

**GUELPH YOUTH MUSIC CENTRE
SEXUAL ORIENTATION AND GENDER IDENTITIES
POLICIES AND PROCEDURES**



**GUELPH
YOUTH
MUSIC
CENTRE**

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Foundations and Basic Commitments

First and foremost, the *Canadian Charter of Rights and Freedoms* guarantees everyone – including students – **freedom of expression, freedom of association and equality**. Further, studies have shown that members of the LGBTTTQ+ community feel safer and more accepted **when they know their schools/community centres have policies and procedures that explicitly address homophobia and transphobia**.

The Guelph Youth Music Centre (GYMC) is committed to establishing and maintaining a safe, inclusive, equitable, and welcoming learning and working environment for all members of the GYMC community, regardless of real or perceived sexual orientations, gender identities, and gender expressions, which includes lesbian, gay, bisexual, transgender, two-spirit and those who are questioning (LGBTTTQ+).

The GYMC will strive to provide a safe environment, free from harassment and discrimination, while also promoting pro-active strategies and guidelines to ensure that members of the LGBTTTQ+ community are treated with respect and dignity. The purpose of this policy is to define appropriate behaviours and actions in order to prevent discrimination and harassment through greater awareness of and responsiveness to their deleterious effects. This policy is also drafted to ensure that homophobic and transphobic complaints are taken seriously and dealt with expeditiously and effectively through consistently applied policy and procedures. The policy will also raise awareness and improve understanding of the lives of people who identify themselves on the basis of sexual orientation or gender identity.

The GYMC believes that all members of the LGBTTTQ+ community attending at the GYMC have the right to have:

- their confidentiality protected and respected;
- self-identification and determination;
- their unique identities, families, cultures, and communities included, represented, valued, and respected;
- treatment according to their lived gender identity.

The GYMC will promote guidelines so that all members of this diverse community are welcomed, respected, accepted and supported while engaged at the GYMC or GYMC-related activity, either on-site or off-site.

The GYMC is committed to implementing measures that will:

- define appropriate expectations, language, behaviours and actions in order to prevent discrimination and harassment;
- ensure that complaints of discrimination or harassment based on sexual orientation, gender identity and/or gender expression are taken seriously and dealt with expeditiously and effectively through consistently applied policy and procedures.

Anti-Harassment

The GYMC will strive to prevent and to provide effective procedures to respond to any language or behaviour that degrades, denigrates, labels, or stereotypes members of the LGBTTQ+ community on the basis of their real or perceived sexual and/or gender identities and/or gender expression, or that incites hatred, prejudice, discrimination or harassment on such basis.

Responsibilities – SEE ALSO COMPLAINT PROCESS

a) It is the responsibility of a complainant to:

- i) report the concern to a supervisor, teacher, or administrative staff member;
- ii) bring forth information in a timely fashion that is an accurate account/description of the alleged incident(s);
- iii) maintain confidentiality;
- iv) co-operate with the individual(s) involved in the complaint and the resolution process, and
- v) report any further occurrence of harassment/bullying or reprisal, or threat of reprisal.

b) It is the responsibility of the respondent to:

- i) bring forth information in a timely fashion that is an accurate account/description of the alleged incident(s);
- ii) maintain confidentiality;
- iii) co-operate with the individual(s) involved with the complaint and the resolution process, and
- iv) refrain from reprisal or threats of reprisal.

Gender Identity and Gender Expression

Transitioning

Transitioning refers to the activities and process that LGBTTTQ+ individuals may follow to help them live their felt gender identity. This can be very different for each person and some may always be in a state of transition. Those who are transitioning may need distinct forms and degrees of accommodation along the way. They may ask for recognition of their preferred gender and name while waiting for formal changes to official identity documents. Some may need temporary access to private single-user washrooms or sleeping accommodation during off-site activities.

To support the safety, health, and educational needs of members of the LGBTTTQ+ community whose real or perceived identity is trans*, GYMC staff and volunteers shall adhere to the following practices:

1. Confidentiality and Privacy

- A LGBTTTQ+ person's trans* status, legal name, or gender assigned at birth may constitute confidential personal information that will be kept confidential unless its disclosure is legally required or unless the person or the person's parent(s)/guardian, if not of legal age, have given authorization.
- In situations where GYMC staff, volunteers or administrators are required by law to use or to report a trans* person's legal name or sex, such as for purposes of data collection, said staff, volunteers or administrators will adopt practices to avoid the inadvertent disclosure of such information.
- LGBTTTQ+ person's rights to discuss and express their gender identity and/or gender expression openly and to decide when, with whom, and how much private information to share will be respected.

2. Names and Pronouns

Trans* persons will be addressed by the names and pronouns they prefer to use.

3. GYMC Student Program Registration Information

- Whenever possible and permitted by law, requests made by a student, or the parent/guardian, to change the student's registration information to reflect their preferred name and/or gender identity will be accommodated.
- Whenever possible, at the request of a student or of a student's parent(s)/guardian, the student's preferred name and/or gender identity will be included on program lists, timetables, registrant files, identification cards, etc.
- Unless the student or the student's parent/guardian has specified otherwise, communications between the GYMC and home shall use a student's preferred name and/or gender identity and pronoun.

4. Dress

LGBTTTQ+ individuals have the right to dress in a manner consistent with their gender identity or gender expression. This includes those who may dress in a manner that is not consistent with societal expectations of masculinity/femininity.

5. Sex-segregated Activities

- In situations where LGBTTO+ individuals are segregated by sex, trans* persons will have the option to be included in the group that corresponds to their gender identity.

6. Washroom Accessibility

- The use of washrooms by trans* persons shall be assessed on a case-by-case basis with the goals of maximizing the person's social integration, ensuring their safety and comfort, minimizing stigmatization.
- The decision with regard to washroom use shall be made in consultation with the trans* person.

7. Resolving Conflict

Disputes will be resolved in a manner that involves the trans* person or, if under age, with an adult ally (parent/guardian, program teacher/leader, volunteer, mediator) in the decision-making process to maximize inclusiveness.

COMPLAINT PROCESS

1. Acknowledging receipt of the complaint.

- The complainant, or the parent or guardian of the complainant if the complainant is under age, will submit a complaint in writing within six months* of the alleged incident or last in a series of incidents, to the GYMC staff person of their choosing. The onus is on the complainant to provide sufficient information, and be as precise and concise as possible.
- The complaint must include the nature of the allegation(s), including:
 - the name of the respondent
 - the relationship of the respondent to the complainant
 - the date and a detailed description of the incident(s)
 - if applicable, the names of witnesses
- Unless received directly by the executive director, the complaint will be passed to the ED.
- Upon receipt of the complaint, the ED will notify the complainant, or the parent or guardian of the complainant, in writing, acknowledging receipt.
- The ED will determine if additional personnel/ LGBTTQ+ experts are required to review the complaint.
- If needed, the ED will reach out to said personnel/ LGBTTQ+ experts, and form a review committee.
- In order to respect the principles of procedural fairness, the respondent, or the parent or guardian of the respondent if the respondent is under age, will be notified that a complaint was received and is provided with the allegations as they relate to him or her.
- **Note: In the event the ED is the respondent, the complaint will be forwarded to the Chair of the Board of Directors of the GYMC, and the ED will recuse himself/herself from the investigation/review.**

***Consideration – Six-month time limit:**

The six-month time limit to file a complaint is calculated from the date of occurrence of the **last repeated incident** or from the date of the **single severe incident**. Once the complainant can demonstrate that an incident occurred less than six months prior to the filing of the complaint, the allegations can go back further in time to describe behaviours or events if they are directly related to the complaint. This is especially necessary in cases where the complainant intends to demonstrate a pattern of events. The investigation can look into these behaviours or events, subject to proper recollections by witnesses and parties involved, as well as availability of any documentary evidence.

Extenuating circumstances

Some consideration should also be given to extenuating circumstances where a complaint may otherwise have been deemed to be filed outside of the time limit. The lead reviewer/investigator will make a determination based on the extenuating circumstances to accept the complaint or not. Examples of extenuating circumstances may include illness or other circumstances outside the control of the complainant (e.g. administrative delays or administrative error).

2. Reviewing the complaint.

- Once the complaint has been acknowledged, the lead reviewer/investigator, and/or review committee will conduct a review of the complaint to determine next steps toward a resolution**.
- If necessary, the review committee will seek additional information from the complainant.
- If necessary, the review committee will conduct relevant interviews.
- The respondent, or the parent or guardian of the respondent, will be provided with a copy of the allegations and will be given an opportunity to respond to the allegations in writing.

**Consideration - Elements of the definition

For a complaint to be considered for action/resolution, these elements should be present:

- The respondent displayed a potentially improper and offensive conduct
- The behaviour was directed at the complainant
- The complainant was offended or harmed, physically, mentally or emotionally
- The behaviour occurred at the GYMC or at any location or any event related to GYMC program/business

3. Exploring Options

- The lead reviewer/investigator, and/or review committee will determine what efforts have already been made to resolve the problem and identify with the parties the various avenues of resolution available.
- **Informal resolution processes**
 - If appropriate, the parties should be reminded of the options for informal resolution throughout the formal process. At any time, should the parties decide to resolve informally, the parties should be redirected to an Informal Conflict Resolution practitioner or mediator. If the process is successful in resolving the complaint, the person responsible for managing the complaint process ensures that any agreed upon restorative and or corrective measures are implemented. This constitutes the resolution of the complaint and the file should be closed.
- **Fact-finding and Investigation.**
 - If the lead reviewer/investigator, and/or the review committee are satisfied with all the facts based on his or her or their inquiries, and that the parties have been heard in accordance with the principles of procedural fairness, the lead reviewer/investigator, and/or review committee will make a decision to launch a formal investigation. This will be conducted either by internal or external investigator. The person assigned this task must ensure that they are not in a position of conflict of interest. Investigators must apply the principles of procedural fairness which include the individual's right to be heard, to be given a fair opportunity to present his or her case, to be given adequate time and sufficient detail to respond, and to be aware of the information held by the decision-maker prior to the decision being made.
 - The lead reviewer/investigator, and/or review committee will notify the complainant and the respondent that an investigation has been launched, and

inform them of their rights and responsibilities as well as possible options to access support and advice during any resolution process associated with the complaint.

- If during the investigation process the parties undertake to informally resolve the complaint, the investigator will be asked to suspend the investigation pending further instructions. If the parties are successful in resolving the complaint, the investigation is terminated. If the informal resolution process is unsuccessful or if the lead reviewer/investigator, and/or review committee conclude that progress is not being made in the resolution of the complaint after having spoken with the parties, the investigator is asked to resume his or her activities and the parties are notified of the intent to restart the investigation.

4. Rendering a decision

- Following a fact-finding exercise or an investigation, the lead reviewer/investigator, and/or review committee review all the relevant information and render a decision. The lead reviewer/investigator then informs the parties in writing of the decision. A copy of the final investigation report, if applicable, is provided to both parties.

Glossary

Asexual: A person who is not sexually attracted to any gender or sex. Asexual people may still be romantically attracted to people of a variety of genders and sexualities and have romantic, non-sexual relationships.

Bisexual: A person who is attracted to both women and men.

Gay: A person who is attracted to someone of the same sex and/or gender as themselves. This word can be applied to all genders of relationships, but has primarily been used in reference to men.

Gender: A socially constructed concept of identity based on roles, behaviours, activities, and appearance such as masculine, feminine, androgynous, etc.

Gender expression: The ways a person presents their sense of gender to others (for example, through clothes, hairstyle, mannerisms, etc.).

Gender identity: A person's internal sense of being a man, a woman, genderqueer etc. This is not the same thing as a person's biological sex, and may not be consistent with how they are perceived by others.

Gender nonconforming: A term that often refers to children who express gender in ways that differs from societal expectations of the sex and gender assigned to them at birth. For the purposes of this policy and accompanying regulations gender nonconforming children are included under the term trans*.

Homophobia: The fear, ignorance and mistreatment of people who are, or are perceived to be, lesbian, gay or bisexual. This often leads to bias, discrimination, hatred, harassment and violation of the human rights of lesbian, gay or bisexual people. Homophobic and transphobic bullying can also be targeted against any individual, regardless of perceived sexual orientation.

Intersex: Refers to people whose reproductive or sexual anatomy is not easily defined as male or female. There are a variety of ways someone can be intersex, ranging from having ambiguous genitalia to having mixture of XX and XY chromosomes. Intersex individuals have historically been mistreated in North American society (i.e. being forced to have "corrective" genital surgeries as infants). The term Disorders of Sexual Development is being used increasingly amongst medical professionals in reference to intersex conditions, however, this term has not been fully adopted by intersex communities. The word hermaphrodite was historically used to describe intersex individuals, however, this term is considered highly offensive.

Lesbian: A woman who is attracted to other women.

LGBTQ+: An acronym that in this case stands for lesbian, gay, bisexual, trans*, Two-Spirit, and queer/questioning. There is a wide range of other terms often included in this acronym (often referred to by queer communities as "the alphabet soup") such as asexual, and this acronym

tends to vary depending on the source. The plus sign (+) indicates the inclusion of all sexual and gender identities.

Perceived as LGBTTTQ+: Refers to someone who is treated as if they are LGBTTTQ+ even if they do not identify as such.

Pronouns: The words one uses to refer to themselves (e.g. he/him/his; she/her/hers; they/them/theirs; xe, xem, xyr, etc.)

Queer: An umbrella term (often used in place of the LGBTTTQ+ acronym) used to describe individuals who identify as being part of sexual and gender diverse communities (e.g. lesbian, gay, transgender).

Sex: A biological classification based on physical attributes such as sex chromosomes, hormones, internal reproductive structures, and external genitalia. At birth, it is used to identify individuals as male or female. For those whose sex is not easily categorized as male or female see Intersex.

Sexual Orientation: Refers to a person's attraction towards a particular gender or sex. Someone may identify as lesbian, gay, bisexual, queer, pansexual, etc. It is important to remember that sexual identity and gender identity are separate.

Trans* (also Trans, Transgender, Transsexual) An umbrella term that can be used to describe people whose gender identity and/or gender expression differs from what they were assigned at birth. Some trans* people may choose to medically transition by taking hormones, having surgery. Some trans* people may choose to socially transition by changing their name, clothing, hair, etc.

Transphobia: Fear, ignorance and mistreatment of people who are, or are perceived to be, trans* or gender nonconforming. This often leads to bias, discrimination, hatred, harassment and violation of the human rights of transgender or gender nonconforming people. Transphobic bullying can also be targeted against any individual, regardless of perceived gender expression.

Transition: A term most commonly used to refer to someone transitioning from one gender to another. Transition often consists of a change in style of dress, selection of a new name, and a request that people use the correct pronoun when describing them. Transition may, but does not always, include medical care like hormone therapy, counseling, and/or surgery.

Two-Spirit: An Aboriginal term describing the embodiment of both masculine and feminine spirits. This identity is not limited to gender expression or sexuality, but encompasses them both while incorporating a spiritual element. It is a standalone identity, not an Aboriginal term for gay or lesbian.