

KNOW YOUR RIGHTS

Support for LGBTQ+ Educators

At a time when the rights of marginalized communities are under attack, get to know your contract to ensure you are best protected. Please know, you have the right to share who you are, who your family is, and be proudly out in your school community.

Listed and summarized below are the protections under the TAAAC Negotiated Agreement relevant to LGBTQ+ Educators. They primarily emphasize protections against discriminatory treatment by management and TAAAC against educators due to their sexuality, sexual orientation, gender, gender identity, and related social movements and history.

Article 1 establish protections for educators against discriminatory treatment by either AACPS or TAAAC. AACPS is also mandated by federal law to be an "equal opportunity employer" and cannot discriminate against LGBTQ+ job applicants during the interview process. Section H also specifies that none of the other provisions of the contract (meaning all of it) can be applied or interpreted in ways that discriminate against LGBTQ+ educators.

- **Article 1(F) Non-Discrimination by TAAAC:** TAAAC agrees to continue its policy of non-discrimination, as set forth in its bylaws, in admitting Unit I employees to membership, applying the terms and conditions of membership, and representing Unit I employees without regard to membership or non-membership in TAAAC. Non-members may expect representation in answers to Agreement-related questions, grievance processing and negotiations.
- **Article 1(G) Non-Discrimination by Board:** The Board agrees to continue its policy of non-discrimination in employment, as set forth in its policies. The Board agrees not to discriminate against Unit I members because of membership or non-membership in TAAAC.
- **Article 1(H) Non-Discrimination in this Agreement:** The provisions of this Agreement shall not be applied in any arbitrary or capricious manner, nor in any manner discriminatory on the basis of race, sex, age, national origin, religion, disability, sexual orientation, or socioeconomic status.

Article 2 protects educators' "individual professional rights", political speech and activism of LGBTQ+ educators in their personal lives, and course content/curriculum that necessitates or makes reasonable discussion of "controversial" issues. While TAAAC maintains that LGBTQ+ rights are not controversial, this language protects educators who teach about LGBTQ+ issues, including the history of queer political movements, relevant health issues in health courses, and other pedagogically appropriate topics.

- **Article 2(A) Individual Rights:** Nothing in this Agreement shall be construed to prevent Unit I members from exercising their individual professional rights, privileges or responsibilities.
- **Article 2(G-1) Employee Rights - Political Rights:** The Board and TAAAC recognize the right of Unit I members to participate in political governmental affairs in a manner afforded any other citizen, including the right to vote; the right to be an active member of a political party of their choice; the right to campaign for candidates for election to public office; and the right to seek, campaign for, and serve in public office.
- **Article 2(H) Out-of-School Activities:** The personal life of a Unit I member during non-duty hours shall not be the subject of action by the Board or its administrative officials, provided these activities do not clearly impair the members' effectiveness in their assignments.
- **Article 2(M) Academic Freedom:** Unit I members shall have freedom in classroom presentations and discussions to introduce fairly all sides of reasonably controversial issues which are relevant to the basic content of the course. The basic content of a course and provision for its implementation and supervision shall be the responsibility of the Board.

Any action by AACPS against an educator under these provisions would be subject to a vigorous response in the grievance process.

Your UniServ Directors:

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Support for LGBTQ+ Educators

In addition to contract language, state statutes and AACPS policy protect LGBTQ+ students and staff.

Guidance from the Maryland State Education Association

- In 2022, Maryland solidified its educational policy prohibiting discrimination against or discipline of students, a prospective student, or their parents or guardians on the basis of race, ethnicity, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability (**See §26-704 of the Education Article**). A specific complaint process and timeline was also instituted.
- Federally, the primary protection for transgender and gender non-conforming students is **Title IX of the Education Amendments of 1972**.
- In light of recent executive actions, it is important to remember it is unlawful in the state of Maryland to discriminate against someone because they are a member of the LGBTQIA+ community. We are confident that Maryland's Attorney General will push back on the President's baseless threats and continue to uphold and enforce Maryland's civil rights laws and local board policies to combat discrimination and harassment based on sex, sexual orientation, and gender identity. See **§6-104 and §26-704 of the Education Article and Title 20, Subtitle 6 of the State Gov't Article**.
- The newly passed **Freedom to Read Act** also protects school and public libraries from book bans, specifically those targeting books including LGBTQ+ characters and honest/accurate history.

AACPS Policies

The Board of Education has adopted policies to create safe and inclusive environments for LGBTQ+ students, including the prohibition of discrimination and harassment based on sex, sexual orientation, gender identity, or gender expression (**JQ and JG-RA**), to form LGBTQ+ student organizations (**JCL-RA**), and to dress in accordance with their gender identity (**JCD**). Note: a federal case held that a policy requiring the teacher to use students' preferred names and pronouns did not violate the teacher's right to free speech.

For staff, AACPS has adopted the following policies:

Non-Discrimination and Anti-Harassment

The Board is committed to providing all employees with a safe and supportive work environment that is free from discrimination and harassment. The Board opposes and prohibits discrimination and harassment on the basis of race, color, religion, national origin, sex, age, marital status, sexual orientation, genetic information, gender identity, or disability. This policy applies to all supervisory and non-supervisory personnel. (**Policies GAGG and JCCA**)

Workplace Bullying

Workplace bullying is defined as repeated inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise (to include gestures or exclusion), conducted by one or more persons against another or others in an attempt to physically or psychologically intimidate or distress someone else, at the place of work and/or in the course of employment.

Employees alleging complaints of workplace bullying, discrimination, or harassment should submit an Employee Complaint Form or report the matter directly to the Office of Employee Relations at 410-222-5086.

State Legislation

The Maryland General Assembly has at least one bill that would provide support to transgender and non-binary residents:

- **Birth Certificate Modernization Act** - establishes guidelines on altering an individual's sex designation on identification cards, birth certificates, licenses, etc.