



The Catholic Independent Schools of Vancouver Archdiocese

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CISVA Elementary School Policy regarding Gender Expression and Gender Dysphoria

Objective

The Catholic Independent Schools of the Vancouver Archdiocese (CISVA) strives to provide learning environments that are safe, welcoming, inclusive and affirming of the uniqueness of every student. The aim of a Catholic school is to promote the spiritual, physical and intellectual development of students in a loving learning environment.

To ensure that all members of Catholic school communities work together in an atmosphere of safety and respect for the dignity of all students, the CISVA has adopted policies for the safety, health and educational needs of all students, including those with gender dysphoria¹.

Catholic Teaching

The Catholic Church teaches care and compassion for every person, regardless of age, race, sex or sexual orientation. Everyone is to be treated with dignity and respect.²

The Church's belief in the dignity of the person teaches us to address the true human needs of our students to be free from hatred, to be loved, to be supported by the Catholic school community in living the Gospel. Respect for the human person proceeds by way of respect for the principle that "everyone should look upon their neighbor (without any exception) as 'another self,' above all bearing in mind their life and the means necessary for living it with dignity".²

The Catholic faith, informed by biblical theology, teaches that the body and soul of the human being are so united that one's sexual identity is rooted in one's biological identity as male or female.³ Thus, in Catholic teaching, one's sexual identity is considered "a reality deeply inscribed in man and woman."⁴ This means

¹ Gender Dysphoria is defined in the DSM-5 as the "distress that may accompany the incongruence between one's experienced or expressed gender and one's assigned gender". The diagnostic criteria for gender dysphoria in children are set out in the DSM-5, page 452, which criteria is "marked incongruence between one's experienced/expressed gender and assigned gender, of at least 6 months' duration ... associated with clinically significant distress or impairment in social, school, or other important areas of function.

² CISVA, Persons with Same-sex Attraction: Pastoral and Educational Considerations 2008; cf Catechism of the Catholic Church nos. 1929, 1930 and 1931

³ cf Catechism of the Catholic Church, nos. 364, 365, 2332, 2333, 2393.

⁴ Congregation for the Doctrine of the Faith, Letter to the Bishops of the Catholic Church on the Collaboration of Men and Women in the Church and in the World (2004), no. 8. cf Catechism of the Catholic Church no. 2393 "By creating the human being man and woman, God gives personal dignity equally to the one and the other. Each of them, man and woman, should acknowledge and accept his [and her] sexual identity."

that the Catholic Church teaches that gender is given by God and that the body reveals the divine plan. As such, humans are not free to choose or change their sexual identity.

In the Catholic Faith, a person's biological sexual identity and his/her gender identity are treated as one and the same. For the purposes of this policy, the CISVA has chosen to use the term "gender identity".

Specific Policies

The CISVA has developed these policies to ensure compliance with provincial legislation, as well with fundamental rights and freedoms, including those set out in the *BC Human Rights Code* and the *Canadian Charter of Rights and Freedoms*.

Specifically, this Policy has been developed to:

- a. Support and affirm the dignity of all students in every aspect of school life;
- b. Improve the understanding of the lives of all students and find ways to increase respect for the dignity of each other in ways appropriate to the Catholic school setting;
- c. Provide training consistent with the Catholic faith for all teachers and other staff with respect to gender dysphoria and gender expression⁵; and
- d. Provide resources in addition to the Human Growth and Development resources, consistent with Catholic teaching, to support students who experience gender dysphoria or who wish to express their gender identity other than in conformity with prevailing gender norms.

Administrative Strategies

Schools must provide opportunities for staff to increase their knowledge and skills in promoting respect for human rights, respecting diversity, and understanding issues of gender dysphoria and gender expression in relation to the Catholic faith and the surrounding society and addressing discrimination in schools.

The CISVA will adopt concrete initiatives for educating students, staff and parents regarding gender dysphoria and gender expression. Such initiatives will be developed in consultation with individuals qualified in the areas of counseling, pastoral support and Catholic theology for students on topics of gender expression and/or gender dysphoria. Examples of such initiatives may be inclusion in the religious and health curriculum. All initiatives must be consistent with the teachings of the Catholic Church and, to that end, any materials should be pre-approved by the Archbishop.

With respect to any issues concerning bullying, staff should refer to the student Code of Conduct and the provincial Catholic Anti-Bullying policies: www.cisva.bc.ca/BullyFreeSchool

Gender Non-conforming Behaviours vs. Gender Transitioning

When considering appropriate administrative strategies for accommodating gender expression and gender dysphoria in students, it is important to distinguish between "gender transitioning" and "gender non-conforming behaviours".

"Gender transitioning" is the process of changing the presentation of one's gender to accord with the internal sense of one's gender identity.

⁵ For the purposes of this Policy, the term "gender expression" is defined as the manner in which one expresses their gender, which may be conforming or non-conforming with prevailing gender stereotypes. Gender expression specifically does not include any form of gender transitioning.

The Catholic school has a responsibility for the spiritual development of its students. Gender transitioning is contrary to Catholic teaching, and therefore the Catholic school cannot support any transitioning actions.⁶

By contrast, “gender non-conforming behaviour” is a form of gender expression that refers to behaviours outside of typical gender stereotypes or “norms”. The CISVA recognizes that what constitutes “gender nonconforming behaviour” depends to a great extent on the social and cultural context. Similarly, the extent of conformity of one’s behaviours with one’s sex is not absolute and often changes according to the age of the child. A student can engage in a variety of gender nonconforming behaviours without definitively altering his or her gender to that of the opposite sex.

Accommodations for elementary students

Requests for accommodations

Where a request for accommodation is received on the basis of gender dysphoria or gender expression, the administrative staff should respond in a prompt and supportive manner, and in accordance with the principles outlined in this policy.

A parent/guardian who wishes to submit a request for accommodation on behalf of a student on the basis of gender dysphoria or gender expression should use the “Request for Accommodation” form attached to this Policy.

Gender identity issues are complex, delicate and highly personal. Students with gender dysphoria, or whose gender expression does not conform with prevailing stereotypes, are often in a vulnerable psychological and spiritual condition. Parents/guardians of such students are understandably concerned about the psychological and physical well-being of their child while at school. Similarly, siblings may be in need of additional support or counseling.

Any educator approached with a request for accommodation should respond with sensitivity and compassion. The principal and superintendent should be notified. Steps should be taken, where appropriate, to ensure that counseling and support is made available to the student and their family (including siblings).

Where requests are made for any additional accommodations beyond those listed below, such requests should be promptly forwarded to the Superintendent, who may facilitate a Case Management Process.

The Case Management Process will involve a collaborative team of educator(s), medical professional(s), pastor, the family and the student (as appropriate), who will develop a Case Management Plan for accommodations. The Case Management Plan has the goal of providing a unique set of accommodations based on the particular student’s situation. Such accommodations may include a change in common name, use of an alternate change room, uniform adaptations, classroom adaptations, alternate delivery of the Catholic sex education curriculum, sports team participation, field trip accommodations, and change of pronouns.

The Case Management Team shall be guided by the best interests of the child.

The Case Management Plan should indicate a clear sense of anticipated actions and adopted strategies for accommodation, as well as short- term and long-term timelines for review, evaluation and modification.

⁶ cf Catechism of the Catholic Church 2333, 2393, Charter for Health Care Workers, n. 66, footnote 144

Privacy Protections

At all times, the privacy rights of the student involved are paramount. Any information that must be disclosed for the purposes of accommodations outlined in this policy must only be disclosed to staff on a need-to-know basis and in accordance with any other legal obligations.⁷

Where requests are made for accommodations which influence the privacy rights of other students, such requests will be considered on a case by case basis and may require the involvement of a Case Management Process.

The Superintendent or his/her appointee will be responsible for notifying any affected staff, students and/or parents/guardians in responding to the request for accommodation. The Superintendent is responsible for advising the parents/guardians of a student making the request for accommodation of the school's duty to notify other parents/guardians, students, staff and administration, and will consult with the parents/guardians of that student prior to advising any other parents/guardians, students, or staff.

In the event that the parents/guardians or the student making the request for accommodation do not wish for the appropriate parents/guardians, staff or students to be notified, the request for those additional accommodations may not be accepted.

Where the parents/guardians of the student making the request for accommodation agree to disclosure of certain information for the purposes of facilitating the requested additional accommodations, the parents/guardians, staff and student affected by the request should be notified in a manner that respects the dignity of the student involved.

Specific Accommodations

The following accommodations are available to all students, and except where expressly stated therein, are not limited to those who submit a formal written request for accommodation on the basis of gender dysphoria or gender expression.

1) Privacy and Confidentiality

Students have the right to discuss their gender expression and/or experience of gender dysphoria openly.

Administration or school personnel should not disclose information that may reveal that a student is gender dysphoric to other parents/guardians, students or staff, unless legally required to do so, or unless the parents/guardians of the student have expressly authorized such disclosure

Where a student approaches a teacher or administrator of the school directly to discuss their experience of gender dysphoria and/or gender expression, and where the teacher or administrator suspects that the student has not revealed their experience of gender dysphoria and/or gender expression to his or her parents/guardians, the school shall keep such information strictly confidential. The school shall not disclose any information obtained from a student except where otherwise required by law.

⁷ see e.g. the *Independent School Act* and s.9 of the *Independent School Regulation*, B.C. Reg. 262/89, for the rules on disclosure of a student's record. See also the *Personal Information and Protection of Privacy Act*.

2) Common Names

Upon receipt of a written request by a student's parents/guardians for a change in preferred or common name in the attached form, a student shall have the right to be addressed by their preferred common name.

A court-ordered name change is not required, and the student does not need to change his or her official records for this right to be extended to them.

3) Official Records and Communication

The CISVA is required to maintain a mandatory Student Record that includes a student's legal name and the sex of a student. However, the CISVA is not required to use a student's legal name (as registered under the Vital Statistics Act), sex, and gender on school report cards and letters sent home.

Upon receipt of a written request by a student's parents/guardians in the attached form, the CISVA will change a student's official record to reflect a change in legal and/or preferred name. In the case of a legal name change, the CISVA will require supporting legal documentation to confirm that the name has been officially changed under the *Name Act*, R.S.B.C. 1996, ch. 328.

In situations where staff or administrators are required by law to use or to report a student's legal name, sex or gender, such as for purposes of standardized testing or attendance records, school staff and administrators shall adopt practices to avoid the inadvertent disclosure of such confidential information.

In general, all school forms and databases should be updated to ensure that a student's preferred or chosen name can be accurately recorded on class lists, timetables, student files, identification cards, etc.

4) Transferring a Student to another School

Whenever possible, administrators should aim to keep students who engage in gender non-conforming behaviours or who experience gender dysphoria at their original school site. School transfers should not be an administrator's first response to harassment and should only be considered when necessary for the protection or personal welfare of the transferred student, or when requested by the student or the student's parents/guardians. The student or the student's parents/guardians must consent to any such transfer. The problem is often not the student, but a lack of knowledge and understanding of gender dysphoria and gender expression by students or staff, and ensuing harassment that must be addressed at the school level.

5) Washroom Accessibility

Schools shall provide access to a private washroom for use by any student who desires increased privacy.

6) Change Room Accessibility

Schools will make available a private changing area for the use of any student who is uncomfortable using the common changing facility, whether such discomfort is related to gender dysphoria, gender expression, or another reason.

Upon receipt of a written request by a student's parents/guardians in the attached form, a student will be provided with the available accommodation that best meets the needs and privacy concerns of all students involved.

Based on availability and appropriateness to address privacy concerns, such accommodations could include, but are not limited to, a separate changing schedule (either utilizing the change room before or after the other students); or use of a nearby private area (i.e., a nearby restroom, a nurse's office).

7) Dress Codes

Upon receipt of a written request by a student's parents/guardians in the attached form, a school shall provide an alternative uniform for that student, in designated school colours. The alternative uniform shall be determined in collaboration with the student's parents and the school administration.

8) Physical Education Class and Intramurals

All students should be able to participate in physical education classes and team sports in a safe, inclusive, affirming, and respectful environment.

Physical education activities and intramurals shall not be segregated by sex, unless there are safety concerns.

With respect to participation in competitive athletic activities, the school will require a written request by a student's parents/guardians in the attached form.

Competitive athletic activities will be resolved on a case-by-case basis, and in line with league policies, as well as and in a manner that involves the parents/guardians and student (as appropriate) who have made a request for accommodation based on gender dysphoria or gender expression.

9) Overnight Field trips

Upon receipt of a written request by a student's parents/guardians in the attached form, staff shall make reasonable efforts to provide an accommodation that can best address any privacy concerns of the student.

10) Resolving Conflict

If a dispute arises with regard to a request for accommodation, the dispute shall be resolved in a manner that involves the parents/guardians and student (as appropriate) in the decision-making process.

The principles of ensuring for reasonable accommodation, maximizing inclusiveness, and addressing the best interests of the student, including the spiritual development of the student, shall be the guiding framework used to assist in the collaborative decision-making process.

Where the parents/guardians are not satisfied with a decision by the school with respect to a request for accommodation and wish to appeal the decision, the parents/guardians shall notify the Superintendent's Office of their request for an appeal. The Superintendent's office shall organize a sub-committee, consisting of, at minimum, a lay-person, a Pastor and a professional educator, to investigate the concerns and determine how to best resolve the conflict.

Where the parents/guardians are not satisfied with the determination of the sub-committee and wish to make a further appeal of that determination, the parents/guardians shall contact the Independent Schools Ombudsperson.

Schedule A - Form
Request for Accommodation

I, _____ (insert parent/guardian's name), parent/guardian of
_____ (insert student's name), wish to make a formal request for accommodation on the basis
of gender dysphoria or gender expression.

I request that my child be given the following accommodations:

- 1) Change of common name from _____ to _____.

- 2) Change of legal name from _____ to _____ (please provide supporting legal documentation).

- 3) Change room accessibility – please specify request:

- 4) Dress code – please specify request:

- 5) Participation in sports – please specify request and indicate whether request is being submitted with respect to physical education classes, or competitive or intramural athletics:

- 6) Field trip accommodation – please specify request:

7) Additional accommodations – please specify request:

Signed: _____ (Parent/Guardian) _____ (Parent/Guardian)

Date: _____

Approved: CISVA Board of Directors, July 8, 2014.