Approved Recommendation, October 5, 2016 by Vice Presidential Strategic Implementation Committee for Equity and Diversity

Recommendation provided by the Trans, Two-Spirit and Gender Diversity Working Group (Chair, Dr. M.K. Bryson, Senior Associate Dean and Professor, Faculty of Education, UBC)

That the Vice Presidential Oversight Group of the Vice Presidential Strategic Implementation Committee for Equity and Diversity provide advice that the Office of the University Counsel take immediate steps to add “Gender Identity or Expression” as named grounds to UBC’s Policy #3 ‘Discrimination and Harassment’


Our rationale follows exactly the logic provided by the BC Attorney General and Minister of Justice regarding their rationale for adding “Gender Identity or Expression” as named grounds to the BC Human Rights Code (July 25, 2016).

July 25 (2016) Bill 27, the Human Rights Code Amendment Act, 2016\(^1\), was passed to include “gender identity or expression” as named grounds. Prior to Bill 27’s amendments to the BC Human Rights Code, legal expertise was of the consensus that gender identity or expression could be “read into” the Human Rights Code. Suzanne Anton, Attorney General and Minister of Justice emphasized that the primary rationale for adding gender identity or expression as named grounds was pedagogical and also, ethical, as follows: “For those citizens often more vulnerable to discrimination, and to all those around them, these changes help make clear that all British Columbians are protected under B.C.’s Human Rights Code, no matter their gender identity or expression.”

Accordingly, to paraphrase Attorney General and Minister of Justice Suzanne Anton, although UBC’s Policy #3 is already literally irrevocably linked with the BC Human Rights Code (which now includes gender identity or expression) today, it is critical to address the fact that at present, Policy #3 does not explicitly include gender identity or expression. It is also the case that in particular, Section 2.2 of Policy #3 (where gender identity or expression are read into “sex” without being explicitly named as grounds for human rights protections) has been deemed de facto an inadequate approach to human rights policy at this time in British Columbia (by the express argument for Bill 27 by BC’s Attorney General and Minister of Justice). Therefore, adding “Gender Identity or Expression as named grounds to Policy #3 (Section 2.1) will provide an important reparative opportunity to UBC to be more explicit in the protections it affords, as follows:

(a) For UBC to make clear that all members of the UBC stakeholder groups are addressed and protected in Policy #3;

(b) For all members of the UBC stakeholder groups to know that they are protected, without a doubt.

\(^1\) https://www.leg.bc.ca/parliamentary-business/legislation-debates-proceedings/40th-parliament/5th-session/bills/first-reading/gov27-1