



New Brunswick LGBTQ Inclusive Education Resource

Q&As FROM STUDENTS, EDUCATORS AND PARENTS/GUARDIANS



STUDENT'S Q & A



QUESTIONS & ANSWERS ABOUT LGBTQ HUMAN RIGHTS LEGISLATION AND POLICY IN NEW BRUNSWICK



PART 1: QUESTIONS FROM MIDDLE AND HIGH SCHOOL STUDENTS

Q1.

8

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?

Q2.

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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?

Q3.

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My dad gave birth to me before he transitioned from female-to-male (FTM). My teacher insists on calling him my mother, and talks about me as having lesbian parents, which I don’t—I have a mom and a dad. What can I do?

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

Q5.

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I come from a First Nation community that is not accepting of diversity of sexuality, which made it very hard to come out as a gay person at school. If First Nations and Inuit people were so inclusive of LGBTQ people before Europeans arrived on Turtle Island, why are some indigenous communities today so homophobic and intolerant of diversity?



diversity = possibility

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I have two moms. My non-biological mom has adopted me. My teacher knows they are both legally responsible for me, but he still keeps asking me which one is my “real” mom. Is this appropriate?

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PART I: QUESTIONS FROM MIDDLE AND HIGH SCHOOL STUDENTS



- 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?
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- Q3.* My dad gave birth to me before he transitioned from female-to-male (FTM). My teacher insists on calling him my mother, and talks about me as having lesbian parents, which I don’t— I have a mom and a dad. What can I do?
- Q4.* There is graffiti all over the boys’ washrooms. Most of it is stuff like “Akim f**ks arse” and “John is a faggot.” Shouldn’t the school be removing all of this?
- Q5.* I come from a First Nation community that is not accepting of diversity of sexuality, which made it very hard to come out as a gay person at school. If First Nations and Inuit people were so inclusive of LGBTQ people before Europeans arrived on Turtle Island, why are some Aboriginal communities today so homophobic and intolerant of diversity?
- Q6.* I have two moms. My non-biological mom has adopted me. My teacher knows they are both legally responsible for me, but he still keeps asking me which one is my “real” mom. Is this appropriate?
- Q7.* 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?
- Q8.* 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” 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?

WHAT CAN I DO?



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. See: *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>

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

1. In December 2013, the Department of Education and Early Childhood Development updated Policy 703 – *Positive Learning and Working Environment*. This policy provides a framework for the department, school districts and schools to establish “a process for fostering positive learning and working environments that are inclusive, safe, respect human rights, support diversity and address discrimination regardless of real or perceived race, colour, religion, national or ethnic origin, ancestry, place of origin, language group, disability, sex, sexual orientation, gender identity, age, social condition or political belief or activity.”

Homophobic remarks (for example “that’s so gay”, “faggot” or “dyke”) that go unchallenged undermine this safe and caring environment – not just for LGBTQ students, but also for students perceived as LGBTQ, as well as LGBTQ staff and LGBTQ families. Not addressing these discriminatory comments undermines safety and respect, and therefore the positive environment Policy 703 is striving for.

For the complete policy: <http://www.gnb.ca/0000/pol/e/703A.pdf>

2. Policy 703 - *Positive Learning and Working Environment* – has 6 goals, which include:

5.4 Students have a sense of belonging and connection, feel they are supported by school personnel, and have a positive relationship with at least one adult in the school system.

Not taking your request seriously is wrong and your teacher should intervene.

5.6 All members of the school community learn and work together in an atmosphere of respect and safety, free from homophobia, racism and all other forms of discrimination that could lead to bullying and harassment. Appropriate procedures and strategies are in place to ensure respect for human rights, support diversity, and foster a learning environment that is safe, welcoming, inclusive and affirming for all individuals.

“That’s so gay” and “You’re so gay” are examples of homophobia. A safe and respectful learning environment allows students to focus on learning and reach their potential.

For the complete policy: <http://www.gnb.ca/0000/pol/e/703A.pdf>

3. Policy 703 outlines behaviours that are not tolerated. These include “discrimination on the basis of real or perceived... sexual orientation...” and “using disrespectful or inappropriate language or gestures”. It goes on to state that these behaviours “represent a challenge to the positive learning and working environment” and that “an intervention...is consistently applied when these behaviours occur.”

4. Egale’s *Every Class in Every School* report (2011) states that almost two thirds (64%) of LGBTQ students and 61% of students with LGBTQ parents reported that they feel unsafe at school. The use of homophobic, biphobic and transphobic language detracts from creating safer spaces in learning environments.

5. The New Brunswick *Human Rights Act* is a law that provides for equal rights and opportunities and recognizes “the fundamental principle that all persons are equal in dignity and human rights without regard to...sexual orientation” (among other grounds). Sexual orientation has been listed as a prohibited ground for discrimination since 1992. Gender identity and intersex have been implicitly covered under the prohibited ground of sex since 2010. (Gender identity, gender expression and intersex will be considered when the Human Rights Act is next reviewed.) This means that it is against the law to discriminate against someone or to harass anyone based on real or perceived sexual orientation or gender identity. This right to be free from discrimination and harassment applies to your school environment. Making a harmful comment or action that is known or ought to be known to be unwelcome constitutes harassment.

Discriminatory behavior and/or comments can poison the environment not just for the person to whom the behavior or comment is directed, but to others as well. For more information see <http://www.ohrc.on.ca/en/learning/what-discrimination/poisoned-environment>

The New Brunswick *Human Rights Act* means LGBTQ students, families and teachers are protected in the province of New Brunswick, and should expect safe and respectful school environments.

To read the complete Human Rights Act: <http://laws.gnb.ca/en/ShowPdf/cs/2011-c.171.pdf>

6. The New Brunswick Teachers Association (NBTA) policy 598-3 (*Anti-Homophobia, Anti-Transphobia and Anti-Heterosexism*) states that the “NBTA advocates for educational systems that are safe, welcoming, inclusive, and affirming for all sexual orientations and gender identities/expressions.” These comments and the lack of intervention by your teacher undermine safety, inclusion, and affirmation for LGBTQ students (as well as LGBTQ staff and families).

Policy 598-3 can be found in the *Information and Resources for Educators* section of this resource. You can also find it <http://www.nbta.ca/resources/documents/policy-598.3.pdf>

7. The New Brunswick Teachers Association’s (NBTA) Policy 598-3 (*Anti-Homophobia, Anti-Transphobia and Anti-Heterosexism*) states:
- (6b) educators have a responsibility for the elimination of homophobia, transphobia and heterosexism in the working and learning environment;
 - (6d) educators must take actions to make schools safe for LGBTQ staff, students and parents, and those who are perceived to be so, by:
 - treating everyone with respect and acceptance;
 - challenging staff, students and parents who continue to display prejudice on the basis of sexual orientation and/or gender identity/expression;
8. 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). See <http://www.unicef.org/crc/>. Allowing the word “gay” to be used in a negative manner makes it very difficult for any LGBTQ students or students with LGBTQ families, or friends to fully be themselves. Your school should be doing whatever it can to provide you with a safe and inclusive learning environment where you feel welcome and respected.

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. 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.

1. The New Brunswick *Human Rights Act* recognizes "the fundamental principle that all persons are equal in dignity and human rights without regard to...sexual orientation" (among other grounds).

Sexual orientation has been listed as a prohibited ground for discrimination since 1992. Gender identity and intersex have been implicitly covered under the prohibited ground of sex since 2010. (Gender identity, gender expression and intersex will be considered when the Human Rights Act is next reviewed.) This means that it is against the law to discriminate against or harass anyone because of real or perceived sexual orientation or gender identity. This right to be free from discrimination and harassment applies to your school environment. Making a harmful comment that is known or ought to be known to be unwelcome constitutes harassment: for example, homophobic "jokes", or hints about a person's sexual orientation or gender identity.

Discriminatory behavior and/or comments can poison the environment not just for the person to whom the behavior or comment is directed, but to others as well. For more information see <http://www.ohrc.on.ca/en/learning/what-discrimination/poisoned-environment>.

The New Brunswick *Human Rights Act* means LGBTQ students, families, and teachers are protected in the province of New Brunswick, and should expect safe and respectful school environments.

To read the complete Human Rights Act: <http://laws.gnb.ca/en/ShowPdf/cs/2011-c.171.pdf>

2. Policy 703 outlines behaviours that are not tolerated. These include "discrimination on the basis of real or perceived... gender identity..." and "using disrespectful or inappropriate language or gestures". It goes on to state that these behaviours "represent a challenge to the positive learning and working environment" and that "an intervention...is consistently applied when these behaviours occur."

For the complete policy: <http://www.gnb.ca/0000/pole/703A.pdf>

3. Egale's *Every Class in Every School* report (2011) states that:
- more than three quarters (78%) of trans students indicated feeling unsafe in some way at school.
 - 44% of trans students reported being likely to miss school because of feeling unsafe and 15% reported having skipped more than 10 days because of feeling unsafe at school.

You can access the full report at: www.MyGSA.ca/YouthSpeakUp

4. 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. The Supreme Court of Canada unanimously rejected this kind of reasoning in the case of Saskatchewan Human Rights Commission v. William Whatcott. See <http://canlii.ca/t/fw8x4>.
5. According to *Strengthening Inclusion, Strengthening Schools – the Review of Inclusive Education Programs and Practices in New Brunswick Schools*:

- 6.2 Gay, lesbian, bisexual, and transgendered students represent a segment of the student population that has traditionally been impacted by equity issues, including harassment, bullying, mental intimidation and on occasion, physical assault. The Department of Education and Early Childhood Development, districts and schools should ensure policies and practices are in place that enhance understanding and acceptance of these students and should provide these students with equitable proactive support and fair treatment in schools.

By not intervening, your teacher is not helping to enhance understanding or acceptance, nor is he supporting you or ensuring you are treated fairly.

To access the complete report: <https://www.gnb.ca/0000/publications/comm/Inclusion.pdf>

6. In December 2013, the Department of Education and Early Childhood Development updated Policy 703 – *Positive Learning and Working Environment*. This policy provides a framework for the department, school districts and schools to create such environments by “establishing a process for fostering positive learning and working environments that are inclusive, safe, respect human rights, support diversity and address discrimination regardless of real or perceived race, colour, religion, national or ethnic origin, ancestry, place of origin, language group, disability, sex, sexual orientation, gender identity, age, social condition or political belief or activity.”



A safe and respectful environment is undermined when harassment is not addressed. Your classmates remarks and song are discriminatory and your teacher should intervene.

For the complete policy: <http://www.gnb.ca/0000/pol/e/703A.pdf>

7. Policy 703 - *Positive Learning and Working Environment* – has 6 goals, which include:

- 5.1 Good citizenship and civility are modeled and reinforced throughout the school community. Every person is valued and treated with respect.
- 5.2 School personnel and students in the public school system have the right to work and to learn in a safe, orderly, productive, respectful and harassment-free environment.
- 5.4 Students have a sense of belonging and connection, feel they are supported by school personnel, and have a positive relationship with at least one adult in the school system.
- 5.6 All members of the school community learn and work together in an atmosphere of respect and safety, free from homophobia, racism and all other forms of discrimination that could lead to bullying and harassment. Appropriate procedures and strategies are in place to ensure respect for human rights, support diversity, and foster a learning environment that is safe, welcoming, inclusive and affirming for all individuals.

In your situation none of these goals are being honoured – by your classmates or your teacher’s inaction. Both need to be addressed.

For the complete policy: <http://www.gnb.ca/0000/pol/e/703A.pdf>

8. Part II of Policy 703 outlines Inappropriate Behaviours and Misconduct. Serious misconduct includes bullying, cyberbullying, violence, hate propaganda, harassment and uttering threats (among many other things). Behaviours not tolerated include (among others): “using disrespectful or inappropriate language or gestures;”. The name calling is bullying which is a form of harassment and undermines the positive learning environment for you as well as others.

For the complete policy: <http://www.gnb.ca/0000/pol/e/703A.pdf>

9. The New Brunswick *Education Act*, states:

14(1)

Duty of a pupil to:

[...]

- (e) contribute to a safe and positive learning environment,
- (g) respect the rights of others, and
- (h) comply with all school policies.

27 (1)

Duty of a teacher:

- Implementing the positive learning and working environment plan

[...]

- Exemplifying and encouraging in each pupil the values of truth, justice compassion and respect for all persons
- Attending to the health and wellbeing of each pupil

Your classmates' behaviour is disrespectful and threatens the safety of your learning environment. Your teacher is not encouraging or exemplifying respect for all people – both of which contravene the *Education Act*.

To read the complete Act: <http://laws.gnb.ca/en/showfulldoc/cs/E-1.12/20140410>

10. Policy 322 – *Inclusive Education* states that:

5.1 Inclusive public education:

Is respectful of student and staff diversity in regards to their race, colour, religion, national origin, ancestry, place of origin, age, disability, marital status, real or perceived sexual orientation and/or gender identity, sex, social condition or political belief or activity.

Being respectful means helping to cultivate acceptance and intervening when harassment occurs.

For the complete policy: <http://www.gnb.ca/0000/pol/e/322A.pdf>

11. The New Brunswick Teachers Association's (NBTA) Policy 598-3 (*Anti-Homophobia, Anti-Transphobia and Anti-Heterosexism*) states:

(6b) educators have a responsibility for the elimination of homophobia, transphobia and heterosexism in the working and learning environment;

(6d) educators must take actions to make schools safe for LGBTQ staff, students and parents, and those who are perceived to be so, by:

- treating everyone with respect and acceptance;
- challenging staff, students and parents who continue to display prejudice on the basis of sexual orientation and/or gender identity/expression;

Your teacher is not working to eliminate transphobia, nor is he taking any action (in this case) to make the school safer for you. He should be challenging your classmates, and modeling respect and acceptance by standing up for you. Silence equals complicity and by not speaking up he is sending a message to your entire class that the harassment is acceptable.

12. Article 29 of 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 (<http://www.unicef.org/crc>). Allowing the words "he-she" and "tranny" to be used makes it very difficult for any trans students or students with trans families, or friends to be fully themselves. Your school is required to do whatever it can to provide you with a safe, inclusive learning environment where you feel welcome and respected.

13. Transphobia, racism, and homophobia are all related. People have many identities that correspond to their race, class, physical and mental ability, religion, sexual orientation, gender identity, etc. These different identities don't stand alone; together they impact a person's reality as well as experiences of discrimination. We call this "intersectionality."

A3: *My dad gave birth to me before he transitioned from female-to-male (FTM). My teacher insists on calling him my mother, and talks about me as having lesbian parents, which I don't - I have a mom and a dad. What can I do?*

A3: It is 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.

CONSULT WITH A PARENT or someone you trust to assist you in addressing these concerns with your teacher. You may decide to tell your teacher that you find her or his language offensive and disrespectful because it fails to recognize your family.

1. In December 2013, the Department of Education and Early Childhood Development updated Policy 703– *Positive Learning and Working Environment*. This policy provides a framework for the department, school districts and schools to create such environments by “establishing a process for fostering positive learning and working environments that are inclusive, safe, respect human rights, support diversity and address discrimination regardless of real or perceived race, colour, religion, national or ethnic origin, ancestry, place of origin, language group, disability, sex, sexual orientation, gender identity, age, social condition or political belief or activity.” Your teacher’s behavior is undermining your sense of respect and your human rights.

For the complete policy: <http://www.gnb.ca/0000/pol/e/703A.pdf>

2. Policy 703 - *Positive Learning and Working Environment* – has 6 goals which include:
 - 5.1 Good citizenship and civility are modeled and reinforced throughout the school community. Every person is valued and treated with respect.

In order to address transphobia, schools can 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.



5.6 All members of the school community learn and work together in an atmosphere of respect and safety, free from homophobia, racism and all other forms of discrimination that could lead to bullying and harassment. Appropriate procedures and strategies are in place to ensure respect for human rights, support diversity, and foster a learning environment that is safe, welcoming, inclusive and affirming for all individuals.

Your father is not being treated with respect by your teacher and continuing to call him your mother is discriminatory.

For the complete policy: <http://www.gnb.ca/0000/pole/703A.pdf>

3. The New Brunswick *Human Rights Act* recognizes “the fundamental principle that all persons are equal in dignity and human rights without regard to...sexual orientation” (among other grounds). Sexual orientation has been listed as a prohibited ground for discrimination since 1992. Gender identity and intersex have been implicitly covered under the prohibited ground of sex since 2010. (Gender identity, gender expression and intersex will be considered when the Human Rights Act is next reviewed.) This means that it is against the law to discriminate against or harass anyone because of real or perceived sexual orientation or gender identity. This right to be free from discrimination and harassment applies to your school environment. Making a harmful comment that is known or ought to be known to be unwelcome constitutes harassment: for example, homophobic “jokes”, or hints about a person’s sexual orientation or gender identity.

Discriminatory behavior and/or comments can poison the environment not just for the person to whom the behavior or comment is directed, but for others as well. For more information see <http://www.ohrc.on.ca/en/learning/what-discrimination/poisoned-environment>

The New Brunswick *Human Rights Act* means LGBTQ students and families (and teachers) are protected in the province of New Brunswick, and should expect safe and respectful school environments.

To read the complete Human Rights Act: <http://laws.gnb.ca/en/ShowPdf/cs/2011-c.171.pdf>

4. Some Human Rights Commissions have publications that recognize the impact of intersectionality for LGBTQ families. According to the Ontario Human Rights Commission, “Often, the families of lesbians, gays, bisexuals and transgendered persons are not recognized as valid families, and are therefore invisible to others...Discrimination, homophobia and transphobia may make it difficult for LGBT persons to openly discuss their families and request appropriate services or accommodations. Family members of LGBT persons may find themselves harassed, bullied or ostracized because of their relationship.” For more information, consult the Ontario Human Rights Commission’s Policy and Guidelines on Discrimination Because of Family Status. To download a PDF version, go to <http://www.ohrc.on.ca/en/resources/Policies/fampolicy/pdf>.



5. The New Brunswick *Education Act*, states:
27 (1)

Duty of a teacher:

- Implementing the positive learning and working environment plan
- [...]
- Exemplifying and encouraging in each pupil the values of truth, justice compassion and respect for all persons
- Attending to the health and wellbeing of each pupil

28(2)

Duties of a principal:

- Ensure that reasonable steps are taken to create and maintain a safe, positive and effective learning environment
- Encouraging and facilitating the professional development of teachers and other school personnel employed at the school

Your teacher's behavior contravenes the *Education Act*, and your principal is required to take action to establish a positive learning environment.

To read the complete Act: <http://laws.gnb.ca/en/showfulldoc/cs/E-1.12//20140410>

6. The New Brunswick Teachers Association's (NBTA) Policy 598-3 (*Anti-Homophobia, Anti-Transphobia and Anti-Heterosexism*) states:

- (6a) educators must accept their responsibility to educate themselves and to reflect upon their own attitudes and behaviours in modeling respect, understanding and affirmation of diversity;
- (6b) educators have a responsibility for the elimination of homophobia, transphobia and heterosexism in the working and learning environment;
- (6d) educators must take actions to make schools safe for LGBTQ staff, students and parents, and those who are perceived to be so, by:
 - treating everyone with respect and acceptance;
 - using language that affirms all sexual orientation and/or gender identity/expression and not using disparaging remarks or language that implies one sexual orientation is superior to another;
 - challenging staff, students and parents who continue to display prejudice on the basis of sexual orientation and/or gender identity/expression;

Your teacher's behavior contravenes the NBTA policy. Staff who don't challenge these behaviours are also complicit in undermining a safe and positive learning environment.

You can find the complete policy online: <http://www.nbta.ca/resources/documents/policy-598.3.pdf>

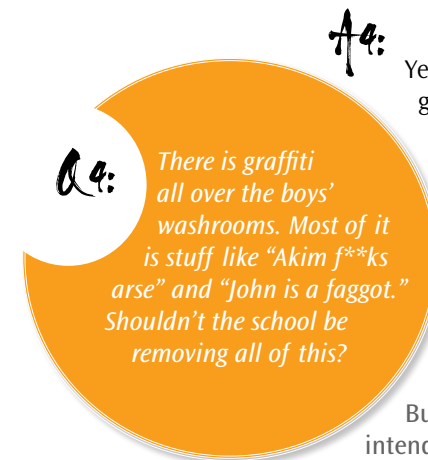
7. The Canadian Teachers' Federation's (CTF) policy on anti-homophobia and anti-heterosexism includes a vision of a working and learning environment that is "safe, welcoming, inclusive, and affirming for people of all sexual orientations and gender identities." Parents/Guardians are part of the school community and it is important that their rights, along with those of the students, are respected.

CTF believes:

- 1.2.3. that BGLTT students, staff and same-gender-parented families have the right to:
- be free from harassment, discrimination and violence;
 - be treated fairly, equitably and with dignity;
 - self-identification and freedom of expression;
 - be included and to be represented and affirmed in a positive and respectful manner;
 - have avenues of recourse (without fear of reprisal) available to them when they are victims of harassment, discrimination and violence;
 - have their cultures and communities valued and affirmed. (2004, 2010)

Let your teacher know he can find a copy online at <http://www.ctf-fce.ca/en/Pages/Handbook/Policy/Policy-Section5-1.aspx#diversity-equity-1>

8. 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). See <http://www.unicef.org/crc> Also, under Article 12 of the Universal Declaration of Human Rights, you have the right to have your private life and family life be respected. See <http://www.un.org/en/documents/udhr/index.shtml> Your teacher's actions are disrespectful.



A4: Yes. The school should have removed the graffiti immediately to demonstrate that such language (not to mention vandalism) will not be tolerated. Any type of harassment, including graffiti, has a negative impact on school climate and is a form of bullying.

The Department of Education and Early Childhood Development defines bullying as:

Bullying is a relational problem that is intended to cause or should be known to cause any form of harm to an individual or a group of individuals. There is a power imbalance, real or perceived, between the persons involved which impacts on interpersonal relationships. It generally is repeated. Bullying can take many forms, including physical, verbal and non-verbal, social, written or electronic (cyber). It also includes assisting or encouraging the behaviour in any way.

1. Policy 703 includes bullying under Serious Misconduct and outlines behaviours that are not tolerated. These include:
- discrimination on the basis of real or perceived....gender identity
 - using disrespectful or inappropriate language or gestures
 - intentional property damage

It goes on to state that these behaviours "represent a challenge to the positive learning and working environment" and that "an intervention...is consistently applied when these behaviours occur."

2. The New Brunswick *Human Rights Act* recognizes “the fundamental principle that all persons are equal in dignity and human rights without regard to...sexual orientation” (among other grounds). Sexual orientation has been listed as a prohibited ground for discrimination since 1992. Gender identity and intersex have been implicitly covered under the prohibited ground of sex since 2010. (Gender identity, gender expression and intersex will be considered when the Human Rights Act is next reviewed.) This means that it is against the law to discriminate or harass anyone because of real or perceived sexual orientation or gender identity. This right to be free from discrimination and harassment applies to your school environment. Making a harmful comment that is known or ought to be known to be unwelcome constitutes harassment: for example, homophobic “jokes”, or hints about a person’s sexual orientation or gender identity.

Discriminatory behavior and/or comments can poison the environment not just for the person to whom the behavior or comment is directed, but to others as well. For more information see <http://www.ohrc.on.ca/en/learning/what-discrimination/poisoned-environment>

Inclusion in the New Brunswick *Human Rights Act* means LGBTQ students and families (and teachers) are protected in the province of New Brunswick, and should expect safe and respectful school environments.

To read the complete Human Rights Act: <http://laws.gnb.ca/en/ShowPdf/cs/2011-c.171.pdf>



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

3. According to *Strengthening Inclusion, Strengthening Schools – the Review of Inclusive Education Programs and Practices in New Brunswick Schools*:

- 6.2 Gay, lesbian, bisexual, and transgendered students represent a segment of the student population that has traditionally been impacted by equity issues, including harassment, bullying, mental intimidation and on occasion, physical assault. The Department of Education and Early Childhood Development, districts and schools should ensure policies and practices are in place that enhance understanding and acceptance of these students and should provide these students with equitable proactive support and fair treatment in schools.

To access the complete report: <https://www.gnb.ca/0000/publications/comm/Inclusion.pdf>

4. Policy 703 - *Positive Learning and Working Environment* – has 6 goals which include:
- 5.2 School personnel and students in the public school system have the right to work and to learn in a safe, orderly, productive, respectful and harassment-free environment.
- 5.4 Students have a sense of belonging and connection, feel they are supported by school personnel, and have a positive relationship with at least one adult in the school system.
- 5.6 All members of the school community learn and work together in an atmosphere of respect and safety, free from homophobia, racism and all other forms of discrimination that could lead to bullying and harassment. Appropriate procedures and strategies are in place to ensure respect for human rights, support diversity, and foster a learning environment that is safe, welcoming, inclusive and affirming for all individuals.

For the complete policy: <http://www.gnb.ca/0000/pol/e/703A.pdf>

5. The New Brunswick *Education Act*, states:

28(2)

Duties of a principal:

- Ensure that reasonable steps are taken to create and maintain a safe, positive and effective learning environment

Discriminatory graffiti undermines a safe and positive environment and should be removed immediately.

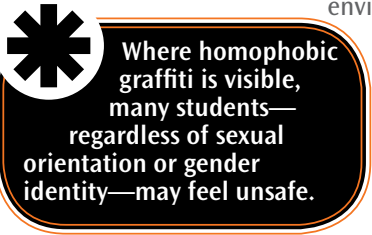
To read the complete Act: <http://laws.gnb.ca/en/showfulldoc/cs/E-1.12/20140410>

6. The New Brunswick Teachers Association's (NBTA) Policy 598-3 (*Anti-Homophobia, Anti-Transphobia and Anti-Heterosexism*) states:

(6d) educators must take actions to make schools safe for LGBTQ staff, students and parents, and those who are perceived to be so, by:

- developing an action plan to use in the event of an incident of discrimination or harassment and/or violence;

7. 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. See <http://www.unicef.org/crc>. By allowing such vandalism to be visible, it is very difficult for LGBTQ students, students perceived to be LGBTQ, and students with LGBTQ families, 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.



A5:

When indigenous nations are colonized they are forced to adopt the values, beliefs, and culture of the settler societies. As a result, their traditional social systems become oppressed and devalued. Indigenous People in Canada have been interacting with European Canadians for many centuries and much of the traditional ways of being have been lost or become dormant. In the 1700 and 1800's, homophobia and racism was imposed upon Indigenous People by various religious groups and the settler societies. However, indigenous historical roots, traditions, and values provide evidence that Two Spirit people are to be respected and have a rightful place in today's families and communities. Moreover, provincial and national human rights legislation ensure that all people (both on and off reserve) are protected from discrimination based on sexual orientation (and in some cases gender identity).

A:

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

Q:

I have two moms. My non-biological mom has adopted me. My teacher knows they are both legally responsible for me, but he still keeps asking me which one is my "real" mom. Is this appropriate?

1. If your non-biological parent has adopted you, your school has a legal obligation to treat her exactly as it would treat a biological parent. This includes not asking if she is a "real" parent. The New Brunswick Labour and Employment Board ruled on July 28, 2004 that same-sex couples can adopt each other's children and be named as one of the parents on the birth registration documents in the province. The board ruled that birth registration and adoption are public services bound by the Human Rights Act which prohibits discrimination based on sexual orientation and marital status.
2. If your non-biological parent holds parental responsibility for you, your school has a legal obligation to treat her exactly as it would treat a step-parent. This includes not asking if she is a "real" parent.
3. The New Brunswick *Human Rights Act* recognizes "the fundamental principle that all persons are equal in dignity and human rights without regard to...sexual orientation" (among other grounds). Sexual orientation has been listed as a prohibited ground for discrimination since 1992. Gender identity and intersex have been implicitly covered under the prohibited ground of sex since 2010. (Gender identity, gender expression and intersex will be considered when the *Human Rights Act* is next reviewed.) This means that it is against the law to discriminate against or harass anyone because of their real or perceived sexual orientation or gender identity. This right to be free from discrimination and harassment applies to your school environment. Making a harmful comment that is known or ought to be known to be unwelcome constitutes harassment: for

example, homophobic "jokes", or hints about a person's sexual orientation or gender identity.

Discriminatory behavior and/or comments can poison the environment not just for the person to whom the behavior or comment is directed, but to others as well. For more information see <http://www.ohrc.on.ca/en/learning/what-discrimination/poisoned-environment>

Inclusion in the New Brunswick *Human Rights Act* means LGBTQ students and families (and teachers) are protected in the province of New Brunswick, and should expect safe and respectful school environments.

To read the complete Human Rights Act: <http://laws.gnb.ca/en/ShowPdf/cs/2011-c.171.pdf>

4. Some Human Rights Commissions have publications that recognize the impact of intersectionality for LGBTQ families. According to the Ontario Human Rights Commission, "Often, the families of lesbians, gays, bisexuals and transgendered persons are not recognized as valid families, and are therefore invisible to others...Discrimination, homophobia and transphobia may make it difficult for LGBT persons to openly discuss their families and request appropriate services or accommodations. Family members of LGBT persons may find themselves harassed, bullied or ostracized because of their relationship." For more information, go to <http://www.ohrc.on.ca/en/resources/Policies/fampolicy/pdf>.
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 strange or inferior. This 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." See <http://www.ohrc.on.ca/en/resources/Policies/fampolicy/pdf>.

6. Policy 703 - *Positive Learning and Working Environment* – has 6 goals which include:

- 5.2 School personnel and students in the public school system have the right to work and to learn in a safe, orderly, productive, respectful and harassment-free environment.
- 5.6 All members of the school community learn and work together in an atmosphere of respect and safety, free from homophobia, racism and all other forms of discrimination that could lead to bullying and harassment. Appropriate procedures and strategies are in place to ensure respect for human rights, support diversity, and foster a learning environment that is safe, welcoming, inclusive and affirming for all individuals.

For the complete policy: <http://www.gnb.ca/0000/pole/703A.pdf>

7. The New Brunswick Teachers Association's (NBTA) Policy 598-3 (*Anti-Homophobia, Anti-Transphobia and Anti-Heterosexism*) outlines the following NBTA beliefs:

- (3c) that LGBTQ students, staff and same-gender parented families have the right to:
- be treated fairly, equitably and with dignity;
 - be included and to be represented and affirmed in a positive and respectful manner;
- (6a) educators must accept their responsibility to educate themselves and to reflect upon their own attitudes and behaviours in modeling respect, understanding and affirmation of diversity;
- (6d) educators must take actions to make schools safe for LGBTQ staff, students and parents, and those who are perceived to be so, by:

- treating everyone with respect and acceptance;
- using language that affirms all sexual orientation and/or gender identity/expression and not using disparaging remarks or language that implies one sexual orientation is superior to another;

You can find the complete policy online: <http://www.nbta.ca/resources/documents/policy-598.3.pdf>

8. Under Article 12 of the *Universal Declaration of Human Rights*, you have the right to have your private and family life respected. See <http://www.un.org/en/documents/udhr/index.shtml#a12>. This is also supported by Article 16 of the United Nations' Convention on the Rights of the Child. See <http://www.unicef.org/crc/>
9. The Canadian Teachers' Federation's (CTF) 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." Parents are part of the school community and it is important that parents' and students' rights are respected.

CTF believes:

- 1.2.3. that BGLTT students, staff and same-gender-parented families have the right to:
- a) be free from harassment, discrimination and violence;
 - b) be treated fairly, equitably and with dignity;
 - c) self-identification and freedom of expression;
 - d) be included and to be represented and affirmed in a positive and respectful manner;

- e) have avenues of recourse (without fear of reprisal) available to them when they are victims of harassment, discrimination and violence;
- f) have their cultures and communities valued and affirmed. (2004, 2010)

Let your teacher know he can find a copy online at <http://www.ctf-fce.ca/en/Pages/Handbook/Policy/Policy-Section5-1.aspx#diversity-equity-1>

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

Q7: *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?*

A7: 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 resource. See <http://MyGSA.ca/content/terms-concepts>

Direct your teacher to the definitions of the term "queer" in the *Terms & Concepts* section of this resource or on Egale's national LGBTQ safer schools and inclusive education website, MyGSA.ca.



1. According to *Strengthening Inclusion, Strengthening Schools – the Review of Inclusive Education Programs and Practices in New Brunswick Schools*:
 - 6.2 Gay, lesbian, bisexual, and transgendered students represent a segment of the student population that has traditionally been impacted by equity issues, including harassment, bullying, mental intimidation and on occasion, physical assault. The Department of Education and Early Childhood Development, districts and schools should ensure policies and practices are in place that enhance understanding and acceptance of these students and should provide these students with equitable proactive support and fair treatment in schools.

To access the complete report: <https://www.gnb.ca/0000/publications/comm/Inclusion.pdf>

2. In December 2013, the Department of Education and Early

Childhood Development updated Policy 703 – *Positive Learning and Working Environment*. This policy provides a framework for the department, school districts and schools to create such environments by “establishing a process for fostering positive learning and working environments that are inclusive, safe, respect human rights, support diversity and address discrimination regardless of real or perceived race, colour, religion, national or ethnic origin, ancestry, place of origin, language group, disability, sex, sexual orientation, gender identity, age, social condition or political belief or activity.”

For the complete policy: <http://www.gnb.ca/0000/pole/703A.pdf>

3. The New Brunswick Teachers Association’s (NBTA) Policy 598-3 (*Anti-Homophobia, Anti-Transphobia and Anti-Heterosexism*) outlines the following NBTA beliefs:

- (3a) that the role of educators is critical in creating positive societal change to address the realities of LGBTQ issues for students, parents and teachers;
- (3c) that LGBTQ students, staff and same-gender parented families have the right to:
 - self identification and freedom of expression;

Policy 598-3 can be found in the *Information and Resources for Educators* section of this resource. You can also find it online: <http://www.nbta.ca/resources/documents/policy-598.3.pdf>

A8: 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” at our school and that certain movies should not be shown in classrooms. I didn’t hear the principal’s response. What would be an appropriate response?


Q8:

Your principal should have taken this comment as an opportunity to challenge common misconceptions about the role and nature of GSAs and clarified that a GSA is “not a dating club”. A GSA is any inclusive student group concerned with lesbian, gay, bisexual, trans, Two Spirit, queer, and questioning (LGBTQ) matters. These clubs support LGBTQ students, allies, and youth with LGBTQ parents/guardians 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 resource. See <http://MyGSA.ca/content/terms-concepts>

YOUR PRINCIPAL SHOULD HAVE taken this opportunity to challenge misconceptions about Gay-Straight Alliances (or GSAs) and said “A GSA is not a dating club.”

The Department of Education and Early Childhood Development is supportive of New Brunswick’s diverse school communities and that in New Brunswick schools—whether high school, middle school, or elementary school—diversity explicitly includes sexual orientation and gender identity.

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



Regarding the film, your principal could have told the parent that inclusive curriculum is integral to student success: “Students need to feel engaged in and empowered by what they are learning, supported by the teachers and staff from whom they are learning, and welcomed in the environment in which they are learning.” See: <http://www.edu.gov.on.ca/eng/policyfunding/inclusiveguide.pdf>

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



1. Policy 322 – *Inclusive Education* states that:

- 5.1 Inclusive public education:
Is respectful of student and staff diversity in regards to their race, colour, religion, national origin, ancestry, place of origin, age, disability, marital status, real or perceived sexual orientation and/or gender identity, sex, social condition or political belief or activity.

Showing films that depict LGBTQ realities and supporting GSAs are part of a commitment to inclusive education that helps to create safe and respectful learning environments.

For the complete policy:
<http://www.gnb.ca/0000/pol/e/322A.pdf>

2. According to *Strengthening Inclusion, Strengthening Schools – the Review of Inclusive Education Programs and Practices in New Brunswick Schools*:

- 6.2 Gay, lesbian, bisexual, and transgendered students represent a segment of the student population that has traditionally been impacted

! 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. See <http://www.edu.gov.on.ca/extra/eng/ppm/119.html> and <http://www.edu.gov.on.ca/eng/policyfunding/equity.pdf>



by equity issues, including harassment, bullying, mental intimidation and on occasion, physical assault. The Department of Education and Early Childhood Development, districts and schools should ensure policies and practices are in place that enhance understanding and acceptance of these students and should provide these students with equitable proactive support and fair treatment in schools.

A GSA can assist with all of these.

To access the complete report: <https://www.gnb.ca/0000/publications/comm/Inclusion.pdf>

3. According to *Strengthening Inclusion, Strengthening Schools – the Review of Inclusive Education Programs and Practices in New Brunswick Schools*:

- 6.1.3 The department, through the work of the provincial curriculum advisory committee, should strengthen and promote diversity as an asset in all schools. This should be expressed in curriculum as well as by providing resources including books and other materials in the library and classrooms that portray a wide array of cultures, family / sexual orientations and people with physical and intellectual disabilities. Strengthening partnerships with families, cultural associations and community organizations should be a priority.

Films are part of the curriculum and can be used to help promote awareness and understanding of diversity.

To access the complete report: <https://www.gnb.ca/0000/publications/comm/Inclusion.pdf>

4. In December 2013, the Department of Education and Early Childhood Development updated Policy 703 – *Positive Learning and Working Environment*. This policy provides a framework for the department, school districts and schools to create such environments by “establishing a process for fostering positive learning and working environments that are inclusive, safe, respect human rights, support diversity and address discrimination regardless of real or perceived race, colour, religion, national or ethnic origin, ancestry, place of origin, language group, disability, sex, sexual orientation, gender identity, age, social condition or political belief or activity.”

GSA can help to create safer and more respectful environment as well as more support for diversity.

For the complete policy: <http://www.gnb.ca/0000/pole/703A.pdf>

5. According to Egale report *Every Class in Every School* (2011): Students from schools with GSAs are much more likely to agree that their school communities are supportive of LGBTQ people, are much more likely to be open with some or all of their peers about their sexual orientation and/or gender identity, and are more likely to see their school climate as becoming less homophobic.

Your principal could have explained any of these benefits of GSAs in addition to correcting the parent’s misconception that it is a dating club.

You can access the full report at: www.MyGSA.ca/YouthSpeakUp

6. Policy 703 - *Positive Learning and Working Environment* – has 6 goals which include:

- 5.4 Students have a sense of belonging and connection, feel they are supported by school personnel, and have a positive relationship with at least one adult in the school system.

GSAs help to increase LGBTQ students’ sense of belonging.

- 5.5 ... Each partner in education through instruction and continued education supports the formation of school-based groups that promote diversity when interest is expressed by a student or staff member (examples include First Nations groups, multicultural groups, religious groups, and sexual minority groups).

Your principal could have explained to the parent that GSAs help promote support and are part of the mandate for their Positive Learning and Working Environment Plan under Policy 703.

For the complete policy: <http://www.gnb.ca/0000/pole/703A.pdf>

7. The New Brunswick *Education Act*, states:

28(2)

Duties of a principal:

- Ensure that reasonable steps are taken to create and maintain a safe, positive and effective learning environment
- Encouraging and facilitating the professional development of teachers and other school personnel employed at the school

A GSA can help to create and maintain a positive and supportive learning environment.

To read the complete Act: <http://laws.gnb.ca/en/showfulldoc/cs/E-1.12/20140410>

8. The New Brunswick Teachers Association's (NBTA) Policy 598-3 (*Anti-Homophobia, Anti-Transphobia and Anti-Heterosexism*) states:

- (6d) educators must take actions to make schools safe for LGBTQ staff, students and parents, and those who are perceived to be so, by:
- challenging staff, students and parents who continue to display prejudice on the basis of sexual orientation and/or gender identity/expression;

Policy 598-3 can be found in the *Information and Resources for Educators* section of this resource. You can also find it online: <http://www.nbta.ca/resources/documents/policy-598.3.pdf>

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.



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 contact the New Brunswick Human Rights Commission for information about filing a discrimination application: TOLL FREE: 1-888-471-2233 TTY 453-2911. You can find information about filing a complaint here <http://www.gnb.ca/hrc-cdp/05-e.asp>. You can also call the Kids Help Phone: TOLL FREE: 1-800-668-6868 or via their website at www.kidshelpphone.ca.

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 or to the New Brunswick Human Rights Commission.

FOR MORE INFORMATION & SUPPORT...

Use 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."



PART 2: QUESTIONS FROM EDUCATORS



- Q1.* Do I have to be an expert on LGBTQ identities and experiences to participate in LGBTQ inclusive education?
- Q2.* How can I prepare myself to incorporate LGBTQ inclusive education practices in my classroom?
- Q3.* Will my employer support me in teaching and discussing how LGBTQ students, staff, and family members are important to our school community?
- Q4.* What do I say to a parent/guardian who has concerns about LGBTQ inclusive education?
- Q5.* How may I address instances of homophobia/biphobia/transphobia exhibited by a colleague?
- Q6.* Parents have voiced opposition to our school's GSA. They feel that it is inappropriate to discuss sexual orientation and gender identity with students. Is there a policy that can support me?
- Q7.* Is it possible for a school to have an LGBTQ inclusive education committee?

Q1:

Do I have to be an expert on LGBTQ identities and experiences to participate in LGBTQ inclusive education?

A1:

1. No, you don't. LGBTQ inclusive education requires an awareness of and a willingness to take opportunities to include the lives and realities of LGBTQ individuals in the curriculum and address topics of gender and sexual diversity. Like any subject matter, however, the more you know and the more comfortable you are with the topic, the more you will see and do, and the deeper your analysis and discussions will be. It is important to treat expanding your ability to provide LGBTQ inclusive education as part of your ongoing professional learning.
2. Once you create an LGBTQ inclusive environment in your classroom it also invites students to offer their insights and input during lessons.

Q2:

How can I prepare myself to incorporate LGBTQ inclusive education practices in my classroom?

A2:

1. Like any integrated curriculum, the more you know about the subject matter, the more relevant you can make it and the more interesting it will be. Reading through this resource is a good place to start, as well as exploring the various websites and resources that we have drawn material from in its creation.
2. Look in the *New Brunswick Policies and LGBTQ Resources* section to see what groups are in your area that you may be able to connect with (as appropriate) for information and resources.
3. Start a discussion group with colleagues or an LGBTQ inclusive education committee to share ideas and resources, and how they may be used to raise awareness in your classroom.
4. Recognizing your cisgender and/or straight privilege is also a crucial part of LGBTQ inclusive education. Take some time to learn about what these look like in your own life, how to address and challenge them, and how to talk about these with your students. There are cisgender and heterosexual privilege questionnaires in the Guide section of this resource.
5. Become an advisor to your school's GSA so you can hear first hand about some of the things that are important to LGBTQ students and their allies, as well as hearing from them what LGBTQ inclusion looks like and why it's important.



A3:

Yes they will.

1. Since 1992, the New Brunswick *Human Rights Act* lists sexual orientation as a prohibited ground for discrimination. Gender identity and intersex have been implicitly covered under the prohibited ground of sex since 2010 and will be considered (along with gender expression) when the Human Rights Act is next reviewed.

This means that LGBTQ students, families, and teachers are protected in the province of New Brunswick, and should expect safe and respectful school environments. LGBTQ inclusive education helps to achieve this for all students, staff and family members.

To read the complete *Human Rights Act*: <http://laws.gnb.ca/en/ShowPdf/cs/2011-c.171.pdf>

2. In December 2013, the Department of Education and Early Childhood Development updated Policy 703 – *Positive Learning and Working Environment*. This policy provides a framework for the department, school districts and schools to create such environments by “establishing a process for fostering positive learning and working environments that are inclusive, safe, respect human rights, support diversity and address discrimination regardless of real or perceived race, colour, religion, national or ethnic origin, ancestry, place of origin, language group, disability, sex, sexual orientation, gender identity, age, social condition or political belief or activity.”

The requirements listed above, as well as the explicit mention of “real or perceived sexual orientation and gender identity” make it clear that schools will support LGBTQ inclusive education.

For the complete policy: <http://www.gnb.ca/0000/pol/e/703A.pdf>

3. Policy 703 - *Positive Learning and Working Environment* – has 6 goals, which include:

5.6 All members of the school community learn and work together in an atmosphere of respect and safety, free from homophobia, racism and all other forms of discrimination that could lead to bullying and harassment. Appropriate procedures and strategies are in place to ensure respect for human rights, support diversity, and foster a learning environment that is safe, welcoming, inclusive and affirming for all individuals.

LGBTQ inclusive education is a strong strategy for ensuring human rights are respected, diversity is supported, and the environment is safe and inclusive for all.

For the complete policy: <http://www.gnb.ca/0000/pol/e/703A.pdf>

4. The duties of teachers and principals as listed in the New Brunswick Education Act support LGBTQ inclusive education: 27 (1)

Duty of a teacher:

- Implementing the positive learning and working environment plan [...]
- Exemplifying and encouraging in each pupil the values of truth, justice compassion and respect for all persons
- Attending to the health and wellbeing of each pupil

28(2)

Duties of a principal:

- Ensure that reasonable steps are taken to create and maintain a safe, positive and effective learning environment

Discriminatory graffiti undermines a safe and positive environment and should be removed immediately. When students do not feel safe at school, their education is likely to suffer as a consequence.

To read the complete Act: <http://laws.gnb.ca/en/showfulldoc/cs/E-1.12//20140410>

5. Policy 322 Inclusive Education states:

5.1 Inclusive public education:

Is respectful of student and staff diversity in regards to their race, colour, religion, national origin, ancestry, place of origin, age, disability, marital status, real or perceived sexual orientation and/or gender identity, sex, social condition or political belief or activity.

LGBTQ inclusive education helps to foster respect for students, staff and family members who identify as LGBTQ, as well as also creating a safer environment for those perceived to be LGBTQ.

For the complete policy: <http://www.gnb.ca/0000/pole/322A.pdf>

6. According to *Strengthening Inclusion, Strengthening Schools – the Review of Inclusive Education Programs and Practices in New Brunswick Schools*:

6.2 Gay, lesbian, bisexual, and transgendered students represent a segment of the student population that has traditionally been impacted by equity issues, including harassment, bullying, mental intimidation and on occasion, physical assault. The Department of Education and Early Childhood Development, districts and schools should ensure policies and practices are in place that enhance understanding and acceptance of these students and should provide these students with equitable proactive support and fair treatment in schools.

LGBTQ inclusive education supports this recommendation. To access the complete report: <https://www.gnb.ca/0000/publication/comm/Inclusion.pdf>

7. According to *Strengthening Inclusion, Strengthening Schools – The Review of Inclusive Education Programs and Practices in New Brunswick Schools*:

6.1.3 The department, through the work of the provincial curriculum advisory committee, should strengthen and promote diversity as an asset in all schools. This should be expressed in curriculum as well as by providing resources including books and other materials in the library and classrooms that portray a wide array of cultures, family / sexual orientations and people with physical and intellectual disabilities. Strengthening partnerships with families, cultural associations and community organizations should be a priority.

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3(c) that LGBTQ students, staff and same-gender parented families have the right to:

- Be included and to be represented and affirmed in a positive and respectful manner;
- Have their cultures and communities valued and affirmed;

And states that:

(6d) educators must take actions to make schools safe for LGBTQ staff, students and parents, and those who are perceived to be so, by:

- Treating everyone with respect and acceptance;
- Using language that affirms all sexual orientations and/or gender identity/expressions and not using disparaging remarks or language that implies one sexual orientation is superior to another;

To access the complete policy: <http://www.nbta.ca/resources/documents/policy-598.3.pdf>



A4:

Because LGBTQ people and topics are often not included in anti-bias work or conversations about diversity, it may be that educators and parents/guardians in your school community have less knowledge of or comfort with these conversations. Consider the following approaches:

1. Emphasize that this work is really about supporting all students, and creating an environment of safety and respect.
2. Parents/guardians may confuse LGBTQ inclusive education with “recruitment” or teaching about gay sex. There are a couple of important misconceptions to address here. The first is that no one suddenly decides to be LGBTQ because they heard the topic in school. The second is that students need accurate and age-appropriate information about healthy relationships and sexual health. Let them know that including LGBTQ issues into the curriculum is about valuing the lives and realities of LGBTQ people in age and subject appropriate ways. The goal is to create safer schools and societies by promoting respect for all people and addressing homophobia, biphobia and transphobia as well as heteronormativity and cisnormativity.
3. Since 1992, the New Brunswick *Human Rights Act* lists sexual orientation as a prohibited ground for discrimination. Gender identity and intersex have been implicitly covered under the prohibited grounds of sex since 2010 and will be considered (along with gender expression) when the Human Rights Act is next reviewed. This means that LGBTQ students, families, and teachers are protected in the province of New Brunswick, and should expect safe and respectful school environments. LGBTQ inclusive education helps to achieve this for all students, staff and family members.

To read the complete Human Rights Act: <http://laws.gnb.ca/en/ShowPdf/cs/2011-c.171.pdf>

4. In December 2013, the Department of Education and Early Childhood Development updated Policy 703 – *Positive Learning and Working Environment*. This policy provides a framework for the department, school districts and schools to create such environments by “establishing a process for fostering positive learning and working environments that are inclusive, safe, respect human rights, support diversity and address discrimination regardless of real or perceived race, colour, religion, national or ethnic origin, ancestry, place of origin, language group, disability, sex, sexual orientation, gender identity, age, social condition or political belief or activity.”

The requirements listed above, as well as the explicit mention of “real or perceived sexual orientation and gender identity” make it clear that schools will support LGBTQ inclusive education.

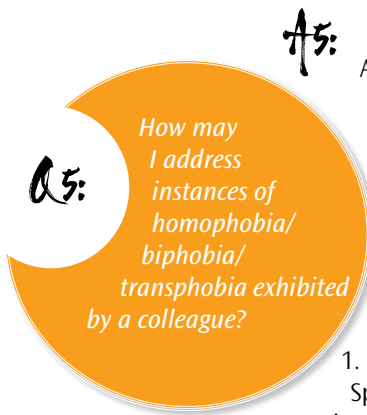
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 - 5.6 All members of the school community learn and work together in an atmosphere of respect and safety, free from homophobia, racism and all other forms of discrimination that could lead to bullying and harassment. Appropriate procedures and strategies are in place to ensure respect for human rights, support diversity, and foster a learning environment that is safe, welcoming, inclusive and affirming for all individuals.

LGBTQ inclusive education is a strong strategy for ensuring human rights are respected, diversity is supported, and the environment is safe and inclusive for all.

For the complete policy: <http://www.gnb.ca/0000/pole/703A.pdf>

For more information and ideas on how to respond to parent/guardian concerns, check out the following pieces in the *Information & Resources for Educators* section: *Responding to Some Concerns about Being LGBTQ Inclusive* (page 140), *Debunking Myths* (page 117). And also in the *Information and Resources for Parents and Guardians* section: *Facts and Myths About LGBTQ Inclusive Education* (page 16)



As:

Addressing instances of homophobia, biphobia and transphobia exhibited by a colleague is crucial. Teachers are role models for behaviour and should be demonstrating respect for all students, staff and families.

Here are 4 steps to help you address an instance of homophobia/biphobia/transphobia with another staff member.

1. **STOP** it.
Speak up when you see or hear it and put a stop to it.
2. **IDENTIFY** it.
Point out what you heard or saw and let your colleague know that it is inappropriate and not consistent with Policy 703, the NBTA policy 598-3 and the school's commitment to LGBTQ inclusion. Remember that in cases of heteronormativity or cisnormativity, it is possible that your colleague may not realize that they are contributing to an unsafe environment.
3. **BROADEN** the response.
Talk to your colleague about the impact of their words or behaviour on the students, staff and parents in the school community – and on the school environment. Help them to understand the connection between their actions or words and creating an unsafe space for LGBTQ students, staff and parents/guardians.
4. **ASK** for change in future behaviour.
Make a request of your colleague that they change their behaviour and/or language so that they are consistent with Policy 703, the NBTA policy 598-3, and your school's commitment to LGBTQ inclusion.

You are supported in these efforts by the following policies and laws:

1. Since 1992, the New Brunswick *Human Rights Act* lists sexual orientation as a prohibited ground for discrimination. Gender identity and intersex have been implicitly covered under the prohibited grounds of sex since 2010 and will be considered (along with gender expression) when the Human Rights Act is next reviewed. This means that LGBTQ students, families, and teachers are protected in the province of New Brunswick, and should expect safe and respectful school environments. LGBTQ inclusive education helps to achieve this for all students, staff and family members.

To read the complete *Human Rights Act*: <http://laws.gnb.ca/en/ShowPdf/cs/2011-c.171.pdf>

2. In December 2013, the Department of Education and Early Childhood Development updated Policy 703 – *Positive Learning and Working Environment*. This policy provides a framework for the department, school districts and schools to create such environments by “establishing a process for fostering positive learning and working environments that are inclusive, safe, respect human rights, support diversity and address discrimination regardless of real or perceived race, colour, religion, national or ethnic origin, ancestry, place of origin, language group, disability, sex, sexual orientation, gender identity, age, social condition or political belief or activity.”

The requirements listed above, as well as the explicit mention of “real or perceived sexual orientation and gender identity” make it clear that schools will support LGBTQ inclusive education..

For the complete policy: <http://www.gnb.ca/0000/pol/e/703A.pdf>

3. The New Brunswick Teachers Association's (NBTA) Policy 598-3 (Anti-Homophobia, Anti-Transphobia and Anti-Heterosexism) outlines NBTA beliefs which include:

- 3(c) that LGBTQ students, staff and same-gender parented families have the right to:
- Be free from harassment, discrimination and violence;
 - Be treated fairly, equitably and with dignity;

And states that:

- (6a) educators must accept their responsibility to educate themselves and to reflect upon their own attitudes and behaviour in modeling respect, understanding and affirmation of diversity;
- (6b) educators have a responsibility for the elimination of homophobia, transphobia and heterosexism in the working and learning environment;
- (6d) educators must take actions to make schools safe for LGBTQ staff, students and parents, and those who are perceived to be so, by:
- Challenging staff, students and parents who continue to display prejudice on the basis of sexual orientation and/or gender identity/expression;
 - Developing an action plan to use in the event of an incident of discrimination or harassment and/or violence;



Sexual orientation and gender identity are part of the identities of all people, including students. Talking about LGBTQ identities affirms the realities and lived experiences of those who identify as LGBTQ (or whose family members do) as well as educating and raising the awareness of all students about LGBTQ diversity.

1. In December 2013, the Department of Education and Early Childhood Development updated Policy 703 – *Positive Learning and Working Environment*. This policy provides a framework for the department, school districts and schools to create such environments by “establishing a process for fostering positive learning and working environments that are inclusive, safe, respect human rights, support diversity and address discrimination regardless of real or perceived race, colour, religion, national or ethnic origin, ancestry, place of origin, language group, disability, sex, sexual orientation, gender identity, age, social condition or political belief or activity.”

The requirements listed above, as well as the explicit mention of “real or perceived sexual orientation and gender identity” make it clear that schools will support LGBTQ inclusive education..

For the complete policy: <http://www.gnb.ca/0000/pol/e/703A.pdf>

2. Policy 703 - *Positive Learning and Working Environment* – has 6 goals, which include:
- 5.4 Students have a sense of belonging an connection, feel they are supported by school personnel, and have a positive relationship with at least one adult in the school system.

A GSA can provide this support.

- 5.5 ...Each partner in education through instruction and continued education supports the formation of school-based groups that promotes diversity when interest is expressed by a student or staff member (examples include First Nations groups, multicultural groups, religious groups, and sexual minority groups).

GSAs are supported by Policy 703.

3. According to *Strengthening Inclusion, Strengthening Schools – the Review of Inclusive Education Programs and Practices in New Brunswick Schools*:

- 3.2 Gay, lesbian, bisexual, and transgendered students represent a segment of the student population that has traditionally been impacted by equity issues, including harassment, bullying, mental intimidation and on occasion, physical assault. The Department of Education and Early Childhood Development, districts and schools should ensure policies and practices are in place that enhance understanding and acceptance of these students and should provide these students with equitable proactive support and fair treatment in schools.”

GSAs are helpful in increasing awareness and understanding of LGBTQ identities and experiences, as well as homophobia, biphobia, transphobia, heternormativity and cisnormativity, and therefore support this recommendation.

To access the complete report: <https://www.gnb.ca/0000/publication/comm/Inclusion.pdf>

A7: Is it possible for a school to have an LGBTQ inclusive education committee?

A7: Yes. A committee like this could support all teachers to:

- help raise awareness
- promote discussion
- allow for the sharing of resources
- decrease fear and discomfort that some may be feeling about how to be LGBTQ inclusive
- provide guidance on how to respond to parents'/guardians' concerns
- share strategies on how to handle homophobia, biphobia, and transphobia

In December 2013, the Department of Education and Early Childhood Development updated Policy 703 – *Positive Learning and Working Environment*. This policy provides a framework for the department, school districts and schools to create such environments by “establishing a process for fostering positive learning and working environments that are inclusive, safe, respect human rights, support diversity and address discrimination regardless of real or perceived race, colour, religion, national or ethnic origin, ancestry, place of origin, language group, disability, sex, sexual orientation, gender identity, age, social condition or political belief or activity.”

A committee that helps educators to provide LGBTQ inclusive education would help to foster a positive learning and working environment that meets these criteria.

For the complete policy: <http://www.gnb.ca/0000/pol/e/703A.pdf>



PART 3: QUESTIONS FROM PARENTS/GUARDIANS



- Q1. What will LGBTQ inclusive education look like at the elementary level?
- Q2. How will I know that my child's school is LGBTQ inclusive?
- Q3. Why is LGBTQ inclusive education important?
- Q4. How do I support LGBTQ inclusive education at home?
- Q5. My child is trans/gender creative. How will the school support my child?

Q1:

What does LGBTQ inclusive education look like at the elementary level?

A1:

LGBTQ inclusive education helps to create safer spaces for students. It allows children to see themselves reflected in the curriculum by affording them opportunities to read about children like them who are gender creative, who have crushes on people of the same gender, who have family members or families who identify as LGBTQ. LGBTQ inclusive education also helps students to think and explore outside the gender binary box and to talk about bullying in meaningful ways, and it provides them with the language and the tools to advocate for themselves and their friends. In addition, there are students of all grades and ages who have LGBTQ families, and they need to see their families reflected in the books they read, and welcomed and acknowledged in their classrooms and included in the curriculum. This not only helps students with LGBTQ families, but also students who are discovering their LGBTQ identity.

A2:

Q2:

How will I know that my child's school is LGBTQ inclusive?

Some of the ways you can tell that your child's school is LGBTQ inclusive include:

- teachers and administrators will talk about LGBTQ identities and experiences
- LGBTQ identities and experiences will be part of the way curriculum is taught or presented (i.e. included in discussions of family structure, health class, bullying prevention, etc.)
 - there will be a Gay Straight Alliance (GSA) or similar club present in the school.
- language on forms will be LGBTQ inclusive (i.e. Newsletters use non-gendered language like "parents/guardians/families")
- dances and the publicity around them won't be heteronormative (i.e. Posters feature couples of all genders)
- there will be specific policies around trans, gender creative, and LGB inclusion and safety
- there will be gender neutral or gender inclusive washrooms and changerooms
- you may see LGBTQ symbols such as rainbow flags, pink triangles, etc.
- Pride may be celebrated in the school



A3:

1. From the moment they enter the school system, children need to see themselves and their realities reflected in their school environment as well as the curriculum. In addition, all children and youth have the right to a safe and respected school environment. LGBTQ inclusive education has both of these as goals – so that students who are LGBTQ or who have LGBTQ families feel acknowledged and valued, and so that all students feel safe.

2. Since 1992, the New Brunswick *Human Rights Act* lists sexual orientation as a prohibited ground for discrimination. Gender identity and intersex have been implicitly covered under the prohibited grounds of sex since 2010 and will be considered (along with gender expression) when the Human Rights Act is next reviewed. This means that LGBTQ students, families, and teachers are protected in the province of New Brunswick, and should expect safe and respectful school environments. LGBTQ inclusive education helps to achieve this for all students, staff and family members.

To read the complete *Human Rights Act*: <http://laws.gnb.ca/en/ShowPdf/cs/2011-c.171.pdf>

3. In December 2013, the Department of Education and Early Childhood Development updated Policy 703 – *Positive Learning and Working Environment*. This policy provides a framework for the department, school districts and schools to create such environments by “establishing a process for fostering positive learning and working environments that are inclusive, safe, respect human rights, support diversity and address discrimination regardless of real or perceived race, colour, religion, national or ethnic origin, ancestry, place of origin, language group, disability, sex, sexual orientation, gender identity, age, social condition or political belief or activity.”

The requirements listed above, as well as the explicit mention of “real or perceived sexual orientation and gender identity” support LGBTQ inclusive education.

For the complete policy: <http://www.gnb.ca/0000/pol/e/703A.pdf>

4. According to *Strengthening Inclusion, Strengthening Schools – the Review of Inclusive Education Programs and Practices in New Brunswick Schools*:
 - 4.2 Gay, lesbian, bisexual, and transgendered [sic] students represent a segment of the student population that has traditionally been impacted by equity issues, including harassment, bullying, mental intimidation and on occasion, physical assault. The Department of Education and Early Childhood Development, districts and schools should ensure policies and practices are in place that enhance understanding and acceptance of these students and should provide these students with equitable proactive support and fair treatment in schools.”

LGBTQ inclusive education supports this recommendation. To access the complete report: <https://www.gnb.ca/0000/publication/comm/Inclusion.pdf>

Q4:

How do I support LGBTQ inclusive education at home?

A4:

Things that you can do include (but are not limited to):

- inform and educate yourself about LGBTQ identities and experiences
- examine your own bias around LGBTQ identities
 - learn about the ways our society is structured to privilege cisgender (your assigned sex and gender identity match) and straight identities and discuss these realities with your children in age appropriate ways. You can find examples of heterosexual and cisgender privilege questionnaires in the *Guide* section of this resource.
- don't assume that your child is straight or cisgender. This means challenging yourself around assumptions commonly held about gender and interests, as well as who your child may be attracted to
- challenge and talk about stereotypes and heteronormativity/cisnormativity when you see them in daily life or in the media with your child in age-appropriate ways.
- be aware of gender norms and stereotypes so that you allow your child to express themselves and their interests freely
- talk about bodies and people instead of gender (“that’s a person” instead of “that’s a man or woman”)
- talk about body parts versus gendered parts (check out the book *What Makes a Baby* by Cory Silverberg for help with this.)
- talk about LGBTQ issues with your children and let them know that everyone is welcome in your home

- if you have LGBTQ family members, make sure that they are welcome in your home.
- when discussing healthy relationships and sexual health with your children be sure to do so in a way that is LGBTQ inclusive

For more information, see *Being an Ally: How to be an Allied Parent/Guardian at your Child's School* on page 32 of the *Information and Resources for Parents and Guardians* section.

Q5:

My child is gender creative (aka gender independent or transgender). How will the school support my child?

A5:

Regardless of the age of your child, the school should be providing a safe and respectful environment.

1. In December 2013, the Department of Education and Early Childhood Development updated Policy 703– *Positive Learning and Working Environment*. This policy provides a framework for the department, school districts and schools to create such environments by “establishing a process for fostering positive learning and working environments that are inclusive, safe, respect human rights, support diversity and address discrimination regardless of real or perceived race, colour, religion, national or ethnic origin, ancestry, place of origin, language group, disability, sex, sexual orientation, gender identity, age, social condition or political belief or activity.”

The requirements listed above, as well as the explicit mention of “real or perceived sexual orientation and gender identity” make it clear that your child should feel safe, included and respected at school.

For the complete policy: <http://www.gnb.ca/0000/pol/e/703A.pdf>

2. Since 1992, the New Brunswick *Human Rights Act* lists sexual orientation as a prohibited ground for discrimination. Gender identity and intersex have been implicitly covered under the prohibited grounds of sex since 2010 and will be considered (along with gender expression) when the Human Rights Act is next reviewed. This means that LGBTQ students, families, and teachers are protected in the province of New Brunswick, and should expect safe and respectful school environments. LGBTQ inclusive education helps to achieve this for all students, staff and family members.

To read the complete *Human Rights Act*: <http://laws.gnb.ca/en/ShowPdf/cs/2011-c.171.pdf>

Some things that you can expect:

- staff and school commitment to challenge gender norms and stereotypes
- policies and procedures will include reference to gender identity and support your child’s choice of pronoun and name, as well as bathroom and change room needs
- staff that are knowledgeable about gender identity
- staff and administration respects your right to choose to whom and how to disclose the gender identity of your child
- the curriculum should include material about challenging gender norms so that your child sees other gender creative children in the books they read as well as being free to explore their interests in the classroom/school without shame
- resources in the library and classrooms that include gender creative characters and stories that challenge gender norms
- dress codes that allow for a variety of gender expressions

**New Brunswick LGBTQ Inclusive
Education Resource is part of
Egale's Safer and Accepting
Schools.**

