



The Society for Safe & Caring Schools & Communities  
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## **Micro Workshop 9**

### ***What School District Leaders Can Do to Create Safe and Caring Schools for LGBTQ Students***

#### **Focus**

This micro workshop provides an opportunity for school district leaders, such as principals or school board members to develop an awareness of sexual orientation and gender identity educational issues. Schools, classrooms and communities should be models of diversity, where all students have the opportunity to reach their full potential. All students need to feel valued, welcomed and safe, regardless of their sexual orientation and gender identity.

#### **Objectives**

1. Recognize the health and safety issues that affect learning and behaviour for lesbian, gay, bisexual, trans-Identified and queer (LGBTQ) students
2. Review important policies and legislation
3. Consider ways LGBT students can be supported in schools
4. Provide resources for further inquiry

#### **Materials**

- Four handouts found at the back of this micro workshop may be copied and given to participants or used as overheads.
- A PowerPoint presentation is also available that corresponds to the handouts.

#### **Introduction**

Read letter (Handout 1).

In groups, participants brainstorm the risks that they feel could be associated with students who have the social stigmatization of being (or perceived as being) lesbian, gay, bisexual or trans-identified. Groups may share their ideas, if time permits.

Workshop leader shares the research contained in Handout 2. This could also be shared as an overhead.

#### **Discussion**

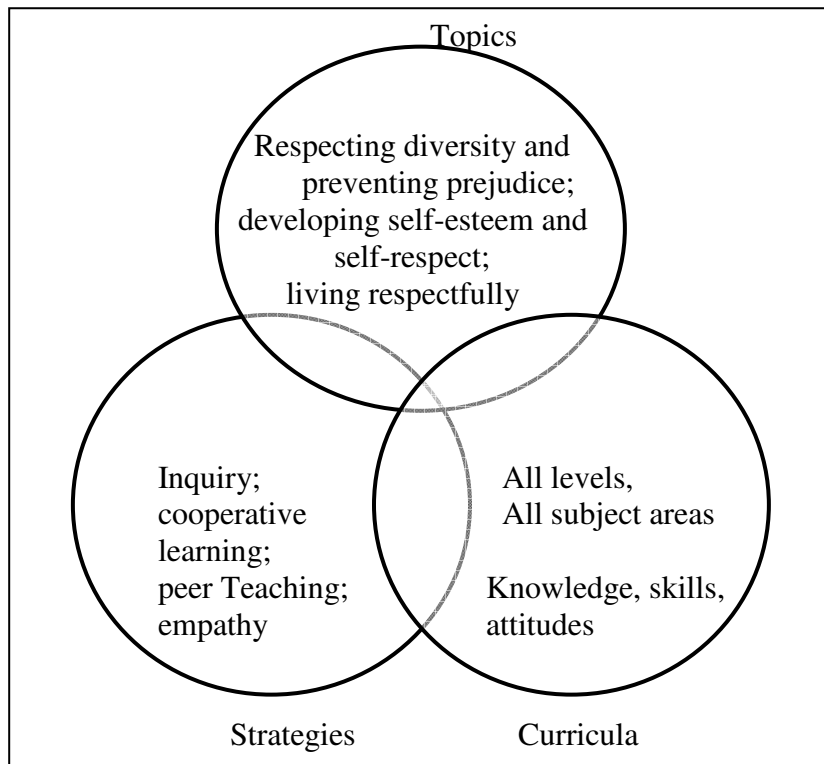
Review the related policies and legislation using Handout or overhead 3.

Review Handout 4, which entitled “School Boards Have a Positive Duty to Protect Gay and Lesbian Students,” which discusses legal aspects of this issue

### Think/Pair/Square

What could school leaders do to create a safe and caring school environment for LGBTQ students? Have participants first reflect on the question privately, and then with a partner. Then ask partners to share their ideas with another set of partners. If time permits, generate a list that participants could use for further planning and information gathering.

### SACS Principles



### Conclusion

Handout 5 contains a list of possible actions for school and school district leaders. If participants are interested in gay–straight student alliances (GSA’s) for their schools, refer them to the Alberta Teachers’ Association booklet on this topic or to the ATA website section on Diversity, Equity and Human Rights. ([www.teachers.ab.ca](http://www.teachers.ab.ca)). Participants can also be referred to resources contained in Handout 6.

Review what was covered during the workshop. Have participants consider striking a committee to look into action planning and further gathering of resources.

## Handout 1

Surrey, British Columbia  
March 11, 2000

Dear Mom and Dad:

The first thing is, I love you, Mom and Dad, but you don't understand why I had to commit suicide. There was so much going on, and I tried to cope with it, but I couldn't take it anymore...It was horrible. Every day, I was teased and teased, everyone calling me gay, fag, queer, and I would always act like it didn't bug me...But I was crying inside me. It hurt me so bad, because I wasn't gay. And when people said it, my own friends never backed me up. They just laughed. I would pray to God every night for everyone to stop saying that.

I know that you are going to miss me and that you will never forgive me, but you will never understand. You weren't living my life. I hate myself for doing this to you. I really, really hate myself, but there is no other way out for me.

Sure, I could have taken a gun and shot everyone in the head... but what would the point be?

I love you, Dad and Mom. Please, please tell the people at school why I did this. I don't want somebody else to do what I have done.

Mom, after my death, please, please go to schools and talk to kids that bullying and teasing have big consequences. Please visit my grave often, so I'm not lonely.

Hameed Nastoh, age 14  
February 8, 2001

## **Handout 2**

### **Health and Safety Issues for LGBTQ Students**

Students who are (or are perceived to be) lesbian, gay, bisexual, trans-identified or queer are at risk for being the victims of verbal abuse, emotional violence and personal danger. School can be a hostile and uninviting environment. It is important that educational leaders be aware of the safety and health concerns that face many LGBTQ youth, including.

- truancy or dropping out,
- drug and alcohol abuse,
- withdrawal from social and school activities,
- running away from home,
- turning to prostitution and/or living on the streets,
- depression,
- increased suicide risk (gay male and bisexual youth in Alberta are 14 times more at risk for a serious suicide attempt and heterosexual male youth),
- 66% of gay and lesbian students heard homophobic remarks made by other students at school,
- 37% of gay and lesbian youth questions feel like outsiders at school and
- Almost 40% of gay and lesbian youth surveyed have dramatically low self esteem.

## **Handout 3**

### **Important Policies and Legislation**

#### **The ATA Professional Code of Conduct Section 1**

“The teacher teaches in a manner that respects the dignity and rights of all persons without prejudice as to race, religious belief, colour, sex, **sexual orientation, gender identity**, physical characteristics, age, ancestry or place of origin.”

#### **The Alberta School Act Section 45(8)**

“A board shall ensure that each student enrolled in a school operated by the board is provided with a safe and caring environment that fosters and maintains respectful and responsible behaviours.”

#### **Canadian Charter of Rights and Freedoms Section 15(1)**

“Every individual is equal before and under the law and has the right to equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.”

## Handout 4

# School Boards Have a Positive Duty to Protect Gay and Lesbian Students

by Kristopher Wells, University of Alberta

On April 6, 2005 the British Columbia Court of Appeal reaffirmed that publicly funded schools have a “positive duty” to create school environments that are free from discriminatory harassment based on a student’s actual or perceived sexual orientation.

### Background

On June 19, 1996, Azmi Jurban, a Grade 10 student at Handsworth Secondary School in North Vancouver filed a human rights complaint alleging that his school board discriminated against him by failing to protect him on the basis of sexual orientation. The hearing took place in the fall of 2000 and during the summer of 2001. The BC Human Rights Tribunal issued its decision in April 2002. The Tribunal found that Mr. Jurban was repeatedly harassed, taunted with homophobic name calling, and was physically assaulted, including being spat upon, kicked and punched by other students. The school board did not dispute this verbal and physical abuse. The Tribunal stated that the harassment began when Mr. Jurban was 13 years old and in Grade 8 and continued until he graduated from high school. During his Grade 12 year, Mr. Jurban’s shirt was lit on fire, his tent urinated on during a school field trip, and students had thrown nails and grapes at him in school. Two students publicly talked about “how funny it would be to dip him in acid” (para. 15). In other instances, described the common use of the terms dork, geek, gay and faggot as a “part of the high school vocabulary” that were used as regular insults or put downs (para. 20—21).

The school did investigate the incidents targeted against Mr. Jurban. Several students were reprimanded and the principal imposed two suspensions. However, the Tribunal found that the principal’s strategy of “progressive discipline” had not been effective in stopping the continual harassment. The school was found to have been negligent in not changing its strategy to more effectively address the nature of the school’s systemic discriminatory homophobic culture.

The Tribunal held that the School Board ultimately failed in its duty to provide Mr. Jurban with his constitutionally protected right to be participate in an educational environment free from discrimination and harassment. The Tribunal also recognized, although the school board did take action to deal with specific incidents of harassment, they failed to address the underlying homophobia and heterosexism in the school exhibited by some students. The Tribunal awarded Mr. Jurban \$4500.00 for injury to his dignity, feelings and self-respect (para. 23). The Tribunal also issued an order for the School Board to cease its contravention of the BC Human Rights Code and to take steps to refrain from and prevent a similar act from reoccurring.

In its decision to uphold the Tribunal’s ruling, the BC Court of Appeal found that a broad approach must be taken when considering the special nature of human rights protections. The Court stated that the purpose of human rights legislation to “promote and foster human dignity and equality, to prevent discrimination prohibited by the Code, and to identify and eliminate

persistent patterns of inequality” (para. 36). The Court found that the “harassment of Mr. Jurban was persistent, homophobic in nature, and negatively affected his full participation in his high school educational experience” (para. 38). It further stated that this homophobic harassment was not unique to Mr. Jurban’s high school, but was endemic to all schools. The Court deemed the fact that Mr. Jurban was not gay irrelevant.

The Court reaffirmed that discrimination occurs “in terms of distinctions based on personal characteristics attributed to an individual” (para. 43). Concomitantly, the Court noted that “the effect of the conduct on the victim is the same as if the person actually had those characteristics” (para. 44). The Court found that Mr. Jurban’s harassers created an “environment in which his dignity and full participation in school life were denied because the negative characteristics his harassers associated with homosexuality were attributed to him” (para. 47). The words that Mr. Jurban’s harassers used were neither “benign or irrelevant; rather, the homophobic taunts imported the affront to the equality and human dignity of those that [human rights legislation] seeks to protect” (para. 51).

In speaking to the precarious and vulnerable position of lesbian and gay students, the Court referred to the case of *Kempling v. British Columbia College of Teachers* (2004) and stated, “There is a public protection issue here.... [Lesbian and gay students are] generally kept invisible and less likely to come forward with complaints than members of the general public. Realistically, most homosexual students would be most reticent to challenge a teacher or counsellor who is otherwise held in high regard, while placing themselves at risk in disclosing their sexual orientation to the public (para. 53).

In restoring the Tribunal’s original decision, the Court stated, “The goal of a discrimination-free school environment is the ideal against which the school board’s response to the harassment of Mr. Jurban may be measured” (para. 94). Drawing upon the *Ross v. New Brunswick School District No. 15* (1996) decision by the Supreme Court of Canada, the BC Court reaffirmed that “a School Board has a duty to maintain a positive school environment for all persons served by it” (para. 81). It is simply not enough for a teacher, principal or school board to intervene in homophobic discrimination; they also have a positive duty to address the root causes of homophobia and heterosexism in their schools. Anything less will result in a school board being held liable for failing to provide all students with a safe, caring and discrimination free learning environment.

#### Implications for Alberta Teachers

In 1998, the Supreme Court of Canada read sexual orientation into the Alberta human rights statute. In 1999, the ATA amended the Code of Professional Conduct to include a student’s actual or perceived sexual orientation as a prohibited ground of discrimination. In 2003, gender identity was added to this list of protections.

All Alberta teachers have a responsibility to ensure that gay, lesbian, bisexual, and trans-identified (LGBT) students are protected from discrimination in their school. In 2005, the ATA, in partnership with the Society for Safe and Caring Schools and Communities, instituted a “Safe Spaces” Initiative, which features a poster, brochure, and sticker that can be used to identify schools and classrooms as safe spaces for LGBT and allied students. The brochure outlines

proactive steps that a school can take to help create safe, caring and inclusive schools for all students regardless of their perceived or actual sexual orientation or gender identity.

#### References

- Kempling v. The British Columbia College of Teachers (BCCT)*. 2004 BCSC 133. Retrieved April 7, 2005, from [www.courts.gov.bc.ca/Jdb-txt/SC/04/01/2004BCSC0133.htm](http://www.courts.gov.bc.ca/Jdb-txt/SC/04/01/2004BCSC0133.htm) (Assessed April 7, 2005)
- Ross v. New Brunswick School District No. 15*. 1996 1 S.C.R. 825.  
[www.lexum.umontreal.ca/csc-scc/en](http://www.lexum.umontreal.ca/csc-scc/en) (Assessed April 7, 2005)
- School District No. 44 (North Vancouver) v. Jurban*. 2005 BCCA 201.  
[www.courts.gov.bc.ca/jdb-txt/ca/05/02/2005bccca0201.htm](http://www.courts.gov.bc.ca/jdb-txt/ca/05/02/2005bccca0201.htm) (Assessed April 7, 2005)

## **Handout 5**

### **What Can Be Done?**

- Develop awareness
- Consider related professional development opportunities for schools, including ATA Workshops on “respecting diversity”
- Take a close look at school environments
- Develop and use inclusive material
- Advocate for LGBTQ youth
- Develop a support network
- Consider the development of gay–straight student alliances (GSA’s) in schools

## Handout 6

### Resources

- Barnard, I. 1993. "Anti-Homophobic Pedagogy: Some Suggestions for Teachers." *Feminist Teacher*, no. 3 50–52.
- Fenaughty, J., and N. Harré, 2003. "Life on the seesaw: A qualitative study of suicide resiliency factors for young gay men." *Journal of Homosexuality*, 45, no. 1, 1-22.
- Frankowski, B., L. 2004. "Sexual orientation and adolescents." *Pediatrics*, 113, no. 6, 1827–1832.
- Friend, R. A. 1993. "Choices, Not Closets: Heterosexism and Homophobia in Schools." In L. Weis and M. Fine, eds, *Beyond Silenced Voices: Class, Race, Gender in the United States*. New York: State University of New York Press, 209–235.
- Governor's Commission on Gay and Lesbian Youth, 1993. *Making Schools Safe for Gay and Lesbian Youth: Breaking the Silence in Schools and in Families*. Boston State House..
- Heron, A. 1993. *Two Teenagers in Twenty*. Boston: Alyson Publications.
- Lipkin, A. 1999. *Understanding Homosexuality, Changing Schools: A Text for Teachers, Counselors, and Administrators*. Colorado: Westview Press.
- Ryan, C., and D. Futterman, 1998. *Lesbian and Gay Youth: Care & Counselling*. New York: Columbia University Press.
- Schneider, M.S. 1997. *Pride and Prejudice: Working with Lesbian, Gay and Bisexual Youth*. Toronto: Central Toronto Youth Services.
- Straight and Gay Alliance (SAGA)*. 2004. [www.shep.net](http://www.shep.net) (Accessed April 1, 2004)
- Woog, D. 1995. *School's Out: The Impact of Gay and Lesbian Issues on America's Schools*. Boston: Alyson Publications.

### Web Resources

The Alberta Teachers' Association (Diversity, Equity, Human Rights) [www.teachers.ab.ca](http://www.teachers.ab.ca)

Equality for Gays and Lesbians Everywhere (Egale) Canada [www.egale.ca](http://www.egale.ca)

Gay-Straight Alliance Network <http://www.gsanetwork.org>

Pride Centre of Edmonton [www.pridecentreofedmonton.org](http://www.pridecentreofedmonton.org)

Gay and Lesbian Educators of British Columbia [www.galebc.org](http://www.galebc.org)

The Gay, Lesbian and Straight Education Network [www.glsen.org](http://www.glsen.org)

Matthew Shepard Organization [www.matthewsplace.com](http://www.matthewsplace.com)

Safe Schools Coalition [www.safeschoolscoalition.org](http://www.safeschoolscoalition.org)

The Society for Safe and Caring Schools and Communities [www.sacsc.ca](http://www.sacsc.ca)