



CITIZEN COMMITTEE REPORT

To:	Emergency and Community Services Committee
From:	LGBTQ Advisory Committee Violetta Nikolskaya, Vice Chair Rebecca Banky, Chair
Date:	February 16, 2023 (Approved at Advisory on December 20, 2022)
Re:	In Response to the passing of Redeemer University LGBTQIA+ student Bekett Noble

Content Warning: The contents of the statement may be triggering, as they address suicide. Exercise care while reading and engaging. Trans Lifeline runs a peer and crisis hotline for Trans and gender diverse people across North America in English and Spanish, the number to call from Canada is 1-877-330-6366

Recommendations

- (a) That, going forward the City of examine any contractual agreement it holds with Redeemer University, including the permanent funding of institutions that benefit Redeemer University, focusing on adherence to the Protocol for Gender Identity and Gender Expression; Transgender and Gender Non-Conforming Persons; and
- (b) That statements issued by community groups on the passing Bekett Noble including, but not limited to those issued by, Hamilton Trans Health Coalition, The Hamilton Community Legal Clinic and the Queer Justice Project, and the First Unitarian Church of Hamilton be forwarded to the Clerk's Office for inclusion on an upcoming Council Agenda.

Background

Noble was a student and Two-Spirit LGBTQIA+ mental health and inclusiveness advocate at Redeemer, the private Christian post-secondary institution located in the suburb of Ancaster. As someone who was non-binary and a person of faith, they spent years advocating for more supports, increased safety and a more positive culture at Redeemer. Their efforts included starting a peer support group called Genesis. After years of advocacy, Noble died by suicide in a counsellor's office on November 23rd, 2022.

The members of the LGBTQ Advisory Committee at the City of Hamilton are deeply saddened and concerned by the news of the death of Bekett Noble. Compounded by the details that are emerging of the struggle that they faced in fighting for greater acceptance and support for Queer identities within Redeemer University, the Advisory Committee has chosen to voice its concern through a Citizen Committee Report.

The following is written in the City of Hamilton's own words, found in the aforementioned protocol.

"In April 2016, a legal settlement was reached between the City and a transgender woman respecting a human rights application after the woman was denied entry to the women's washroom and was offered the universal washroom at the MacNab Street Transit Terminal.

In May of 2016, a working group was formed from City employees with the goal of codifying the City's practices with regard to gender identity and gender expression as set out in the Code. The working group has representation from Human Resources, including Human Rights and Policy and Planning; Access and Equity; with Communications and Legal in an advisory capacity.

At the same time, the City sought to secure an expert consulting group with expertise in the rights of transgender persons, gender identity and gender expression to assist in the development and review of the Protocol. In July 2016, the services of Egale Canada, Human Rights Trust were obtained.

A Trans Inclusion focus group, with representation from a cross section of City staff was held by Egale in August 2016, to better understand the City's requirements and objectives. Egale also reviewed and provided ongoing input during the development of the Protocol from September to November 2016.

In December 2016, the Protocol was reviewed by Policy Review Group, Union Executives, Human Resources Leadership Team, and Senior Leadership Team.

In January and February 2017, the Ontario Human Rights Commission reviewed and commented on the Protocol. In addition, an independent lawyer with expertise in human rights and the rights of transgender and gender non-conforming persons reviewed the document and provided input. This review and input did not constitute legal advice; the

review of the document to ensure legal compliance was conducted by City of Hamilton solicitors.

The City of Hamilton has a legislative obligation to ensure that we act and deliver services in compliance with the Ontario Human Rights Code. This requires the corporation to ensure that discrimination against people based on the protected grounds in protected social areas is prohibited. Protected grounds include age; ancestry, colour, race; citizenship; ethnic origin; place of origin; creed; disability; family status; marital status; receipt of public assistance (in housing only); sex; sexual orientation; and gender identity and gender expression.

In order to ensure that we meet our obligations, the City has a number of internal policies and procedures available to support and guide employees. The Protocol for Gender Identity and Gender Expression; Transgender and Gender Non-Conforming Persons will not alter these existing policies, rather, as it codifies practices that are already in place, it is intended to supplement and be read in conjunction with existing City policies.

A number of groups internal to the City have been consulted in the development and review of the Protocol. Consultations included: the City's Corporate Policy Review Group, Human Resources Leadership Team, Union Executives, and Senior Leadership Team. The working group responsible for the development of the Protocol also consulted best practice and researched additional examples from other municipalities and other public institutions.

Externally, input was sought from the City's LGBTQ Advisory Committee and feedback was received. Written input was also received through various sources from members of the broader community and considered in the development of the Protocol.

In addition, as per the terms of the legal settlement, the Protocol was also reviewed by the Ontario Human Rights Commission and an external human rights lawyer with expertise on the rights of transgender and gender diverse persons. This review and input did not constitute legal advice; the review of the document to ensure legal compliance was conducted by City of Hamilton solicitors.

The City of Hamilton is committed to ensuring that transgender and gender nonconforming persons are treated with full dignity, whenever they interact with City and **City-funded services** or are employees of the City. It is our privilege to serve the transgender community and support our staff.

Transgender and gender non-conforming persons face health disparities linked to the stigma, discrimination, prejudice, systemic exclusion, harassment, and violence they experience. Higher rates of substance use, depression, anxiety, and suicide have been found in transgender and gender non-conforming persons. Health disparities extend beyond mental health issues and further impact on physical health. Increased social inclusion and decreased transphobia have been shown to decrease rates of suicidal

ideation and attempts. Addressing discrimination by having inclusive and accepting, built, social, and administrative environments is integral to maintaining the health, mental health, and well-being, of transgender and gender non-conforming persons, and facilitating their cultural, economic, social, participation and contribution to enhance the fabric of the City's vibrant and diverse public life.

City policies and procedures have been developed to ensure compliance with the Code, and the City is committed to ensuring that all members of our community, including employees are treated equitably and with dignity and respect. This Protocol does not alter the City's commitment to human rights, rather enhances it and goes further in assisting employees with the practical application of the Code as it pertains to one of the more vulnerable groups within our community. Having a clear, consistent approach not only meets our obligations from the legal settlement, but more importantly will ensure that City employees are applying the intent of the Code correctly and that Trans persons within our workforce and community are treated with fairness and equity when using City services and interacting with staff, and when staff interact with each other.

Analysis / Rationale

As per the aforementioned Protocol; "The City of Hamilton is committed to ensuring that transgender and gender nonconforming persons are treated with full dignity, whenever they interact with City and **City-funded services** or are employees of the City. It is our privilege to serve the transgender community and support our staff."

The City of Hamilton has and continues to fund Redeemer University amenities, services and programs directly and indirectly. One example is the ongoing funding of CityLAB. CityLAB Hamilton is now a permanent hub for innovation, collaboration and learning in the city, allowing students, faculty, City staff and community stakeholders to co-create solutions to support Hamilton's strategic priorities and foster community. CityLAB is a partnership between City of Hamilton, Mohawk College, Redeemer University and McMaster University. Redeemer University students and staff benefit from this collaboration, and thusly by extension Redeemer University ought to abide by the Protocol for Gender Identity and Gender Expression.

As noted within the "Protocol for Gender Identity and Gender Expression; Transgender and Gender Non-Conforming Persons"; on page 3 under Scope and Application, that

"All employees, at all levels within the organization, play an important role in creating safe, inclusive and respectful environments for transgender and gender non-conforming employees and citizens, both within the workplace and in accessing City services. All employees at the City are required to follow the guidelines as set out within this protocol

and to abide by all related City policies and procedures. For the purposes of this protocol, “all employees” includes but is not limited to: full and part time regular, temporary and contract employees. Additionally, students, interns, and volunteers must also follow this protocol.”

It is in alignment to the 2016 – 2025 strategic plan for the City of Hamilton to ensure that any agreements made with external institutions abide by the following: Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated. Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life. Hamiltonians have a high level of trust and confidence in their City government.