _____

Group/class or position: _____

Physical injury: None Minor Serious

Alleged perpetrator's name: _____

Level, group/class: _____

Accomplice(s), if applicable: _____

Witness(es): _____

Signature: _____

Additional information:



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School Staff Report Form

Date of incident: _____ Time: _____

Name of person reporting the incident: _____

Position at school: _____

Date report form submitted to administrator: _____

Alleged victim's name: _____

Group/class or position: _____

Physical injury: None Minor Serious

Alleged perpetrator's name: _____

Level, group/class: _____

Accomplice(s), if applicable: _____

Witness(es): _____

Nature of incident

Type of incident (if it can be identified): Physical Verbal Social Cyber
Bullying Violence Bullying and Violence
Harassment Discrimination other _____

Comments:

Location of the Incident: _____

Other information: Isolated act Repeat incident

Imbalance of power: Yes No

Staff intervention (s):

Signature: _____



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Appendix A-3

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Parent Report Form

Date of incident: _____ Time: _____

Name of person reporting incident: _____

Phone number where you can be reached: (____) _____

Alleged victim's name: _____

Group/Class: _____

Physical injury: None Minor Severe

Alleged aggressor's name: _____

Level, Group/Class: _____

Full name of accomplice(s), if applicable: _____

Witness(es): _____

Nature of incident

Type of incident (if it can be identified): Physical Verbal Social Cyber
Bullying Violence Bullying and Violence
Harassment Discrimination Other _____

Comments (time, location, frequency, dates, actions taken thus far):

Other information: Isolated act Repeat incident

Imbalance of power: Yes No

Known staff intervention(s):

Signature: _____