UBC Equity Policy Audit and Recommendations

Prepared by:
Margareta Dovgal
AMS Equity Commissioner
Anne Kessler
AMS VP Academic & University Affairs
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1. Introduction

These recommendations and suggestions for policy revision come at a critical time, when the University of British Columbia has the opportunity and need to audit and update its current policy matrix. Namely, the February 2014 Draft Recommendations of the UBC President’s Task Force on Gender-Based Violence and Aboriginal Stereotypes¹ suggest prioritizing a thorough and constructive “audit and update” of all equity related policies. UBC’s official response² likewise agrees, placing policy as one of four integral components of review, the other three being strategic leadership and planning, curriculum and education, and supporting a respectful community.

The Task Force Report mentions some policies that we will be addressing, such as the Discrimination and Harassment Policy (Policy 3)³, and the Student Code of Conduct⁴. Not mentioned in the response, but also to be addressed here, are the Academic Accommodations for Students with Disabilities Policy (Policy 73)⁵ and the Statement on Respectful Environment for Students, Faculty, and Staff⁶. However, we will not be addressing the Employment Equity Policy (Policy 2),⁷ the Response to At-Risk Behaviour Policy (Policy 14),⁸ and the University Safety Policy (Policy 7)⁹, all mentioned by the Task Force Report. Policy 2 focuses on employees, and thus falls outside our expertise and mandate, Policy 14 sufficiently addresses our main concern throughout this policy review, which is that policies address the inclusion needs of the campus to the extent that it is possible within their scope, and Policy 7 aims to “eliminate accidental injuries, occupational diseases and risks to personal security”, which we find it addresses sufficiently within an equity context.

We fundamentally believe that these updated policies must exist within a central strategic equity plan, referred to as the proposed Equity Action Plan in the Task Force Recommendations. A considerable gap has already been noted between the actual equity policies and their administration, enforcement, and communication. As well, “the current structure is not sufficiently supportive of these [innovative] activities and even presents a barrier to positive change”.¹⁰ That said, there is room for improvement within the existing matrix, though it must be stressed that beyond updating current policies, the next step has to be thoroughly linking them through a broader plan that would incorporate all equity concerns. It is insufficient to leave matters of inclusion to punitive, reactive policies.

¹ http://vpstudents.ubc.ca/files/2014/03/IGBVAS-Recommendations-for-Community-Consultation2.pdf
⁴ http://www.calendar.ubc.ca/vancouver/index.cfm?tree=3,54,750,0
⁵ http://universitycounsel.ubc.ca/files/2010/08/policy73.pdf
⁶ http://www.hr.ubc.ca/memos/revised-respectful-environment-statement-may-27-2014/
Furthermore, as a world-class institution, UBC must also strive to recognize and work within an intersectional framework, which has also been noted by the Gender-based Violence and Aboriginal Stereotypes Task Force Recommendations. Operating an institution with regards to intersectionality means critically examining questions of privilege, discrimination, oppression, and unique circumstance, and their intersections, to ensure that all community members are being given opportunities to thrive and prosper. This cannot happen without formally acknowledging barriers many face in pursuing post-secondary education, and implementing strategic policies that address these substantial difficulties.

UBC has already begun, in recent years, to adapt its student enrollment and faculty/staff recruitment protocols to the needs of Aboriginal communities. Since 2008, when the Aboriginal Strategic Plan was published, there has been a concerted effort to identify and eliminate factors within UBC’s protocols that could be hindering accessibility. This internal approach has worked well in tandem with efforts at outreach and broader community support that the plan promised. Such proactive measures are effective, and we would hope to have them translated to broader questions of equity.

Until there is formal, written recognition of the social barriers to inclusion that many marginalized groups face and the steps that will be taken to remedy these challenges, we cannot have a truly inclusive campus, in which all members of the community feel that they are welcome. And while we understand that larger reforms take considerable time and effort, we suggest beginning to address these concerns through preliminary policy statements on focused groups, which may face disproportionate violence and discrimination. This is by no means the only topic we feel requires attention, however, we have identified a group for whom existing policy does not fully meet their needs or recognize them: those who are trans*, gender-variant, and gender-nonconforming. Our research led us to conclude that a significant focus of our policy review should center on inclusivity for gender diversity, as well as making recommendations on equity education, proposed revisions for existing policies, and suggested the creation of new ones.

2. General Recommendations
2.1 Gender diversity at UBC
The experiences of those who are transgender, gender non-conforming, and gender questioning in our community have not fully been explored. According to CJ Rowe at Access and Diversity, only a few students every year come to discuss their gender identity as it relates to their status at

11 The use of the asterisk is meant to differentiate between trans as an adjective, and the umbrella term trans *, which includes a broader gender spectrum of gender identities, which include but are not limited to transgender, transsexual, genderqueer, genderfluid, genderneutral, non-binary, agender, two-spirit, bi-gender, and trans man and trans woman. For more information, refer to: http://itspronouncedmetrosexual.com/2012/05/what-does-the-asterisk-in-trans-stand-for/.

12 Within this report, the terms gender non-conforming, gender-diverse, gender queer, non-binary, and gender-variant are used almost interchangeably. They are often used by trans* people to reflect the reality of challenging the gender binary and the common conflation between gender and sex. Less broadly, gender-neutral, or agender are used by some trans* people, and used within this report, to refer to identities rejecting static concepts of male or female. Gender is a changing category both within society and for individuals over time, so we wholly admit that these terms do not and will not try to encompass all identities, but rather are useful starting points.
UBC. That is to say nothing of those who do not declare to UBC that their lived gender\textsuperscript{13} may be or previously may have been inconsistent with their legal one. Due to this, we feel strongly that the formation of an Intersectional Transgender and Gender Diversity Task Force is paramount.

Accommodating transition and the recognition of lived gender identities, which can sometimes differ from either legal gender or the gender binary,\textsuperscript{14} requires a foundation of institutional awareness and education. A critical first step that this Task Force should take towards establishing UBC’s commitment to supporting these members of the community should be ensuring that different units have access to a policy that establishes certain accommodations as necessary. This would ideally lay out the responsibilities of faculty and staff in addressing students by their preferred name and gender, reinforce a commitment to the privacy of trans* and gender-variant students, address the need for accessible gender-neutral washrooms in more locations across campus, and provide resources for trans* students looking for support and guidance in all manners of campus involvement.

We encourage making the process for changing preferred name identification easier. Students who are transitioning often live under a name different than their legal name for a period of time and can encounter difficulty when faculty and staff have access to a name they no longer identify with. We recognize that UBC grants legal documents adhering to established legal names, however, for the purposes of identification within a classroom setting or at the graduation ceremony, including the program’s listing of all graduates, there is an identifiable gap in policy. This process is significantly more difficult for international students, as they may be unable to change their legal assigned gender in their country of origin or the process of changing it from far away may not be easy. We suggest that the university’s protocols are evaluated to ensure that student’s privacy and dignity are better supported.

Another avenue of concern is the use of gender markers within classrooms, departments, and faculties. While the practice is increasingly rare, students are still being asked to identify their gender, even when there is no clear reason for it. This may occur through public questions on someone’s gender or forms requesting that information. We need to evaluate whether in all contexts it is necessary and, when it is necessary, whether we are providing sufficient room for non-binary identities, particularly as many forms have not moved beyond listing male or female. Not acknowledging gender diversity or requiring gender identification when it is not strictly necessary leads to the institutional erasure of trans* people. As we become more aware of the disproportionate challenges for those who are gender-variant, a manifestation of widespread cissexism, the burden is upon UBC to act to not just address these concerns, but to anticipate resulting barriers to inclusion.

Given the fact that naming and the use of gender markers relates significantly to institutional processes and procedures, we believe this could be the topic of a new policy on how the

\textsuperscript{13} Lived gender is the gender through which someone presents themselves to the world.
\textsuperscript{14} Many trans* folk, for a wide variety of reasons do not live their lives according to their legal assigned gender. They may not be able to change it for legal (which vary by country) or financial reasons, they may choose not to change it due to the inflexibility of the binary gender system to people who may identify as agender (to use one term), or they may be waiting to go through bureaucratic hoops.
university will accommodate such cases. This policy could include staff and faculty within its scope as well as students. A policy could ensure that the burden is not upon trans* students to seek accommodation, and that staff and faculty would have the resources available to them to understand their responsibilities. We further suggest moving towards the utilization of pronoun checks, such as using open-ended questions for establishing preferred pronouns on classroom intake forms, or verbally within classrooms when size permits. Adopting this practice communicates a desire to include all gender identities, helps prevent misgendering (which is common as our language is heavily reliant on binary gender), and allows for non-binary pronoun use (e.g. they/them/their or xe/xem/xyr).

2.2 Education and the formation of an inclusive community
Education and the awareness of intersectional issues, whether through directed community outreach programs, such as the Really? Campaign, or through training for faculty, staff, and students is of utmost importance. If the conditions for this cultural shift to occur are met and the needed resources are provided, the result should be a significantly more inclusive campus, with policies and protocols towards this inclusivity that are not perceived as burdensome or difficult to integrate. Key to ensuring this integration is sufficient communication as to the reasons behind protocol changes, and comprehensive and available resources (in one place preferably) for quick and easy education, so that faculty and staff affected are given the necessary information as fully as possible.

The Taskforce Recommendations mention curriculum changes, and we stress that exposing as many members of our community as possible to critical social thinking is an essential goal. This would ideally be fulfilled in part through degree requirements including courses with content on gender and gender identity, sexuality, race/ethnicity, class, ableism, indigeneity, and/or colonialism. An option for students to take equity-related courses in lieu of existing degree requirements may be an effective solution.

Staff and faculty are significant players; their time here often exceeds that of students and they set the groundwork for genuine progress. It is reasonable to expect that cultural change will truly occur if all possible efforts to incentivize the community to educate themselves have been made. In the case of employees of UBC, we suggest the expansion and streamlining of existing education programs (Positive Space Resource Person training, for example), the creation of new educational schemes, and the provision of fundamental equity training for all employees. We believe that UBC must examine how education may be fostered or mandated through policy.

This must be done in tandem with increased support for broader community initiatives and campaigns that encourage critical social engagement and education, such as ensuring that available funding meets demand, and that initiatives and new educational resources are communicated to the university community.

3. Policy Recommendations
In the previous section we have outlined more general concerns that we have on the topic, namely the need for a policy matrix and overarching equity plan, the importance of education
and the need for policy around trans* and gender-variant students. In this section we will go through specific recommendations on existing policies.

3.1 Policy 3, Discrimination and Harassment, September 2011
We recommend adjusting the language to specifically reference discrimination against trans* members of the community. Merely referencing “gender diversity” is not fully in line with the official documentation available through the BC Human Rights Tribunal. Policy 3 states that all criteria established by the Tribunal is grounds for protection, yet reflecting the progress in human rights law through recognition of the terms “transgender” and “gender non-conforming” goes a long way in asserting our role as a progressive, socially aware university. UBC owes recognition of the multiplicity of genders to those in our community and beyond whose identities as transitioning\textsuperscript{15}, transgender, and gender neutral are subject to frequent erasure and censure. Efforts to ameliorate the marginalization of people succeed best through concerted and deliberate efforts towards recognition.

3.2 Policy 73, Academic Accommodation for Students with Disabilities, May 1999
Please refer to two separate reports on Policy 73 that the AMS has recently written. One is a review of other institutions’ academic accommodation policies, and the other presents the results of a survey done of students who identify as having a disability on their views of Policy 73. Included in these reports are detailed recommendations for the revision of Policy 73.

3.3 UBC Statement on Respectful Environment for Students, Faculty, and Staff, May 2014
Under section C, Activities Harmful to a Respectful Environment, we encourage the inclusion of deliberate misgenderring, a behavior too many trans* students have encountered from faculty, staff, and other students. After explanation of preferred gender and pronoun, there should not be instances where this information is deliberately ignored, particularly when it may have been relayed in confidence. Publically “outing” someone by misgendering them, in addition to being a gross breach of privacy, may lead to harassment in the worst of cases. Otherwise, the revisions made to the statement in 2014 are a significant improvement from the 2008 version.

3.4 Student Code of Conduct and other Conduct policies
At this time, we do not feel that there should be any specific revision within the Student Code of Conduct as we feel it adequately addresses all issues of equity to the furthest extent that it can. However, its existence within the campus matrix of policies raises the question of why a code of similar substance is not in effect for faculty and staff. It is the responsibility of all community members to do their part to contribute to a culture of understanding and mutual respect. Enforcement of staff and faculty members’ adherence to the Respectful Environment Statement, a primarily aspirational document, is neither clear nor accountable. While faculty and staff members may have some responsibilities within other policies or employment contracts, we feel that these responsibilities need to be, at the very least, more clearly articulated to the community. Just as students are bound by a code of conduct, and an obligation to respect university policy, we suggest the implementation of responsibilities for faculty and staff in relation to inclusion and

\textsuperscript{15} In the process of undertaking legal, social, and/or physical steps to bring one’s external gender perception in line with internal gender identity. Transition may or may not have a set ‘end’, and it not necessarily binary (switching gender).
accessibility. We recognize that taking a punitive approach is not preferable, and we support other measures aimed at creating “a strong culture of equality and accountability”\textsuperscript{16} but nevertheless, it is imperative for fairness that these standards be universally requisite of all community members.

4. Conclusion
Our proposed solutions for improving the inclusivity and equitability of this campus are not, nor are they meant to be, final. We have tried to cover as much ground as possible, particularly regarding the topics that are currently most in need of improvement, but we recognize that these ideas may not address all preventable barriers. The process of instituting inclusivity is an ongoing conversation and the role of the institution is, above all else, to listen to people’s needs. That said, the current issues we have identified are concerning and must be addressed. We recommend the creation of the Intersectional Transgender and Gender Diversity Task Force. It would be able to identify areas of concern, some of which we have touched on, in policy and practice and oversee the implementation of changes. We have made specific policy recommendations on policies identified by the University, and several other policies that we feel must be addressed. While education will be the mechanism that ultimately supports culture change, it must be accompanied by policy that supports it, and these should ideally exist within a policy matrix that speaks to how they work together to further our goals around equity and inclusion.

\textsuperscript{16} Page 2, Task Force on Intersectional Gender-Based Violence and Aboriginal Stereotypes Draft Recommendations for Community Consultation