



Equity and Inclusive Education Resource Kit for
Newfoundland and Labrador, Grades 7 -12

Q & A



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possibility



QUESTIONS & ANSWERS ABOUT LGBTQ HUMAN RIGHTS LEGISLATION AND POLICY IN NEWFOUNDLAND AND LABRADORS, GRADES 7-12



Q1. Everyone at my school says “that’s so gay” or “you’re so gay” when they mean they don’t like something. When I asked my teacher why he never intervenes, he said it wasn’t hurting anybody and that I should lighten up. What can I do? 4

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ABUSIVE OR OFFENSIVE LANGUAGE

Q:

Everyone at my school says “that’s so gay” or “you’re so gay” when they mean they don’t like something. When I asked my teacher why he never intervenes, he said it wasn’t hurting anybody and that I should lighten up. What can I do?

A:

These phrases are especially harmful since, unfortunately, this is often the only context in which the word “gay” is used in school settings. All schools have a duty to maintain positive school environments for all persons served by them and they must always be vigilant about anything that might interfere with this duty.¹

1. Newfoundland and Labrador’s Department of Education supports safe and respectful learning environments, as outlined in the Pan Canadian Consensus Statement (2002):

“Participating in and contributing to a safe, respectful and positive learning environment is both the right and responsibility of children and youth, their parents/caregivers, school personnel and all community members. Schools, acting in partnership with their communities, can create and maintain these environments that foster a sense of belonging, enhance the joy of learning, honour diversity and promote respectful, responsible and caring relationships.”²

YOU CAN TELL YOUR TEACHER that homophobic language does hurt people, particularly youth who are lesbian, gay, bisexual, trans, two-spirited, queer, or questioning (LGBTQ), youth who are perceived to be LGBTQ, and youth with LGBTQ parents, other family members, or friends.

Hurtful comments have an impact on your sense of safety and it is everyone’s responsibility – including your teachers’ – to speak up against comments like this and create an environment where they are not acceptable.

The challenge is that “that’s so gay” or “you’re gay” is not always recognized as homophobia, so let your teacher know that it is derogatory and homophobic and that it is hurting you and possibly other LGBTQ students and staff in the school.

2. “Youth Speak Up about Homophobia and Transphobia in Canadian Schools” (March 2009) shows that of the 1,700 participants, three-quarters of Canadian LGBTQ students feel unsafe in at least one place at school.⁴ The use of homophobic language detracts from creating safer spaces in learning environments.
3. The Newfoundland and Labrador Department of Education has a Safe and Caring Schools Policy. One of the guiding principles states that “a positive learning environment is respectful and caring of all its members.”⁴
4. The Newfoundland and Labrador Department of Education’s Safe and Caring Schools Policy includes a Code of Conduct. This Code of Conduct includes the expectations that “all members of the school community will promote safe, caring and inclusive practice by doing their best to:
 - effect an orderly, productive work and learning environment free from aggression or disrespectful behaviour;
 - engage in activities and behaviour that promote health and personal well-being;
 - relate to one another in a positive and supportive manner, with dignity and respect;
 - embrace the diversity of all peoples, regardless of ...sexual orientation.”

All of these expectations (and especially the last one) suggest that derogatory and homophobic comments like “that’s so gay” are not acceptable and should be addressed.⁵

5. The Newfoundland and Labrador Department of Education's Safe and Caring Schools Policy also outlines guidelines for responding to student behaviour when there is non-compliance with the Code of Conduct. The guidelines include:

- always addressing the behaviour;
- taking immediate action to bring a stop to the behaviour;
- taking further action in the form of an intervention toward a positive behavioural change;
- addressing the needs of those who may be adversely affected by the unacceptable behaviour.

This means that not only should your teacher address the students making these comments, but that something needs to be done to create a positive behaviour change (like creating a GSA, for example) and that it's important they check in with you to see what you need following the incident.

It also goes on to state that the following behaviours are considered uncaring, unsafe and unacceptable:

- Harassment, intimidation and violence;
- Discrimination based on....sexual orientation
- Dissemination of hate propaganda including hate literature⁶

Based on these guidelines of unacceptable behaviour and expectations for responding, "that's so gay" is not acceptable, and your teacher should speak up and address the behaviour.

6. Under the United Nations' Convention on the Rights of the Child, education is intended to develop the personalities and talents of all children and young people (Article 29).⁷ Allowing the word "gay" to be used in a negative manner makes it very difficult

for any LGBTQ students or students with LGBTQ parents, other family members, or friends to fully be themselves. Your school should be doing whatever it can to provide you with a safe, inclusive learning environment where you feel welcome and respected.

7. The Newfoundland and Labrador Teachers' Association has a Gender Identity and Sexual Orientation Policy. Four of its 7 points are:

- we recognize that people of all gender identities and sexual orientations have the right to be treated fairly, equitably and with dignity;
- we condemn abuse, harassment or bullying as serious disciplinary offenses and we insist on avenues of recourse (without fear of reprisal) for any student, staff member (or parent) who is the victim of such harassment, discrimination or violence because of his or her gender identity and sexual orientation;
- we acknowledge that students and staff come from diverse backgrounds, and we advocate for educational systems and environments that are safe, welcoming, inclusive and affirming for all people of all gender identities and sexual orientations.
- we acknowledge and accept our duty to model respect, understanding and affirmation of diversity⁸

For the complete policy, visit http://www.nlta.nl.ca/files/documents/policy_hndbk.pdf

This policy suggests that teachers should be speaking out against these kinds of remarks.

8. The Newfoundland and Labrador Human Rights Act (the Act) is a law that recognizes the “inherent dignity and the equal and inalienable rights of all members of the human family”.⁹ The *Act* makes it against the law to discriminate against someone or to harass anyone because of sexual orientation or gender identity. This right to be free from discrimination and harassment applies to your school environment. This means that a person, student or staff member, cannot be treated unequally or subjected to harassment in a school environment because of sexual orientation or gender identity. If you have pointed out the harassment and discrimination to your principal or school district and it has not been addressed, you have the right to file a human rights complaint with the Newfoundland and Labrador Human Rights Commission. <http://www.justice.gov.nl.ca/hrc/contact.html>
9. The Newfoundland and Labrador Department of Education’s Safe and Caring Schools Policy is meant to provide a framework for each school district and school to develop their own Safe and Caring Schools Policy. Each school is also required to develop an action plan. Find out what your school policy and action plan include. See whether harassment, discrimination and bullying specifically due to sexual orientation or gender identity are mentioned as unacceptable. If not, suggest that these be included.

In addition, school action plans are supposed to include professional development and training. Training around LGBTQ issues would help to increase understanding and awareness of homophobia, biphobia, transphobia, heterosexism as well as teachers’ responsibilities. It would also help teachers feel better prepared to intervene. Such training will help create a safe and

caring learning environment, as outlined in the Department of Education's policy. If LGBTQ training is not part of the action plan, suggest it be included. The NLTA provides workshops and resources. There are excerpts from a Newfoundland and Labrador resource book entitled *Piecing Together a Caring Community: A Resource Book on Dismantling Homophobia* by Ann Shortall available on the *MyGSA.ca* website.

10. Under the Newfoundland and Labrador Department of Education's Safe and Caring Schools Policy, every member of the school community shares in the responsibility to create safe school environments. So, speak up when you can!

¹ Ross v. New Brunswick School District No. 15, [1996] 1 S.C.R. 825 <http://csc.lexum.org/en/1996/1996scr1-825/1996scr1-825.html>

² http://www.ed.gov.nl.ca/edu/k12/studentsupportservices/publications/scs_prov_policy.pdf

³ http://www.ed.gov.nl.ca/edu/k12/studentsupportservices/publications/scs_prov_policy.pdf

⁴ <http://MyGSA.ca>YouthSpeakUp>

⁵ http://www.ed.gov.nl.ca/edu/k12/studentsupportservices/publications/scs_prov_policy.pdf

⁶ http://www.ed.gov.nl.ca/edu/k12/studentsupportservices/publications/scs_prov_policy.pdf

⁷ <http://www.unicef.org/crc/>

⁸ http://www.nlta.nl.ca/files/documents/policy_hndbk.pdf

⁹ <http://www.justice.gov.nl.ca/hrc/act/index.html>

Q2: *I'm trans and I get called names like "he-she" and "tranny." Students in my class even have a song going. I asked my teacher to intervene, but she said they're not saying anything offensive unless they use racist or homophobic terms like "paki" or "faggot." Is this right?*

A2:

No, it is not. The terms and the song are clearly intended as insults and are causing you distress.

1. According to the Newfoundland and Labrador Department of Education, "Bullying is a pattern of aggressive behaviour meant to hurt or cause discomfort to another person."¹⁰ By calling you names and inventing songs about you, your classmates are singling out your gender identity and implying that it is inferior. It is not, and your classmates' behaviour constitutes bullying.
2. Two of the guiding principles of the Newfoundland and Labrador Department of Education's Safe and Caring Schools Policy states that "a positive learning environment is respectful and caring of all its members" and that one of the intended results is a reduction in bullying, racism and other forms of harassment.¹¹
3. The Newfoundland and Labrador Department of Education's Safe and Caring Schools Policy Code of Conduct expects all members of the school community to promote safe, caring and inclusive practice by doing their best to:
 - effect an orderly, productive work and learning environment free from aggression and disrespectful behaviour
 - relate to one another in a positive and supportive manner with dignity and respect;
 - embrace the diversity of all people, regardless of.... gender, sexual orientation.¹²

These expectations make it clear that the behaviour of your classmates goes against the Safe and Caring Schools Policy, and must be addressed. Even though the policy doesn't mention gender identity specifically in terms of embracing diversity, the first two expectations listed make it clear that aggression and disrespectful behaviour is not condoned, and that *everyone* should be treated with respect and dignity.

4. The Newfoundland and Labrador Department of Education's Safe and Caring Schools Policy outlines guidelines for response to student behaviour that is not in compliance with the code of conduct. These guidelines include:
 - always addressing the behaviour;
 - taking immediate action to bring a stop to the behaviour;
 - take further action in the form of an intervention toward a positive behavioural change;
 - address the needs of those who may be adversely affected by the unacceptable behaviour.¹³

This means that not only should your teacher address the students making these comments and singing the song about you, but that something needs to be done to create a positive behaviour change (like creating a GSA, for example) and that it's important they check in with you to see what you need following the incident.

5. "Youth Speak Up about Homophobia and Transphobia in Canadian Schools" (March 2009) shows that of the 1,700 participants, 95% of trans students feel unsafe at school, compared to one-fifth of heterosexual students.¹⁶ The use of transphobic language detracts from creating safer spaces in learning environments.
6. Explain to your teacher that the phrases "he-she" and "tranny" are discriminatory and abusive. While they may not be racist or homophobic, they are transphobic. No one form of

discrimination is any more acceptable than another. Under the *Canadian Charter of Rights and Freedoms* (the *Charter*), everyone is entitled to express their views freely; however, using offensive language that is insulting to a particular group is an example of when this right is restricted.¹⁷ Encourage your teacher to apply this argument to dealing with transphobic language. Although the category of gender identity is not explicitly mentioned in the *Charter*, the category of sex is protected and has been interpreted by many courts to include trans persons, thereby making transphobic language unacceptable.

7. The Newfoundland and Labrador Teachers' Association has a Gender Identity and Sexual Orientation Policy. Four of its seven points are:
 - we recognize that people of all gender identities and sexual orientations have the right to be treated fairly, equitably and with dignity;
 - we condemn abuse, harassment or bullying as serious disciplinary offenses and we insist on avenues of recourse (without fear of reprisal) for any student, staff member (or parent) who is the victim of such harassment, discrimination or violence because of his or her gender identity and sexual orientation;
 - we acknowledge that students and staff come from diverse backgrounds, and we advocate for educational systems and environments that are safe, welcoming, inclusive and affirming for all people of all gender identities and sexual orientations.
 - we acknowledge and accept our duty to model respect, understanding and affirmation of diversity¹⁵



Transphobia, racism, and homophobia are all related.

For the complete policy, visit http://www.nlta.nl.ca/files/documents/policy_hndbk.pdf

This policy suggests that teachers should be speaking out against the behaviour of your classmates.

Furthermore, under the Newfoundland and Labrador Department of Education's Safe and Caring Schools Policy, teachers are required to be role models, to embrace diversity and to help develop students' self esteem.¹⁶

8. The *Newfoundland and Labrador Human Rights Act* (the *Act*) is a law that recognizes the “inherent dignity and the equal and inalienable rights of all members of the human family”.¹⁷ According to the Newfoundland and Labrador Human Rights Commission, even though gender identity is not listed as a prohibited ground in the Human Rights Act, it is protected under “sex”. The *Act* makes it against the law to discriminate against someone or to harass anyone because of sexual orientation or gender identity. This right to be free from discrimination and harassment applies to your school environment. This means that a person, student or staff member, cannot be treated unequally or subjected to harassment in a school environment because of sexual orientation or gender identity. If you have pointed out the harassment and discrimination to your principal or school district and it has not been addressed, you have the right to file a human rights complaint with the Newfoundland and Labrador Human Rights Commission. <http://www.justice.gov.nl.ca/hrc/contact.html>
9. The United Nations' Convention on the Rights of the Child says that education should develop all children's and young people's personalities and talents to their fullest potential (Article 29).²² Allowing the words “he-she” and “tranny” to be used makes it very difficult for any trans students or students with trans parents, other family members, or friends to fully be themselves. Your school should be doing whatever it can to provide you with a safe, inclusive learning environment where you feel welcome and respected.

10. Transphobia, racism, and homophobia are all related. Similarly to the point on a graph where lines cross being called a point of “intersection,” the fact that categories of identification—such as class, ethnic origin, gender identity, physical and mental ability, race, religion, sexual orientation, or other factors—are experienced simultaneously and cannot genuinely be separated from one another is referred to as “intersectionality.” Often, people are discriminated against with regard to multiple categories.

Recognizing intersectionality strengthens the capacity to create safe and caring schools since it recognizes the many ways that someone can be a victim of (and affected by) violence, bullying and harassment. The Government of Newfoundland and Labrador’s Violence Prevention Initiative recognizes that the social and cultural roots of violence are based on inequality. While women, children and seniors are more likely to be victims of violence, factors such as ability, sexual orientation, economic status or ethnicity can put them at even higher risk.¹⁹ Intersectionality also recognizes that discrimination and harassment based on multiple identities has a compounding effect on a person. Here is an example of some of the language that exists around intersectionality within Departments of Education in Canada:

“Equity and inclusive education aims to understand, identify, address, and eliminate the biases, barriers, and power dynamics that limit students’ prospects for learning, growing, and fully contributing to society. Barriers may be related to gender, race, ethnic origin, religion, socio-economic background, physical and mental ability, sexual orientation, or other factors. It is now recognized that several factors may intersect to create additional barriers for some students. These barriers and biases, whether overt or subtle, intentional or unintentional, need to be identified and addressed.”²⁰

11. The Newfoundland and Labrador Department of Education’s Safe

and Caring Schools Policy is meant to provide a framework for each school district and school to develop their own Safe and Caring Schools Policy. Each school is also required to develop an action plan. Find out what your school policy and action plan include. See if they specifically mention gender identity in terms of the diversity that should be embraced, as well as in terms of bullying and harassment. If they don't, suggest they be included.

In addition, school action plans are supposed to include professional development and training. Training around LGBTQ issues would help to increase understanding and awareness of homophobia, biphobia, transphobia, heterosexism as well as teachers' responsibilities. It would also help teachers feel better prepared to intervene. Such training will help create a safe and caring learning environment, as outlined in the Department of Education's policy. If LGBTQ training is not part of the action plan, suggest it be included. The NLTA provides workshops and resources. There are excerpts from a Newfoundland and Labrador resource book entitled *Piecing Together a Caring Community: A Resource Book on Dismantling Homophobia* by Ann Shortall available on the *MyGSA.ca* website.

12. Under the Newfoundland and Labrador Department of Education's Safe and Caring Schools Policy, every member of the school community shares in the responsibility to create safe school environments. So, speak up when you can!

¹¹ <http://www.ed.gov.nl.ca/edu/k12/bullying/whatis.html>

¹² http://www.ed.gov.nl.ca/edu/k12/studentsupportservices/publications/scs_prov_policy.pdf

¹³ http://www.ed.gov.nl.ca/edu/k12/studentsupportservices/publications/scs_prov_policy.pdf

¹⁴ [^{14a} <http://laws.justice.gc.ca/en/charter/1.html>](http://MyGSA.ca>YouthSpeakUp</p></div><div data-bbox=)

¹⁵ http://www.nlta.nl.ca/files/documents/policy_hndbk.pdf

¹⁶ http://www.ed.gov.nl.ca/edu/k12/studentsupportservices/publications/scs_prov_policy.pdf

¹⁷ <http://laws.justice.gc.ca/en/charter/1.html>

¹⁸ <http://www.unicef.org/crc>

¹⁹ *Government of Newfoundland and Labrador Violence Prevention Initiative*

²⁰ <http://www.edu.gov.on.ca/eng/policyfunding/inclusiveguide.pdf>

Q3:

My [female-to-male or FTM] dad gave birth to me before transitioning. My teacher insists on calling him my mother and I have overheard staff saying that I am part of a same-sex family. I am not. What can I do?

A3:

1. It is very difficult to enjoy school if you do not feel respected or if you fail to see images of or hear about families that look similar to your own.

One of the guiding principles for the Newfoundland and Labrador Safe and Caring Schools Policy is that “an inclusive curriculum develops understanding for the underlying causes of violence and inequality, recognizes diversity, promotes equal opportunity, and enhances safety, respect and mutual understanding.”²¹

TELL YOUR TEACHER that you find her or his language offensive and disrespectful because it fails to recognize your family.

Human Rights, you have the right to have your private life and family life be respected.^{21b} This teacher is being disrespectful.

2. Under the United Nations’ Convention on the Rights of the Child, you have the right to privacy and protection in relation to attacks against your family (Article 16).^{21a} Also, under Article 12 of the *Universal Declaration of*

Your school should invest in books for the library that include trans people, display posters depicting trans people, and advertise and allow access to trans-supportive websites, such as Egale’s national LGBTQ safer schools and inclusive education website, *MyGSA.ca*.



4. The *Newfoundland and Labrador Human Rights Act* (the *Act*) protects familial relationships from discrimination through the grounds of marital and family status. The *Act* defines family status “being in a parent and child relationship”, and includes step children and adopted children as well as step parents and adoptive parents.²³

Because of discrimination, being part of an LGBTQ family can be difficult; family members may choose not to discuss their families, which makes LGBTQ families less visible (and often invisible). Also, trying to keep a low profile out of fear makes it difficult to request appropriate services or accommodation, or even stand up for your rights.²⁴ Some human rights acts go a step further in recognizing LGBTQ families and the specific discrimination LGBTQ families can face. For an example, see <http://www.ohrc.on.ca/en/resources/Policies/fampolicy/pdf>.

5. The *Newfoundland and Labrador Human Rights Act* (the *Act*) is a law that recognizes the “inherent dignity and the equal and inalienable rights of all members of the human family”.²⁵ According to the Newfoundland and Labrador Human Rights Commission, even though gender identity is not listed as a prohibited ground in the Human Rights Act, it is protected under “sex”. The *Act* makes it against the law to discriminate against someone or to harass anyone because of sexual orientation or gender identity. This right to be free from discrimination and harassment applies to your school environment. This means that a person, student or staff member, cannot be treated unequally or subjected to harassment in a school environment because of sexual orientation or gender identity. If you have pointed out the harassment and discrimination to your principal or school district and it has not been addressed, you have the right to file a human rights complaint with the Newfoundland and Labrador Human Rights Commission. <http://www.justice.gov.nl.ca/hrc/contact.html>

6. Under the Newfoundland and Labrador Department of Education's Safe and Caring Schools Policy, teachers and school staff "will do their best to facilitate and promote a safe and caring learning environment. This will be accomplished by:
 - modelling high standards for safe, caring and responsible behaviour;
 - maintaining consistent expectations of positive behaviour for all students;
 - demonstrating appreciation and respect for diversity."²⁶

Teachers are meant to be role models. Not only is this not happening in this case, the teacher is being disrespectful and discriminatory, which is against the Code of Conduct in the Safe and Caring Schools Policy. Although the policy currently only outlines how to respond to inappropriate student behaviour, the required actions should also apply to all members of the school community – including teachers, administrators, parents and other school staff.

7. The Newfoundland and Labrador Teachers' Association has a Gender Identity and Sexual Orientation Policy. Three of its seven points are:
 - we recognize that people of all gender identities and sexual orientations have the right to be treated fairly, equitably and with dignity;
 - we acknowledge that students and staff come from diverse backgrounds, and we advocate for educational systems and environments that are safe, welcoming, inclusive and affirming for all people of all gender identities and sexual orientations.
 - we acknowledge and accept our duty to model respect, understanding and affirmation of diversity²⁷

For the complete policy, visit http://www.nlta.nl.ca/files/documents/policy_hndbk.pdf

8. The Newfoundland and Labrador Department of Education's Safe and Caring Schools Policy is meant to provide a framework for each school district and school to develop their own Safe and Caring Schools policy. Each school is also required to develop an action plan. Find out what your school policy and action plan are, and whether harassment, discrimination and bullying specifically due to sexual orientation or gender identity is mentioned as unacceptable. If it isn't, suggest that it be included.

In addition, school action plans are supposed to include professional development and training. Training around LGBTQ issues would help to increase understanding and awareness of homophobia, biphobia, transphobia, heterosexism as well as teachers' responsibilities. It would also help teachers feel better prepared to intervene. Such training will help create a safe and caring learning environment, as outlined in the Department of Education's policy. If LGBTQ training is not part of the action plan, suggest it be included. The NLTA provides workshops and resources. There are excerpts from a Newfoundland and Labrador resource book entitled *Piecing Together a Caring Community: A Resource Book on Dismantling Homophobia* available on the *MyGSA.ca* website.

²¹ http://www.ed.gov.nl.ca/edu/k12/studentsupportservices/publications/scs_prov_policy.pdf

^{21a} <http://www.unicef.org/crc>

^{21b} <http://www.un.org/en/documents/udhr/index.shtml#a12>

²² http://www.ed.gov.nl.ca/edu/k12/studentsupportservices/publications/scs_prov_policy.pdf

²³ <http://www.justice.gov.nl.ca/hrc/act/index.html>

²⁴ <http://www.ohrc.on.ca/en/resources/Policies/fampolicy/pdf>

²⁵ <http://www.justice.gov.nl.ca/hrc/act/index.html>

²⁶ http://www.ed.gov.nl.ca/edu/k12/studentsupportservices/publications/scs_prov_policy.pdf

²⁷ http://www.nlta.nl.ca/files/documents/policy_hndbk.pdf

Q4:

*There is graffiti all over the boys' washrooms. Most of it is stuff like "Akim j**ks arse" and "John is a faggot." Shouldn't the school be removing all of this?*

Q4:

Yes. The school should have removed all of it immediately to demonstrate that such language (not to mention vandalism) will not be tolerated.

1. Any type of harassment, including graffiti, has a negative impact on school climate and is a form of bullying. Harassment as well as discrimination based on sexual orientation (among other things) are behaviours that are highlighted in the Newfoundland and Labrador Department of Education's Safe and Caring Schools Policy as uncaring, unsafe and unacceptable.²⁸
2. One of the Newfoundland and Labrador Department of Education's Safe and Caring Schools Policy guiding principles states that "a positive learning environment is respectful and caring of all its members."²⁹
3. The Newfoundland and Labrador Department of Education's Safe and Caring Schools Policy includes a Code of Conduct. This Code of Conduct includes the expectations that:
all members of the school community will promote safe, caring and inclusive practice by doing their best to:
 - effect an orderly, productive work and learning environment free from aggression or disrespectful behaviour;
 - engage in activities and behaviour that promote health and personal well-being;
 - relate to one another in a positive and supportive manner, with dignity and respect;
 - embrace the diversity of all peoples, regardless of ...sexual orientation.³⁰

Derogatory and homophobic graffiti is unacceptable and should be removed.



When students do not feel safe at school, their education is likely to suffer as a consequence.

4. The Newfoundland and Labrador Department of Education's Safe and Caring Schools Policy outlines guidelines for response to student behaviour that is not in compliance with the Code of Conduct. These guidelines include:
 - always addressing the behaviour;
 - taking immediate action to bring a stop to the behaviour;
 - take further action in the form of an intervention toward a positive behavioural change;
 - address the needs of those who may be adversely affected by the unacceptable behaviour.”³¹

This means that not only should the graffiti be removed immediately, but that something needs to be done to ensure it doesn't happen again (like creating a GSA, for example) *and* it's important someone check in with you to see what you need following the incident. Homophobic graffiti, or any other sort of discriminatory graffiti, should never appear in Newfoundland and Labrador schools.

5. Article 29 of the United Nations' Convention on the Rights of the Child says that education is intended to develop the personalities and talents of all children and young people.³⁶ By allowing such vandalism to be visible, it is very difficult for LGBTQ students, students perceived to be LGBTQ, and students with LGBTQ parents, other family members, or friends to fully be themselves. Additionally, Article 19 ensures that children and young people are properly cared for and protected from abuse. Your school should be doing whatever it can to provide you with a safe, inclusive learning environment where you feel welcome and respected.
6. The Newfoundland and Labrador Violence Prevention Initiative recognizes that factors like sexual orientation put people at greater risk for being victims of violence.³³ Discriminatory graffiti such as this detracts from creating safer spaces in learning environments and when students do not feel safe at school, their education is likely to suffer as a consequence. Where homophobic or otherwise

discriminatory graffiti is left visible, many students—regardless of sexual orientation or gender identity—may feel unsafe.

7. The *Newfoundland and Labrador Human Rights Act* (the *Act*) is a law that recognizes the “inherent dignity and the equal and inalienable rights of all members of the human family”.³⁴ Sexual orientation is listed as a prohibited ground for discrimination. Although gender identity is not listed, it is protected under “sex”. The *Act* makes it against the law to discriminate against someone or to harass anyone because of sexual orientation or gender identity. This right to be free from discrimination and harassment applies to your school environment. This means that a person, student or staff member, cannot be treated unequally or subjected to harassment in a school environment because of sexual orientation or gender identity. If you have pointed out the harassment and discrimination to your principal or school district and it has not been addressed, you have the right to file a human rights complaint with the Newfoundland and Labrador Human Rights Commission. <http://www.justice.gov.nl.ca/hrc/contact.html>
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 - we acknowledge that students and staff come from diverse backgrounds, and we advocate for educational systems and environments that are



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For the complete policy, visit http://www.nlta.nl.ca/files/documents/policy_hndbk.pdf

9. The Newfoundland and Labrador Department of Education's Safe and Caring Schools Policy is meant to provide a framework for each school district and school to develop their own Safe and Caring Schools policy. Each school is also required to develop an action plan. Find out what your school policy and action plan include and see if they go further by listing specific unacceptable behaviours including homophobia, biphobia and transphobia, and slurs or graffiti based on gender identity or sexual orientation.

Naming can be powerful, and having these behaviours laid out in the policy and the action plan will add to the creation of a safe and caring environment by the very fact that they are highlighted - thereby acknowledging LGBTQ people, and their needs within school communities.

Here are two examples of such inclusion in another province's Department of Education document:

What behaviour is not allowed?

We can all help make it clear what behaviour is unacceptable and create an environment in our schools where students feel welcome. Examples of inappropriate and disrespectful behaviour include racist, sexual, sexist or homophobic comments, slurs and jokes or graffiti."³⁶

For more information, please see <http://www.edu.gov.on.ca/eng/safeschools/KeepKidSafeSchool.pdf>

Such inappropriate behaviour may involve swearing, homophobic or racial slurs, sexist comments or jokes, graffiti, or vandalism, and behaviour.³⁷

For more information, please see <http://www.edu.gov.on.ca/extra/eng/ppm/145.html>

In addition, school action plans are supposed to include professional development and training. Training around LGBTQ issues would help to increase understanding and awareness of homophobia, biphobia, transphobia, heterosexism as well as teachers' responsibilities. It would also help teachers feel better prepared to intervene. Such training will help create a safe and caring learning environment, as outlined in the Department of Education's policy. If LGBTQ training is not part of the action plan, suggest it be included. The NLTA provides workshops and resources. There are excerpts from a Newfoundland and Labrador resource book entitled *Piecing Together a Caring Community: A Resource Book on Dismantling Homophobia* by Ann Shortall available on the *MyGSA.ca* website.

10. Remember that under the Safe and Caring Schools Policy, every member of the school community shares in the responsibility to create safe school environments. So, speak up when you can!

²⁸ http://www.ed.gov.nl.ca/edu/k12/studentsupportservices/publications/scs_prov_policy.pdf

²⁹ http://www.ed.gov.nl.ca/edu/k12/studentsupportservices/publications/scs_prov_policy.pdf

³⁰ http://www.ed.gov.nl.ca/edu/k12/studentsupportservices/publications/scs_prov_policy.pdf

³¹ http://www.ed.gov.nl.ca/edu/k12/studentsupportservices/publications/scs_prov_policy.pdf

³² <http://www.unicef.org/crc>

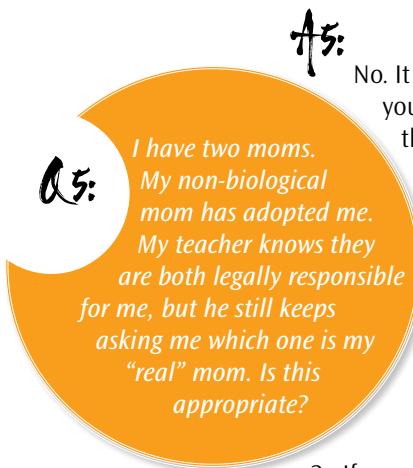
³³ <http://www.gov.nf.ca/VPI/initiative/index.html>

³⁴ <http://www.justice.gov.nl.ca/hrc/act/index.html>

³⁵ http://www.nlta.nl.ca/files/documents/policy_hndbk.pdf

³⁶ <http://www.edu.gov.on.ca/eng/safeschools/KeepKidSafeSchool.pdf>

³⁷ <http://www.edu.gov.on.ca/extra/eng/ppm/145.html>



Ans:

No. It is inappropriate and may be a breach of your human rights for your teacher to ask you this question.

1. Under Article 12 of the *Universal Declaration of Human Rights*, you have the right to have your private life and family life be respected. Asking in effect which parent gave birth to you violates these rights. This is also backed up by Article 16 of the United Nations' Convention on the Rights of the Child.

2. If your non-biological parent has adopted you, your school has a legal obligation through the *Newfoundland and Labrador Human Rights Act* to treat her exactly as a parent. This includes not asking if she is a "real" parent.

3. The *Newfoundland and Labrador Human Rights Act* (the *Act*) protects familial relationships from discrimination through the grounds of marital and family status. The *Act* defines family status "being in a parent and child relationship", and includes step children and adopted children as well as step parents and adoptive parents.³⁸

Because of discrimination, being part of an LGBTQ family can be difficult; family members may choose not to discuss their families, which makes LGBTQ families less visible (and often invisible). Also, trying to keep a low profile out of fear makes it difficult to request appropriate services or accommodation, or even stand up for your rights.³⁹ Some Human Rights Acts go a step further in recognizing LGBTQ families and the specific discrimination LGBTQ families can face. For an example, see <http://www.ohrc.on.ca/en/resources/Policies/fampolicy/pdf>.

4. One of the Newfoundland and Labrador Department of Education's Safe and Caring Schools Policy guiding principles states that "a positive learning environment is respectful and caring of all its members."⁴⁰ Parents are part of the school community.
5. Point out to your teacher that such a belief is based on the stereotype that all families are headed by one man and one woman and that any other family structure is unfortunately often considered to be weird or inferior. This is not true—it is an example of heterosexism. The Vanier Institute of the Family has indicated that "fewer than half of all Canadian families now consist of a married heterosexual couple with one or more children."⁴¹
6. The Canadian Teachers' Federation's Policy on Anti-Homophobia and Anti-Heterosexism includes a comprehensive vision of a curriculum-integrated, total school working and learning environment that is "safe, welcoming, inclusive, and affirming for people of all sexual orientations and gender identities."⁴² Parents are part of the school community and it is important that parents' and students' rights are respected. Let your teacher know he can find a copy online at www.ctf-fce.ca.
7. The Newfoundland and Labrador Department of Education's Safe and Caring Schools Policy Code of Conduct expects all members of the school community to:
 - relate to one another in a positive and supportive manner, with dignity and respect;
 - embrace the diversity of all peoples regardless of.... sexual orientation.⁴³
8. The Newfoundland and Labrador Department of Education's Safe and Caring Schools Policy requires teachers to model high standards for safe, caring and responsible behaviour, as well as demonstrate appreciation and respect for diversity.⁴⁴

The comments your teacher is making and their refusal to acknowledge both of your moms flies in the face these expectations.

9. The Newfoundland and Labrador Teachers' Association has a Gender Identity and Sexual Orientation Policy. Three of its seven points are:

- we recognize that people of all gender identities and sexual orientations have the right to be treated fairly, equitably and with dignity;
- we acknowledge that students and staff come from diverse backgrounds, and we advocate for educational systems and environments that are safe, welcoming, inclusive and affirming for all people of all gender identities and sexual orientations.
- we acknowledge and accept our duty to model respect, understanding and affirmation of diversity.⁴⁵

For the complete policy, visit http://www.nlta.nl.ca/files/documents/policy_hndbk.pdf

Your teacher's question is not appropriate.

10. The Newfoundland and Labrador Department of Education's Safe and Caring Schools Policy is meant to provide a framework for each school district and school to develop their own Safe and Caring Schools policy. Each school is also required to develop an action plan. Find out what your school policy and action plan include. See if they specifically mention sexual orientation and gender identity in terms of the diversity that should be embraced, as well as clearly outlining homophobia, transphobia, and biphobia. If these are missing, suggest they be included.

In addition, school action plans are supposed to include professional development and training. Training around LGBTQ

issues would help to increase understanding and awareness of homophobia, biphobia, transphobia, heterosexism as well as teachers' responsibilities. It would also help teachers feel better prepared to intervene. Such training will help create a safe and caring learning environment, as outlined in the Department of Education's policy. If LGBTQ training is not part of the action plan, suggest it be included. The NLTA provides workshops and resources. There is a link to a Newfoundland and Labrador resource book entitled *Piecing Together a Caring Community: A Resource Book on Dismantling Homophobia* by Ann Shortall in the resource section of this guide.

11. Remember that under the Safe and Caring Schools Policy, every member of the school community shares in the responsibility to create safe school environments. So, speak up when you can!

³⁸ <http://www.justice.gov.nl.ca/hrc/act/index.html>

³⁹ <http://www.ohrc.on.ca/en/resources/Policies/fampolicy/pdf>.

⁴⁰ http://www.ed.gov.nl.ca/edu/k12/studentsupportservices/publications/scs_prov_policy.pdf

⁴¹ <http://www.ohrc.on.ca/en/resources/Policies/fampolicy/pdf>

⁴² <http://www.ctf-fce.ca/documents/Priorities/EN/pd/BGLTT/BGLTTPolicies%20-English.pdf>

⁴³ http://www.ed.gov.nl.ca/edu/k12/studentsupportservices/publications/scs_prov_policy.pdf

⁴⁴ http://www.ed.gov.nl.ca/edu/k12/studentsupportservices/publications/scs_prov_policy.pdf

⁴⁵ http://www.ed.gov.nl.ca/edu/k12/studentsupportservices/publications/scs_prov_policy.pdf

YES, IT IS. You are entitled to identify your sexual orientation any way you like, including not at all.

Ab:

When somebody in my class asked about my sexual orientation, I referred to myself as “queer” and I got punished by my teacher. Surely that’s wrong?

Ab:

Your teacher may have felt, mistakenly, that you were being homophobic since the term “queer” has a long homophobic history. Explain that this was not your intention and direct your teacher to the definitions of the term “queer” in the Terms & Concepts section of Egale’s national LGBTQ safer schools and inclusive education website, *MyGSA.ca*, or this Equity and Inclusive Education Resource Kit.⁵¹

Direct your teacher to the definitions of the term “queer” in the Terms & Concepts section of Egale’s national LGBTQ safer schools and inclusive education website, *MyGSA.ca*.



1. The *Newfoundland and Labrador Human Rights Act* (the Act) is a law that provides for equal rights and opportunities and recognizes the dignity and worth of every person in Newfoundland and Labrador.⁴⁶ The Act makes it against the law to discriminate against someone or to harass anyone because of sexual orientation. This right to be free from discrimination and harassment applies to your school environment. This means that your teacher cannot treat you unequally or subject you to harassment because you are lesbian, gay, bisexual or heterosexual.
2. One of the Newfoundland and Labrador Department of Education’s Safe and Caring Schools Policy guiding principles states that “a positive learning environment is respectful and caring of all its members.”⁴⁷

3. The Newfoundland and Labrador Teachers' Association has a Gender Identity and Sexual Orientation Policy. Three of its seven points are:
 - we recognize that people of all gender identities and sexual orientations have the right to be treated fairly, equitably and with dignity;
 - we acknowledge that students and staff come from diverse backgrounds, and we advocate for educational systems and environments that are safe, welcoming, inclusive and affirming for all people of all gender identities and sexual orientations.
 - we acknowledge and accept our duty to model respect, understanding and affirmation of diversity.⁴⁸

For the complete policy, visit http://www.nlta.nl.ca/files/documents/policy_hndbk.pdf

You have the right to choose identifying language that feels right and comfortable to you.

4. The Newfoundland and Labrador Department of Education's Safe and Caring Schools Policy is meant to provide a framework for each school district and school to develop their own Safe and Caring Schools policy. Each school is also required to develop an action plan. Find out what your school policy and action plan include. School action plans are supposed to include professional development and training. Training around LGBTQ issues would help to increase understanding and awareness of homophobia, biphobia, transphobia, heterosexism as well as teachers' responsibilities. It would also help teachers feel better prepared to intervene. Such training will help create a safe and caring learning environment, as outlined in the Department of Education's policy. If LGBTQ training is not part of the action plan, suggest it be included. The NLTA provides workshops and resources. There are excerpts from a Newfoundland and

Labrador resource book entitled *Piecing Together a Caring Community: A Resource Book on Dismantling Homophobia* by Ann Shortall available on the *MyGSA.ca* website.



^{45a} <http://MyGSA.ca/SiteGlossary>

⁴⁶ <http://www.justice.gov.nl.ca/hrc/act/index.html>

⁴⁷ http://www.ed.gov.nl.ca/edu/k12/studentsupportservices/publications/scs_prov_policy.pdf

⁴⁸ http://www.nlta.nl.ca/files/documents/policy_hndbk.pdf

Q7:

When I was walking by the principal's office the other day, I heard a parent of one of the other students saying something about not finding it appropriate to have a "dating club" (referring to the GSA) at our school and that certain movies should not be shown in classrooms. I didn't hear the principal's response. What should she have said?

A7:

Your principal also should have told the parent that a Gay-Straight Alliance or GSA is not a "dating club." A GSA is any inclusive student group concerned with lesbian, gay, bisexual, trans, two-spirited, queer, and questioning (LGBTQ) matters and they also serve as support groups for LGBTQ students, allies, and youth with LGBTQ parents or other family members. For more extensive definitions, see the Terms & Concepts section of Egale's national LGBTQ safer schools and inclusive education website, *MyGSA.ca*, or this Equity and Inclusive Education Resource Kit.⁴⁹



Your principal should have told the parent that a Gay-Straight Alliance is *not* a "dating club."

YOUR PRINCIPAL SHOULD HAVE SAID that Newfoundland and Labrador's Department of Education is supportive of Newfoundland and Labrador's diverse school communities and that in Newfoundland and Labrador's publicly-funded school environments—whether high school, middle school, or elementary school—diversity explicitly includes sexual orientation and gender identity.

Regarding the film, your principal should have told the parent that the goal of the Newfoundland and Labrador Safe and Caring Schools Policy is to create "peaceful schools where every child feels nurtured, safe, and able to focus on learning". One of the guiding principles of the policy states that "inclusive curriculum develops an understanding of the underlying causes of violence and inequality, recognizes diversity, promotes equal opportunity, and enhances safety, respect and mutual understanding."⁵⁰ In addition to these important results, an inclusive curriculum helps students to feel engaged and excited about what they are learning, and supported by teachers and staff.⁵¹

For more extensive definitions, see the Terms & Concepts section of Egale's national LGBTQ safer schools and inclusive education website, *MyGSA.ca*.



**Inclusive curriculum
is integral to
student success.**

Given that “students are receiving conflicting messages and misinformation from the media and from each other” about LGBTQ matters, GSAs are an important component of a student’s learning process.^{51a} Your principal should have explained to the parent that GSAs are an important part of inclusive and diverse school environments.

1. The Newfoundland and Labrador Department of Education’s Safe and Caring Schools Policy “expects all members of the school community to embrace the diversity of all peoples, regardless of...sexual orientation.”⁵² The school community includes parents.

2. The Newfoundland and Labrador Department of Education’s Safe and Caring Schools Policy is meant to provide a framework for each school district and school to develop their own Safe and Caring Schools policy.

Each school is also required to develop an action plan. Find out what your school policy and action plan include. Part of the school’s responsibility is to ensure that their policy and action plan are communicated to *all* members of the school community. This means that parents, students, and staff should know what is included in the school policy



Any learning environment that neglects to integrate LGBTQ matters into the curriculum is unwelcoming to LGBTQ students, allies, and youth with LGBTQ parents or other family members.⁶¹

and the action plan, as well as what their responsibilities are. Department of Education policies in some other provinces are very specific in outlining parents' roles, for example:

"Parents play an important role in the education of their children, and can support the efforts of school staff in maintaining a safe and respectful learning environment for all students. Parents fulfil their role when they show that they are familiar with the provincial Code of Conduct, the board's code of conduct, and school rules."⁵³

If your school action plan does not have a communication plan for sharing the information with the school community, ask why.

In addition, school action plans are supposed to include professional development and training. Training around LGBTQ issues would help to increase understanding and awareness of homophobia, biphobia, transphobia, heterosexism as well as teachers' responsibilities. It would also help teachers feel better prepared to intervene. Such training will help create a safe and caring learning environment, as outlined in the Department of Education's policy. If LGBTQ training is not part of the action plan, suggest it be included. The NLTA provides workshops and resources. There are excerpts from a Newfoundland and Labrador resource book entitled *Piecing Together a Caring Community: A Resource Book on Dismantling Homophobia* by Ann Shortall available on the MyGSA.ca website.

3. The principal should remind parents of their own responsibility as listed in the Code of Conduct in the Safe and Caring Schools Policy which expects all members of the school community to promote safe, caring and inclusive practice by doing their best to (among other things) embrace diversity. In addition, in order to foster a safe and caring learning environment, the Safe and Caring Schools Policy asks for parents to support the efforts of

the school community by encouraging their children to abide by the Code of Conduct and develop positive behaviours and demonstrating appreciation and respect for diversity. Sexual orientation is listed as one aspect of diversity.⁵⁴

For more information, and to participate in discussions with other youth about LGBTQ matters, check out Egale's national LGBTQ safer schools and inclusive education website: *MyGSA.ca*.



⁴⁹ <http://MyGSA.ca/SiteGlossary>

⁵⁰ http://www.ed.gov.nl.ca/edu/k12/studentsupportservices/publications/scs_prov_policy.pdf

^{51a} <http://www.carfleo.org/Family%20Life/Intermediate/Grade%208%20Same%20Sex%20Attraction.pdf>

⁵¹ <http://www.edu.gov.on.ca/eng/policyfunding/inclusiveguide.pdf>

⁵² http://www.ed.gov.nl.ca/edu/k12/studentsupportservices/publications/scs_prov_policy.pdf

⁵³ <http://www.edu.gov.on.ca/extra/eng/ppm/128.html>

⁵⁴ http://www.ed.gov.nl.ca/edu/k12/studentsupportservices/publications/scs_prov_policy.pdf



WHAT CAN I DO?



TALK TO OTHERS

If someone is harassing you, or someone you know, other people are probably having the same experience.



KEEP A RECORD

Write down all the details. Include dates, times, and names of witnesses.



SPEAK UP

If you're able to, it's your right to tell the harasser that you do not like the harassment and insist that it stop.



GET ASSISTANCE

Contact an adult you trust in your school or the Newfoundland and Labrador Human Rights Commission for information about filing a discrimination application: Tel: 709-729-2709, Toll Free: 1-800-563-5808.



FILE A COMPLAINT

If you feel the situation is too serious to handle on your own, you may make a complaint directly to your principal. Principals have the responsibility to respond quickly to complaints of discrimination and harassment. If you are not satisfied with the principal's response, speak to someone at the school district office. The public have the right to file a human rights complaint at the Newfoundland and Labrador Human Rights Commission.



FOR MORE INFORMATION & SUPPORT...

For general information about bullying and suggestions for how to deal with it, visit the Newfoundland and Labrador Department of Education website at <http://www.ed.gov.nl.ca/edu/k12/bullying/>

Or visit PREVnet (Promoting Relationships and Eliminating Violence) at <http://prevnet.ca/>

For LGBTQ-specific information about bullying, visit Egale's national LGBTQ safer schools and inclusive education website, MyGSA.ca, or contact Egale at 1.888.204.7777 (toll-free) or mygsa@egale.ca

"What Can I Do?" has been adapted from the Toronto District School Board's "Know Your Rights and Responsibilities."



This Equity and Inclusive
Education Resource Kit for
Newfoundland and Labrador,
Grades 7-12 is part of Egale's
Safe Schools Campaign.

