2SLGBTQIA+
School Advocacy

**A Policy Resource for Principals,
Vice Principals, & Educators
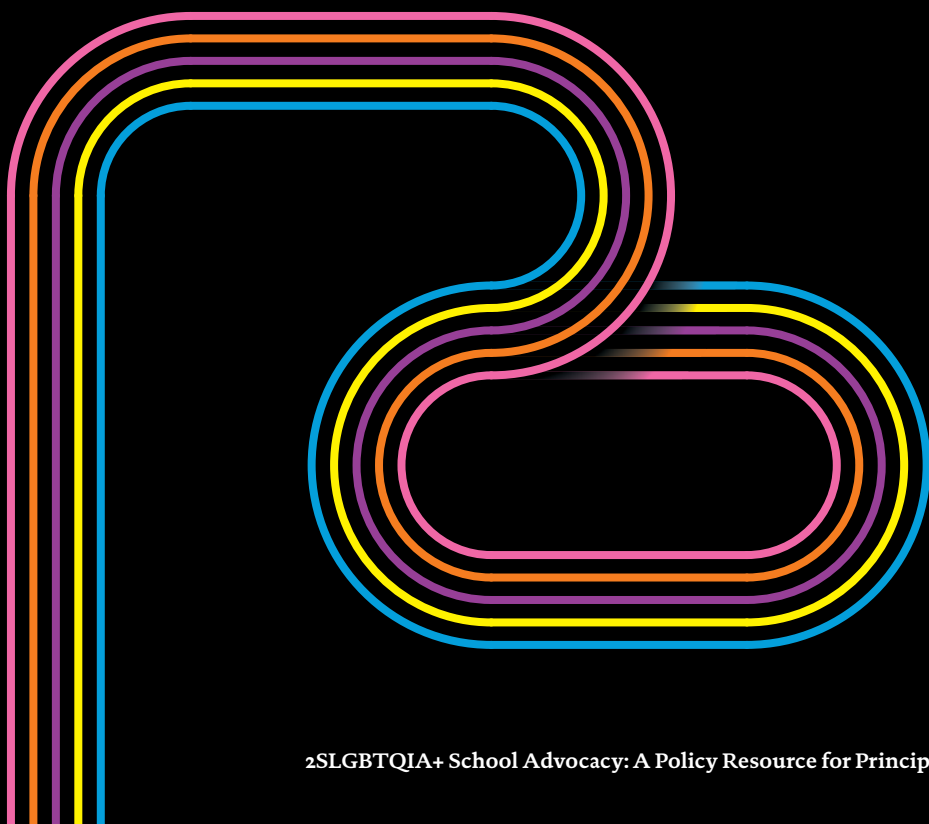Across Canada**

Acknowledgements

About The ArQuives: The ArQuives is one of the largest independent LGBTQ2+ archives in the world and the only LGBTQ2+ archive in Canada with a national scope. Its mandate is to acquire, preserve, organize, and give public access to information and materials in any medium, by and about LGBTQ2+ people, primarily produced in or concerning Canada and to maintain a research library, international research files, and an international collection of queer and trans periodicals. You can read more about The ArQuives here.

A Note About Language: In this document, we use the initialism 2SLGBTQIA+. In other materials, The ArQuives uses the initialism LGBTQ2+. Within this educational resource, we are making an intentional choice to situate 2S (Two-Spirit/two-spirit), Indigiqueer, and other Indigenous LGBTQIA+ people first because we think it's necessary to emphasize the role colonization has played in reproducing cis-heteronormativity. Our initialism within this resource also includes 'A' and 'I' ('asexual' and 'intersex') because we want to highlight these identities for people who are new to learning about queer and trans communities. These (and other) identities are sometimes encompassed in the '+' (plus sign) of the LGBTQ2+ initialism. Ultimately, there is no singular "correct" initialism for queer and trans communities.

Please give us feedback about this resource by clicking here.

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Introduction

Policies can be complex! This guide was developed as a companion resource to *Become 2SLGBTQIA+ Literate* after The ArQuives received feedback from educators wanting additional information on 2SLGBTQIA+ policy development. *2SLGBTQIA+ School Advocacy* is an introduction to understanding and implementing policies on sexual orientation, gender identity, and gender expression in Canadian schools.

Above: Support Gay Teachers button, 1980s.

Support gay teachers. Button. (198-). Catalogue number CB114. The ArQuives: Canada's LGBTQ2+ Archives, Toronto, ON.
https://collections.arquives.ca/link/artifacts5067.

Reflection Activity

What are policies? What do you already know about policies? What do you want to know?

What are policies?

Policies are texts outlining institutional values and intentions. Some policies are government legislation; others are organizational rules and regulations. Policy development often includes conversations with multiple actors, including politicians, media correspondents, and academics or other experts in a particular field. Different actors will have different access to power and resources, impacting the ways in which they can influence policy.

2SLGBTQIA+ education policy discussions might involve ministers of education, education associations like teachers' unions, non-profit organizations (e.g., EGALE Canada, the Canadian Centre for Gender and Sexual Diversity, le Comité pour la diversité sexuelle et l'identité de genre, the Pride Education Network [formerly GALE BC; British Columbia], the Rainbow Resource Centre [Manitoba], and Queer Histories Matter [New Brunswick]), school districts, administrators, teachers, students, and parents/caregivers.

Policies act as a type of accountability document—they help ensure that institutions and individuals do not violate human rights. Policies can also provide a basis for other initiatives, like the development of 2SLGBTQIA+-inclusive curricula. In order for a policy to be useful, it has to be implemented effectively. This requires that staff understand the policy and have access to additional resources and support when needed.

In the context of education, policies "give positive direction to the entire educational community ... [and help] clarify relationships between the educational community and local governmental bodies." They also allow for "consistency in decision-making ... and [build] public support through better-informed boards, staff, parents, and students" (Schrader & Wells 2007, 26).

What are some policies
that relate to 2SLGBTQIA+ issues in schools?
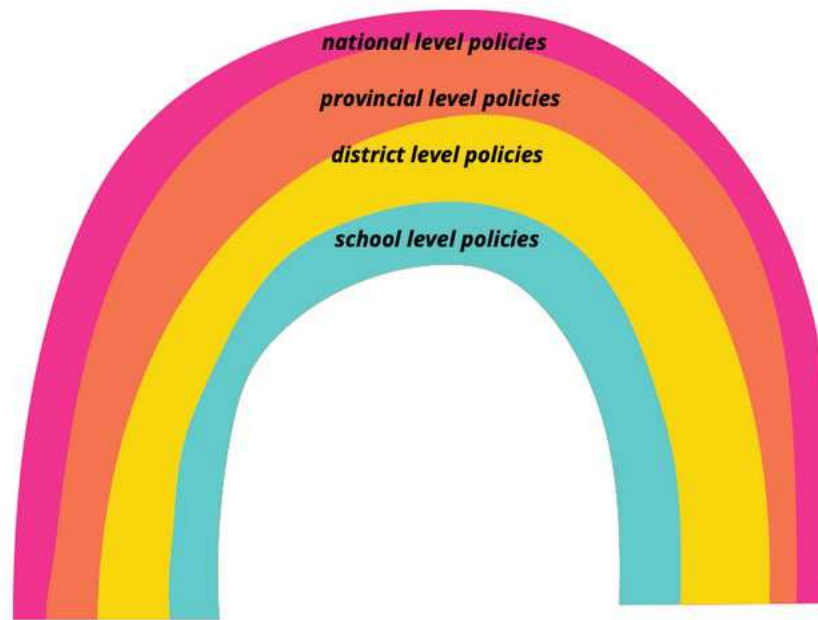
There are four main levels of 2SLGBTQIA+ education policy: the national level, the provincial level, the district level, and the school level.

Over the past ten years, most provinces and many districts and schools have developed 2SLGBTQIA+ education policies. These policies, alongside other human rights legislation, provide the legal foundation for 2SLGBTQIA+ protections in schools.

It is the district- and school-level policies that are likely to have the biggest impact on the daily lives of 2SLGBTQIA+ students and staff. These local policies will often help students, teachers, and administrators navigate issues like name and gender marker changes, regulations around bathrooms, and the formation of Gender and Sexuality Alliances (sometimes called Gay-Straight Alliances or GSAs).

What's the difference between negative rights and positive rights?

Policies typically concern **negative rights: the right to be free from sexuality- and gender-based harassment and abuse.** Some provinces have also implemented policies concerning **positive rights: the rights to self-determination and agency.** New Brunswick, for example, has a policy in place protecting students' right to self-identify their name and gender. Manitoba and Ontario have policies that mandate the right of students to form 2SLGBTQIA+ groups like GSAs. Other provinces, including British Columbia, lend support for GSAs in their policies without requiring schools and districts to form them at the request of students.
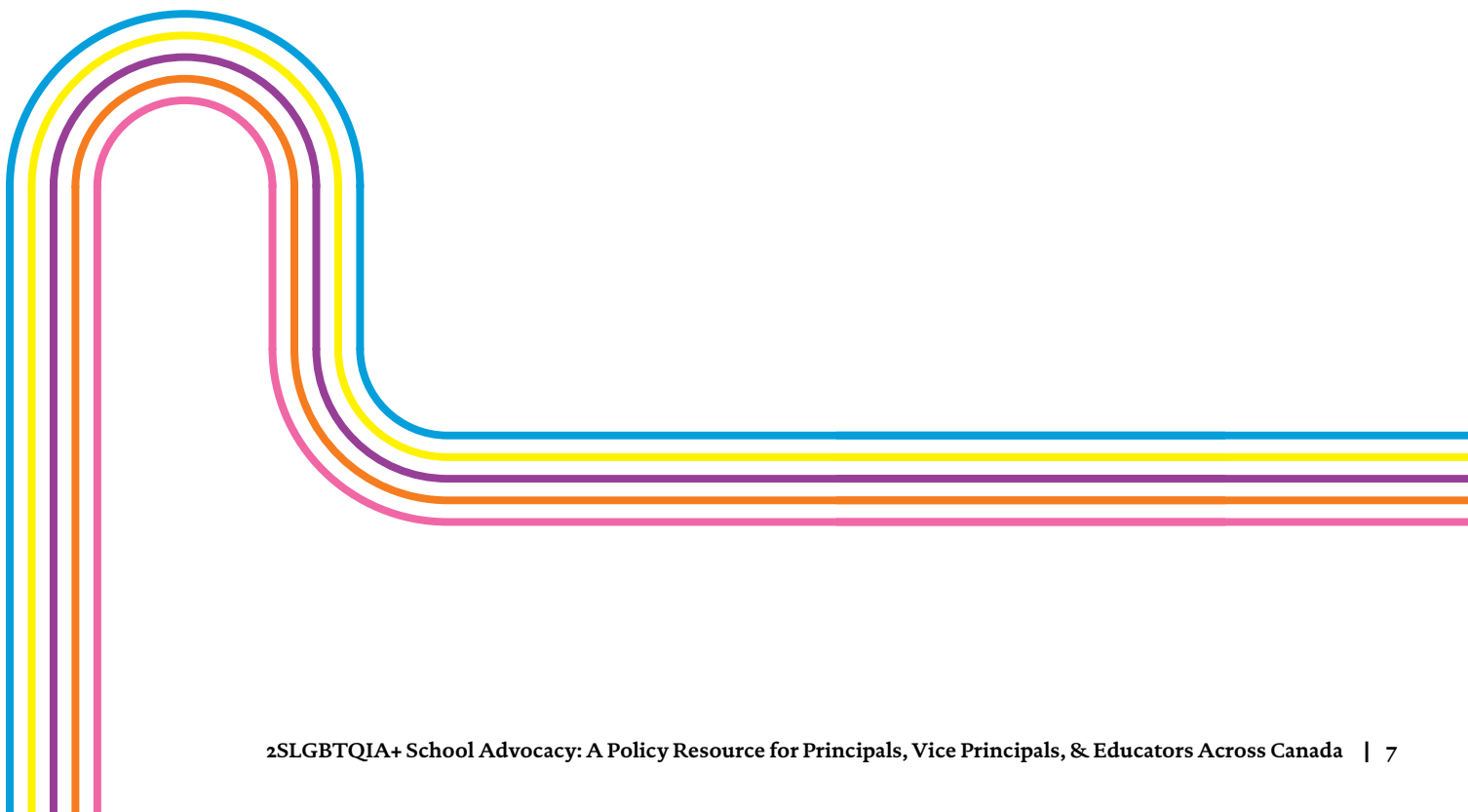
Content Warning: Hate crime, murder, suicide.

A history of 2SLGBTQIA+ education activism in Canada

In 1985, teacher-librarian Kenneth Zeller was murdered in Toronto's High Park in a gay hate crime. Around midnight on Friday, June 21, Zeller was beaten to death by a group of five teenage boys who had set out to "beat up a fag" (Shein 1986, 37). None of the boys attended the school where Zeller worked, and none had met him before; they only learned his name from newspaper reports after his murder. The boys selected Zeller at random after seeing him in an area of the park known for cruising.

While this case did receive media coverage, some straight publications minimized the role of homophobia in Zeller's murder. His killers were described as "average, sensitive youths" who did not realize that punching and kicking a person for over three minutes could cause their death (Shein 1986, 38).

Alex Chumak, the ward trustee of the boys' school district, said that their actions were the result of intoxication—they'd reportedly drank at least six beers each that evening. (In 1980, Chumak's opposition had prevented the formation of a gay and lesbian liasion committee at the Board of Education.)

Still, this case was politically impactful. NDP MP Svend Robinson cited Zeller's murder when addressing the need to amend the *Canadian Human Rights Act* to prohibit discrimination on the basis of sexual orientation. Olivia Chow, then a school trustee, began an initiative to develop anti-discrimination programs in schools. This work, in combination with the work of (queer) education activists (see the report to the School Programs Committee below), helped facilitate the eventual implementation of anti-homophobia curricula in Ontario schools.

REPORT TO SCHOOL PROGRAMS COMMITTEE

RE POLICIES AND PROGRAMS REGARDING SEXUAL ORIENTATION

As a result of the tragic murder of Ken Zeller, a teacher at Williamson Road Public School, by students from our schools, I put forward a motion requesting a report on the policies and programs existing in our system to combat the ignorance and intolerance of homosexuality

I was asked by the School Programs Committee to consult with the appropriate officials and to report on what currently exists in this area.

So far I have met with the following people:

Hari Lalla and Tim McCaskill from the Race Relations Department;
Gloria Torrance of the Physical Education Department;
Charlie Taylor, Superintendent of Curriculum;
Some concerned parents in Ward 6 schools;

and received a number of confidential delegations from students of the Toronto Board of Education.

To date, my basic conclusion is that there is at present considerable abuse allowed within Toronto schools directed at those suspected of being gay. This abuse goes substantially unchecked -- teachers do not see as their responsibility either disciplining or instruction which would lead toward tolerance in this area. There is no Board policy which would suggest such a role, and there is very little teacher training in this area. Nor is there any Board policy to provide protection for students or staff from abuse or harassment on the basis of sexual orientation.

Existing Board Policy

With the sole exception of employment, there is no protection against discrimination on the basis of sexual orientation in Board policy. Sexual orientation is not included as a prohibited ground for discrimination or abuse in the Student Handbook of Rights and Responsibilities.

Further, it is not within the mandate of the Race Relations Department to do any educational work on this issue.

The only Board policy is a recommendation from the Sex Education Advisory Committee Report passed on June, 1985:

"That the Ministry of Education include sexual

6

A parent accompanied 20 Grade 5 students to a field trip recently. During the trip, there were many occasions where smallish, quiet, intellectual looking boys would be called "homo" repeatedly. "You wouldn't want to kiss him, he is a homo", was also used to insult these youngsters. According to this parent, this term "homo" is used habitually when a student wishes to insult another.

WHAT MIGHT BE DONE

Board Policy

Board policy could be amended to prohibit discrimination and abuse on the basis of sexual orientation, and this amendment could be added to the Student Handbook of Rights and Responsibilities. This would give equal protection to all.

The prohibition against the use of community resource people in the classroom discussion of homosexuality could be removed. At present, it serves as an example that discrimination is both practised and condoned by the Toronto Board in this area. How can we expect our students to exhibit tolerance when the Board does not? It also ensures that lesbians and gay men remain 'faceless, nameless' objects of fear, ridicule, and ignorance, to our students, rather than real people with families, friends, interests, and lives of their own.

Curriculum

The Board's request to the Ministry to provide guidelines for the inclusion of sexual orientation in the sex education curriculum should be actively pursued.

Since attitudes toward gay men and lesbians go far beyond the domain of sex education to encompass issues of tolerance and human rights, the Board should ensure that these issues can be raised in other appropriate curriculum areas such as family studies and social studies.

Further to this, appropriate curriculum materials should be made available to all teaching staff, rather than remaining the exclusive preserve of the Physical Education Department.

Professional Development

The invitation of O.S.S.T.F. District 15 to co-operate in

Above: Excerpts from a seven-page report to the Toronto Board of Education proposing policy changes following the homophobic murder of Kenneth Zeller (and the ongoing homophobic harrassment and abuse in schools), ca. 1985.
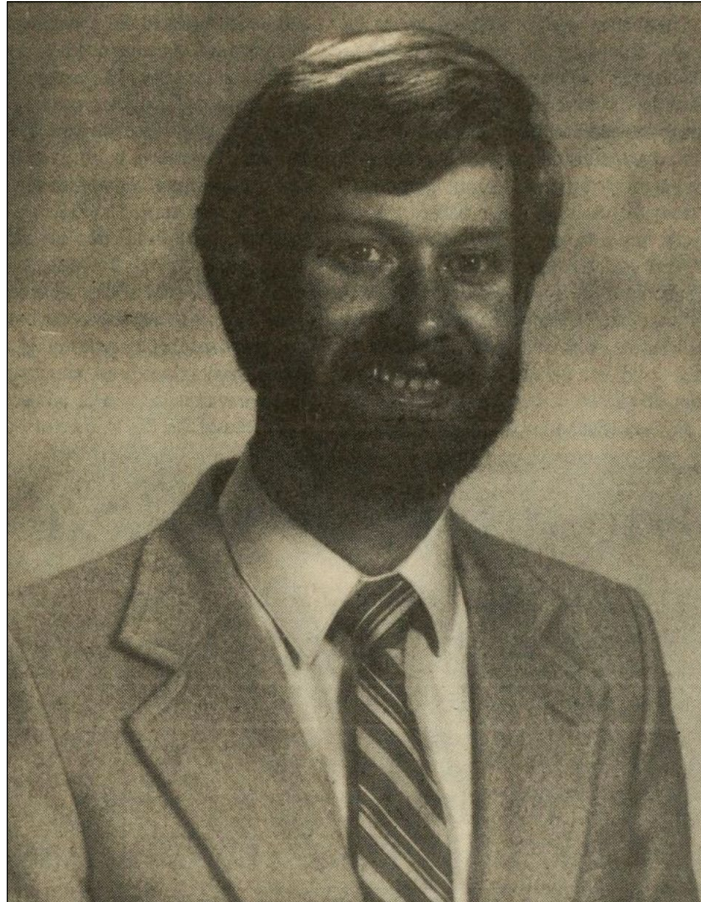
Above: Photograph of Kenneth Zeller published in Issue 126 of *The Body Politic.*
For more on Zeller's life, see Brian Shein's article "Gay Bashing in High Park: A Tale of
Homophobia and Murder," published in the April 1986 issue of *Toronto Life.*

McCaskell, T. (1986, May). Lesson learned? *The Body Politic.*
LGBTQ Serials Collection. The ArQuives: Canada's LGBTQ2+ Archives, Toronto, ON.
https://collections.arquives.ca/link/catalogue12430.
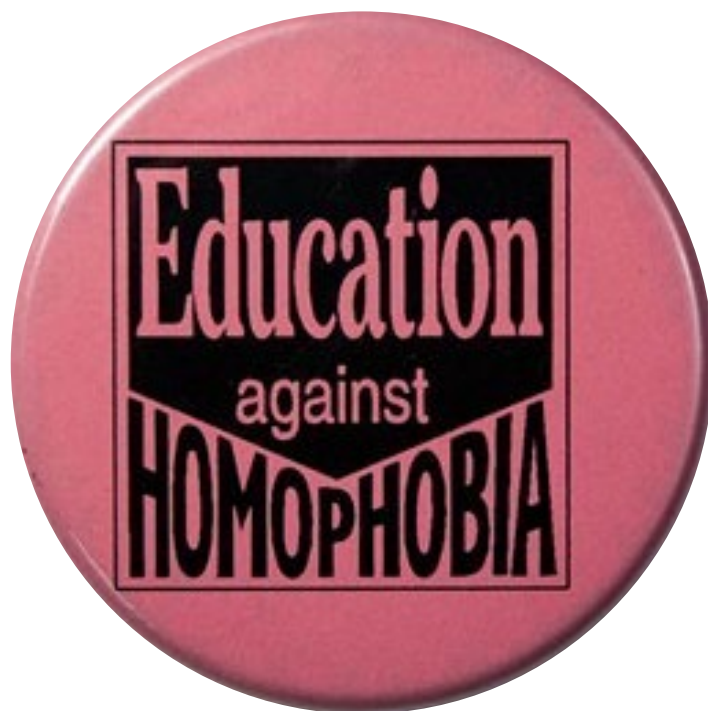
Above: Education Against Homophobia button, ca. 1993-1997.

Education Against Homophobia. (ca. 1995). Education against HOMOPHOBIA.
Button. Catalogue number CB1477. The ArQuives: Canada's LGBTQ2+ Archives, Toronto,
ON. https://collections.arquives.ca/link/artifacts7178.

In the early 1990s, organizations like the Toronto-based Education Against Homophobia (EAH) built on this work, supporting initiatives in a number of areas, including the development of anti-homophobia and human sexuality curricula, support groups, and other resources for teachers, students, and parents.
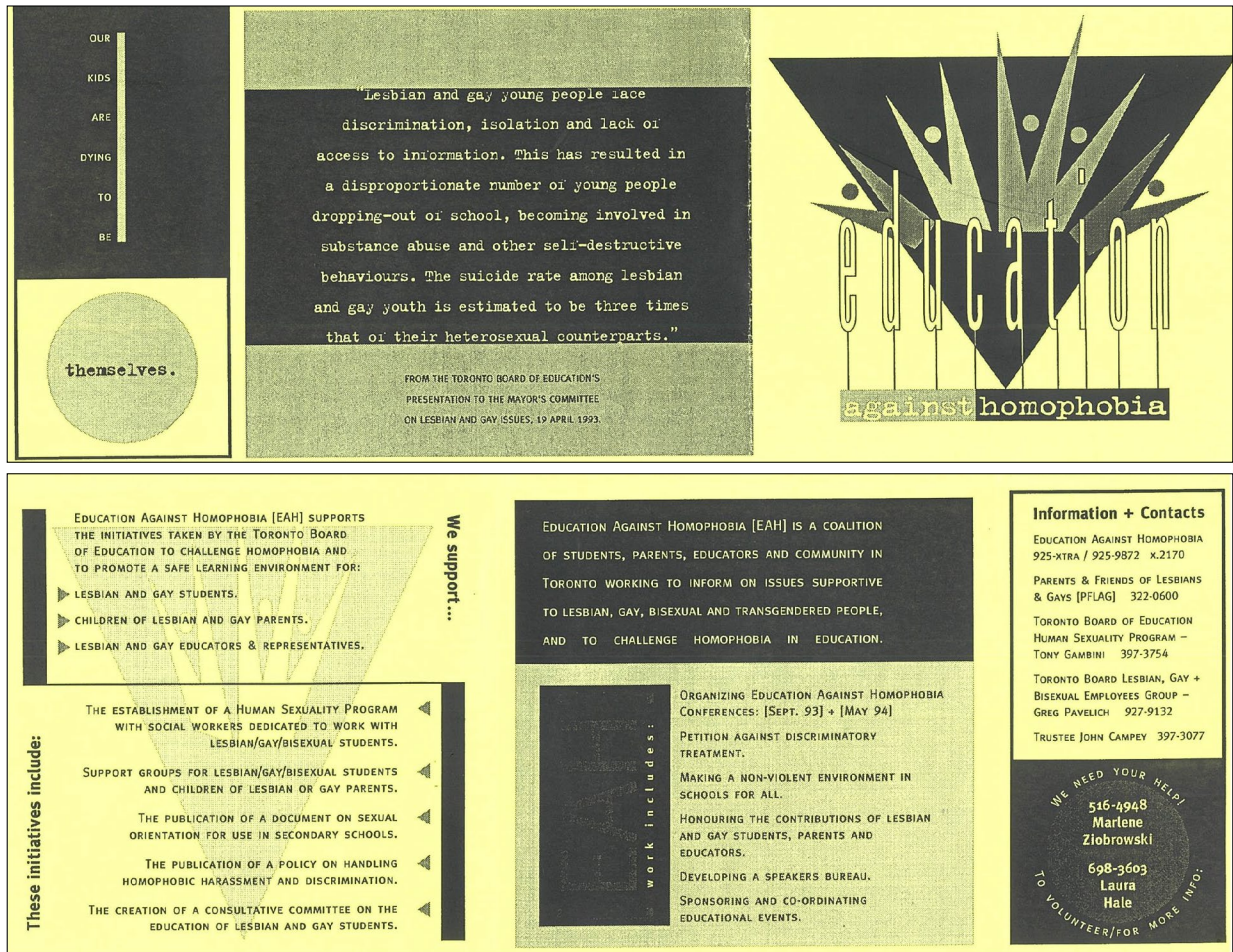
Above: Education Against Homophobia (EAH) pamphlet, 1993. In addition to the development of anti-homophobia and human sexuality curricula, EAH also supported the Toronto Board of Education's initiative to publish a policy document on homophobic harrassment and assault in schools.

Education Against Homophobia. (1993). Education against homophobia. Education Against Homophobia Vertical file. The ArQuives: Canada's LGBTQ2+ Archives Toronto, ON. https://collections.arquives.ca/link/verticalfile1705.

In addition to its work on policy development, EAH also worked to address opposition from community members. In February 1993, around three hundred members of Citizens United for Responsible Education (CURE), a homophobic hate group influenced by the religious right, protested at a meeting of the Toronto Board of Education.

As a result, a number of trustees who had already been hesitant about the inclusion of anti-homophobia curricula renounced EAH. Education activists refocused their work to attend to this backlash. Notably, their strategy involved large segments of the population: while they continued their involvement with gay and lesbian organizations, they also identified straight communities that they thought would be supportive of their cause. Together, they planned a public meeting to discuss the situation and prepare responses to CURE's talking points. At the same time, they planned media campaigns, both in queer publications (e.g., *Xtra!*) and in daily newspapers (e.g., the *Toronto Star*).

HOMOPHOBIA AND EDUCATION
A PRIMER

Developed by Danny Firestone, Fred Hahn, Ed Jackson,
Tim McCaskell, Vanessa Russell and Marlene Ziobrowski for

EDUCATION AGAINST HOMOPHOBIA

September 1994
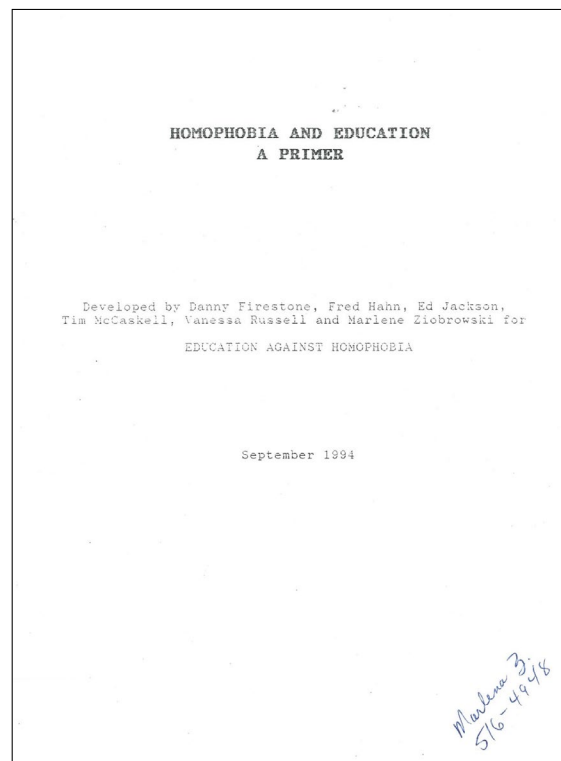
Above: Excerpt from *Regaining the Initiative: An Action Proposal,* produced by EAH following backlash from the homophobic hate group CURE.

Education against homophobia. (1993). Regaining the initiative action proposal. Tim McCaskell fonds. File number F0022-02-006. The ArQuives: Canada's LGBTQ2+ Archives. Toronto, ON. https://collections.arquives.ca/link/descriptions41356.

With *Homophobia and Education: A Primer,* educators and activists Danny Firestone, Fred Hahn, Ed Jackson, Tim McCaskell, Vanessa Russell, and Marlene Ziobrowski developed an accessible introduction to homophobia and heterosexism for administrators, teachers, and community members. In *Homophobia and Education*, the authors respond to twelve of CURE's talking points with examples from academic research and from lived experience. They conclude that "simple polic[ies] prohibiting discrimination" are not enough—"it is equally important to ensure that lesbian and gay students see themselves included in the curriculum" (Firestone, D., Hahn, F., Jackson, E., McCaskell, T., Russell, V., & Ziobrowski, M. 1994, 2).

REGAINING THE INITIATIVE
ACTION PROPOSAL

BACKGROUND

Over the past year we have made significant advances in the struggle for equity in education for lesbian and gay students and the fight against homophobia and heterosexism at the Toronto Board. The "Sexual Orientation" Curriculum is out in the schools, a consultative committee has been set up, regular groups for lesbian and gay students and children of lesbian and gay parents are functioning. A network for lesbian and gay students, parents and employees (OGLE) has also been established. The "proselytization" clause has been struck from Board policy and sexual orientation has been added to the Board's general anti-bias policy.

As a direct result of these gains we are now experiencing a serious backlash. A new organization Citizens United for Responsible Education (CURE) has been formed. Taking its cue from the new strategy of right wing hate groups in the US and Canada, CURE has been careful to moderate its language. As a result of this new strategy it has been successful in producing an alliance of mostly the religious right as was demonstrated at last Feb 25 rally at the Board when around 300 people showed up. Although most of these people were out of district CURE has also instigated an effective phone-in campaign to trustees. Also taking their cue from the American right wing the group plans to use the issue of homosexuality to attack progressive trustees and replace them with others who will dismantle the range of equity issues promoted by the present board.

This moderate approach has not prevented the more activist elements of CURE from mounting a campaign of intimidation and even death threats against Tony who is our most vulnerable employee. The combination of CURE's official and unofficial strategies is beginning to be effective in wearing us down.

Not unexpectedly many of the trustees whose support has been wimpy at the best of times are now running scared. This pressure has been translated into the bureaucracy and is beginning to have effects on programme. Tony has been instructed to "destroy" copies of "So you think you might be lesbian" and "So you think you might be gay," two pamphlets aimed at lesbian and gay youth. The Equal Opportunity Office flyer on dealing with homophobic incidents is also being held up. There was a request from one of the associate directors to postpone the second "Challenging Homophobia" conference for secondary school students. Even without this request many of us have been so busy firefighting CURE initiatives that it seems unlikely that we would have had time to mount this effort. Finally the fact that the CURE rally was held on Board property was a clear violation of Board policy not to tolerate expressions of bias on the basis of sexual orientation. This policy is not being implemented

GOALS

1*Mobilize the lesbian and gay communities to put pressure on trustees to not back down and prepare to support vulnerable trustees in the upcoming election (December 1994)
2*Mobilize specific sectors of the straight communities who are potentially supportive of our efforts --education experts, parents, students, teachers, religious figures,

Above: *Homophobia and Education: A Primer*, developed by Danny Firestone, Fred Hahn, Ed Jackson, Tim McCaskell, Vanessa Russell, and Marlene Ziobrowski for Education Against Homophobia, 1994.

Firestone, D., Hahn, F., Jackson, E., McCaskell, T., Russell, V., & Ziobrowski, M. (1994). Homophobia and education: A primer. Tim McCaskell fonds. F0022-02-007. The ArQuives: Canada's LGBTQ2+ Archives, Toronto, ON. https://collections.arquives.ca/link/descriptions41357.

While EAH hasn't been active since 1997, educators have continued to work for the inclusion of 2SLGBTQIA+ materials not only in anti-homophobia and human sexuality curricula, but in all areas of the education system.

The Canadian Teachers' Federation's 2007 publication *Challenging Silence, Challenging Censorship*, for example, addresses some of the ways in which teacher-librarians can become involved in this work. While most public libraries in Canada already have collections policies in place, most school libraries do not. Developing policies on selection criteria, collection development, and responding to objections to 2SLGBTQIA+ materials is essential in addressing issues of (self-)censorship of queer materials in libraries. In this case, reviewing national and provincial/territorial library association policy statements can also be useful (Canadian Teachers' Federation 2007, 26).

Sexual Orientation and Gender Identity 123 (SOGI 123), a British Columbia/Alberta-based organization providing 2SLGBTQIA+ education resources, partnered with You Can Play to make safer environments for queer and trans student atheletes. You Can Play was founded following the death of Brendan Burke, a Vancouver-born college hockey player who, after coming out in 2009, became an advocate for gay people in sports.

Above: We Are Everywhere! button, 1990s.

Student activism has also informed the development of 2SLGBTQIA+ policy. In their 1993 presentation to the Royal Commission on Learning, Lesbian and Gay Youth of Toronto included young people's personal accounts of homophobia in schools. Two years later, the Commission published its report, *For the Love of Learning*. While a number of the issues named in the presentation by Lesbian and Gay Youth of Toronto were not addressed in the report, it did recognize homophobia (along with racism, sexism, and classism) as a "barrier to learning" that needed to be overcome (Royal Commission on Learning 1995, 91). It also recognized the need for educators to have access to "curriculum and assessment tools, including texts, tests, software, and audio-visual materials that are unbiased ... on the basis of ... sexual orientation" (Royal Commission on Learning 1995, 430). Although the report did make some useful recommendations, educators were not required to implement them.

PART TWO: THE PHYSICAL ENVIRONMENT
by Tim Guimond

We celebrate the existence of people in many different ways within our school system. The images, resources, statements and stories which surround us serve to celebrate the potential of our lives. When we are lesbian, gay, or bisexual our lives are not celebrated in schools, our images are not shown, our stories are not told, and we do not learn of our potential.

The school system must ensure both the physical and the mental health of their students.

We hope for the day when, as lesbian, gay, or bisexual youth, our physical safety is ensured. As a friend in Oshawa looks forward to the day where he does not need to leave school five minutes early to avoid being beaten up. He is thankful that the bus service has been cancelled, as he no longer is spat upon as the bus passes him on his bike.

We look forward to the day where all educators ensure our physical and mental safety by intervening in homophobic assaults, whether they be verbal assaults, physical assaults or innuendo which devalues our existence, and use this opportunity to address the issues of homophobia.

We look forward to the day when we are taught relevant safe sex education that will enable us to protect ourselves. A young gay man in Chatham looks forward to the day when his teacher does not say that there are no gays, lesbians, and bisexuals in the school and that's why they don't need to teach about safe sex for lesbians, gays, and bisexuals. He looks forward to the day when the health clinic when coming to the teach about AIDS does not say that they do not speak about lesbians, gays, or bisexuals because there is only one out of every one or two hundred people and it's really not worth the bother.

We look forward to the day when guidance counsellors, and all educators are sensitized to the reality and challenges that face lesbian, gay, and bisexual students.

Our images should be celebrated in text books, in pamphlets, in posters, our stories shared and our existence acknowledged and included in the schools.

We look forward to the day when we gain access to historical works, novels about and by lesbians, gays, and bisexuals, and art that celebrates our sexuality in our classrooms and libraries.

We look forward to the day when teachers are open to discussing issues of sexuality. We look forward to the day when we can attend the school prom with our partner and not be told that the couple rate isn't for "friends", thereby dismissing the loving nature of our relationships, and devaluing them.

We look forward to the day when we gain access to mentors and information from the lesbian, gay, and bisexual community.

Above: Excerpt by Tim Guimond from *The Issue of Homosexuality in the Educational Environment,* prepared by Lesbian and Gay Youth of Toronto for the Royal Commission on Learning, 1993. Lesbian and Gay Youth of Toronto. (1993). The issue of homosexuality in the educational environment.

Lesbian and Gay Youth of Toronto. (1993). The issue of homosexuality in the educational environment. Tim McCaskell fonds. File number F0022-02-006. The ArQuives: Canada's LGBTQ2+ Archives. Toronto, ON. https://collections.arquives.ca/link/descriptions41356.

Without accountability measures in place, 2SLGBTQIA+ policy initiatives are largely ineffective. In 2000, Hamed Nastoh, a fourteen-year-old student in Surrey, BC, died by suicide after being subjected to homophobic harassment and abuse in school. In the years before his death, other BC students had been working to form GSAs in their schools, but had faced opposition from administrators. It wasn't until after Nastoh's death (and the subsequent protests by queer youth) that the British Columbia Teachers' Federation (BCTF) was able to pass a resolution sanctioning GSAs in middle schools and high schools in the province.

Above: [Article](#) published in a 2000 issue of *Xtra!* on the death of Hamed Nastoh and the importance of GSAs in supporting queer and trans youth mental health. Two weeks after Nastoh's passing, the BCTF voted in favour of a resolution allowing educators to form 2SLGBTQIA+ support groups at their schools. This resolution was, in part, informed by student protests.

Murphy, K. (2000, March 23). Teen death. *Xtra!*. British Columbia Teachers' Federation Vertical file. The ArQuives: Canada's LGBTQ2+ Archives. Toronto, ON. https://collections.arquives.ca/link/verticalfile9490.

Student protests also informed the passing of Bill 13 (the *Accepting Schools Act*) in Ontario in 2011, requiring that all schools in the province, including Catholic schools, allow students to form GSAs and other 2SLGBTQIA+ support groups. Although some districts and schools already required this, Bill 13 was the first provincial legislation of its kind. Other provinces have since enacted similar legislation (e.g., Bill 18 [the *Public Schools Amendment Act*], passed in Manitoba in 2013).

For more on the history of 2SLGBTQIA+ education activism,
see the LGBTQ Education Timeline, published by The ArQuives,
in collaboration with the Elementary Teachers' Federation of Ontario
(ETFO), in 2016.

Now that you know a bit about education policy, try looking into some existing policies on sexual orientation, gender identity, and gender expression in Canadian schools.
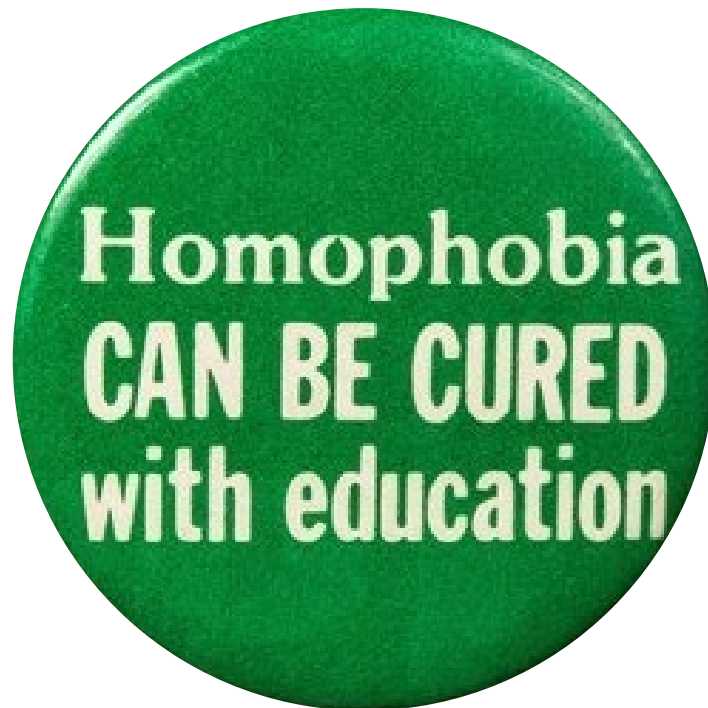
Above: Homophobia Can Be Cured with Education button, 1990s.

Homophobia can be cured with education. Button. (ca. 1995).
Catalogue number CB657.The ArQuives: Canada's LGBTQ2+ Archives, Toronto, ON.
https://collections.arquives.ca/link/artifacts5747.

Step 1: Identify national policies that relate to gender identity, gender expression, and sexual orientation.

On the national level, there are two "policies" you might want to familiarize yourself with: the *Canadian Human Rights Act* and the *Canadian Charter of Rights and Freedoms.*

The *Canadian Human Rights Act* is meant to protect people from government discrimination on a number of grounds, including race, ability, sexual orientation (added in 1996), and gender identity and expression (added in 2017). These grounds are protected under section 15 of the *Canadian Charter of Rights and Freedoms.*

"15. (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination"

– Section 15 of the *Canadian Charter of Rights and Freedoms*

The Canadian Human Rights Commission [website](#) explains:

"The *Canadian Human Rights Act* of 1977 protects people in Canada from discrimination when they are employed by or receive services from the federal government, First Nations governments or private companies that are regulated by the federal government such as banks, trucking companies, broadcasters and telecommunications companies. People can turn to the *Canadian Human Rights Act* to protect themselves against harassment or discrimination when based on one or more grounds of discrimination such as race, age and sexual orientation.

The *Canadian Charter of Rights and Freedoms* of 1982 is part of Canada's Constitution. The *Charter* protects every Canadian's right to be treated equally under the law. The *Charter* guarantees broad equality rights and other fundamental rights such as the freedom of expression, freedom of assembly and freedom of religion. It only applies to governments, and not to private individuals, businesses or other organizations. This means that for the most part, a person cannot mount a *Charter* challenge against a private business, a private organization, or a person who is not acting on behalf of the government. The *Charter* also protects the rights of all Canadians from infringements by laws, policies or actions of governments, including authorities such as the police."

Read more about the *Canadian Human Rights Act* at the link above, or refer to [this guide](#).

Step 2: Identify provincial/territorial policies.

There is no centralized database of 2SLGBTQIA+ policies in Canada, but each province and territory has its own human rights code that references sexual orientation, gender identity, and gender expression.

Start by finding your provincial or territorial human rights code.

- Alberta
- British Columbia
- Manitoba
- New Brunswick
- Newfoundland & Labrador
- Northwest Territories
- Nova Scotia
- Nunavut
- Ontario
- Prince Edward Island
- Québec
- Saskatchewan
- Yukon

What does your provincial- or territorial-level code state about sexual orientation, gender identity, and gender expression?

Next, find out if your province or territory has education policies that support 2SLGBTQIA+ people.

Find your province and its 2SLGBTQIA+ education policies in the table below. You can learn more about finding district- and school-level 2SLGBTQIA+ education policies in the next section.

Alberta

Year	Policy name and link
2009	Bill 44: Human Rights, Citizenship and Multiculturalism Amendment Act
2014	Bill 10: An Act to Amend the Alberta Bill of Rights to Protect Our Children
2016	Guidelines for best practices: creating learning environments that respect diverse sexual orientations, gender identities and gender expressions
2017	Bill 24: An Act to Support Gay-Straight Alliances
2019	Bill 8: Education Amendment Act

British Columbia

Year	Policy name and link
2017	M341: School Act
2019	Diversity in BC Schools: A Framework

Manitoba

Year	Policy name and link
2013	Bill 18: The Public Schools Amendment Act (Safe and Inclusive Schools)

New Brunswick

Year	Policy name and link
2013	Policy 703: Positive Learning and Working Environment
2020	Policy 713: Sexual Orientation and Gender Identity

Newfoundland & Labrador

Year	Policy name and link
2013	Safe & Caring Schools Policy
2013	Safe and Caring Schools Procedure 7: Guidelines for LGBTQ Inclusive Practices

Northwest Territories

Year	Policy name and link
2016	NWT Safe Schools Regulations
2020	Guidelines for Ensuring LGBTQ2S+ Equity, Safety and Inclusion in Northwest Territories Schools

Nova Scotia

Year	Policy name and link
2012	Bill 28: Safer Schools Act
2012	Guidelines for Supporting Transgender and Gender-nonconforming Students

Nunavut

Year	Policy name and link

No known education policies specific to Nunavut

Ontario

Year	Policy name and link
2012	Bill 13: Accepting Schools Act [An Act to amend the Education Act with respect to bullying and other matters]
2012	Equity and Inclusive Education in Ontario Schools: Guidelines for Policy Development and Implementation

Prince Edward Island

Year	Policy name and link
2021	Guidelines for Respecting, Accommodating and Supporting Gender Identity, Gender Expression and Sexual Orientation in our Schools

Québec

Year	Policy name and link
2016	Bill 103: An Act to strengthen the fight against transphobia and improve the situation of transgender minors in particular
2016	Bill 598: An Act to amend the Civil Code as regards civil status to allow a change of designation of sex for transgender children

Saskatchewan

Year	Policy name and link
2015	Student Alliances for Gender and Sexual Diversity in Saskatchewan Schools

Yukon

Year	Policy name and link
2012	Sexual Orientation and Gender Identity Policy
2018	Safe and Caring Schools Policy
2022	Bill-304: Act to Amend the Education Act

Step 3: Identify district- and school-level policies.

Because there are so many districts and schools across Canada, this guide cannot list them all.

District Level

To find your school district policy, search the name of your district and words that target 2SLGBTQIA+ identities (e.g., 'LGBTQ,' 'sexual orientation,' 'gender,' 'transgender,' 'gay,' 'lesbian,' etc.). If you cannot find a 2SLGBTQIA+ policy on your district's website, contact someone within district administration. Some districts also publish accountability reports. If you notice a policy with no follow-up reporting, it might also be useful to bring this up to administration.

School Level

School-level policies are often listed in handbooks of procedures. If you're having trouble finding a 2SLGBTQIA+ school policy, ask an administrator where it can be found and how it might be made more accessible. If there is not a policy, work with an equity team or connect with other local schools to develop one.

Reflection questions:

- Do the policies explicitly reference 2SLGBTQIA+ communities?

- Are the policies vague in their language, or do they refer specifically to different 2SLGBTQIA+ identities?

- Are there policies related to queer people and trans people, or do they focus more on sexual orientation than on gender identity and expression?

- Do the policies attend to both gender identity and gender expression, or do they conflate these two terms?

- Do they address **positive rights** (the right to self-determination, e.g., students can choose their own name, choose what spaces they want to be in, have access to 2SLGBTQIA+ curriculum, etc.) or **negative rights** (the right to not be discriminated against, e.g., students cannot bully others without consequence)?

What if my school has a policy but it hasn't been implemented effectively?

Questions to ask:
- Are staff aware of the policy?
- Do they know how to best use the policy?

Steps to take:
- Have a staff member from Human Rights or Gender-Based Violence Prevention (or a corresponding office within your school board) explain the policies and their implementation
- Have a staff member attend a 2SLGBTQIA+ policy course or workshop (or attend one yourself)

What if my school has a policy but it is outdated or problematic?

Questions to ask:
- When and by whom was the policy created?
- What are the issues with the existing policy?

Steps to take:
- Work with your colleagues to develop a plan to update the policy
- If you are not in a supportive environment, consider speaking out publicly against the policy (see *Homophobia and Education: A Primer* as an example) or talking with a union representative

Limitations of 2SLGBTQIA+ Education Policies

Policies are an important part of 2SLGBTQIA+ school advocacy, but their utility depends on effective implementation. Policies can be used as "proof" that schools are involved in 2SLGBTQIA+ equity work, even when they are not. They also tend to homogenize 2SLGBTQIA+ students as a singular group and ignore intersecting identities like race, class, and ability.

Sometimes, policies can be used against the people they are meant to protect; it is possible to follow the text of a policy while ignoring its intention. **Read Jordan's story to learn about one example of a district policy being used against those it was supposed to support: trans people!**

"Be mindful that policies can be quite complex and can be read and used in different ways. Policies which have been written to protect trans, nonbinary, gender-variant, Two-Spirit, Indigiqueer, and LGBTQIA+ community members can sometimes be used against them.

This once happened to me when I was first coming out as trans at an elementary school where I was a staff member. I had been working at the school for four years and knew the community well. The students were quite knowledgeable about and aware of the gender spectrum, and we'd had multiple conversations about stereotypes, gender, and bias throughout my time there. The majority of students were quite accepting, and many were learning new, affirming language and terms.

Young students there assumed I was a cis boy and were confused when I told them I was not; they truly saw me as a boy even though I was not yet out. I told my principal and vice principal that I was going to come out to my students, and they gave me their full support. Because I taught rotary (music, gym, and library), I taught the majority of the students in the school and worked with all of them as the school librarian. I began coming out to each class I worked with, and had soon come out to half the school. Students were all very supportive of my being proud to be a trans guy, and the majority of the staff were accepting as well.

Pink Day was coming up and I decided I wanted to come out to the rest of the school during our Pink Day assembly. I thought, *What better place to show students that they can be proud to be who they are?* I created a film with all the students at the school with each of them talking about why they are proud to be different. Some students talked about being proud to be Black, proud to come from a mixed family, proud to have two dads, proud to be a cancer survivor, proud to have been born with a disability, proud to speak three languages—they all talked about intersectionality and what made them incredibly unique. I told my administrators that I would like to come out and then show the film I had made of the students (who all had signed media release forms to be in the film and whose parents/caregivers had also given consent). My administrators agreed to my coming out at the Pink Day Assembly and showing the film.

I also wanted to create gender-neutral washrooms at my school, as I needed a safe place and I knew students would need this, too. Unfortunately, two staff members did not want all-gender washrooms at the school. One of the staff members also wanted to speak first at the Pink Day assembly, even though he identified as a straight white cis male. He wanted to talk about the fact that his friend had been discriminated against for wearing an earring when he was a teenager: a great story as an ally.

I wanted to show my film first, as the Kindergarten students were in it and they could not sit through an entire assembly. I asked my administrators if I could go first instead of the ally who wanted to lead the event. Unfortunately, they refused to let me go first. I emailed them saying that I felt like this was transphobic, as two staff members did not want all-gender washrooms at our school and would not allow me to go first at the Pink Day Assembly. Without asking what I wanted or needed in the situation, my administrator decided to call someone who, at the time, led a support group for our central school board.

My administrator then told me I was not allowed to come out as trans at the Pink Day assembly. I was so confused, upset, and discouraged. It didn't make sense to me, though, as I knew I'd had their support before this. I asked who told them that I couldn't come out. They told me the person's name; I called them and they told me the same thing. I couldn't believe my ears, so I put them on speaker phone with my administrators in the room and they reiterated that I couldn't come out at my school until their team came and did training with our staff. I asked where they were and they said they were at a Pink Day assembly. I happened to know that this person was gay and asked them how they would feel if someone said they couldn't be out. They said they wouldn't care. I laughed, thinking how ridiculous and untrue that was. I got off the phone and told my administrators that if they didn't support me I was going home. My principal looked at me and said, "My hands are tied. You cannot come out until they come to do training." **They did say that I could show my film and talk about trans people, but I couldn't talk about being a proud trans guy myself.**

I left school that day and did not participate in Pink Day or show the film. I was crying and upset, but I knew this wasn't right. I called my union, who supported me and helped me fight this through Human Rights. I spent two weeks off work figuring out how to fight my case so that I could be out at my workplace and ensure that there was a safe washroom for myself and for trans students.

After Human Rights spoke to my administrators, I went into work and spoke to them again. My union rep was an excellent ally who sat beside me to support me, but still allowed me to speak for myself. **I told them that I had the right to self-identify according to the *Human Rights Code* and that they can never tell someone not to come out as trans.** They said, "Of course you can be out as trans!" and acted as if nothing had happened. I also said that in order to come back to work, I needed an all-gender washroom and I wanted one for students as well. They agreed. I also said I wanted another Pink Day assembly so that I could show the film and speak about being a proud trans guy. They agreed to this, as well. The students did not understand why I was away on Pink Day or why we were having a second Pink Day assembly two weeks later.

After that happened, it left a bad taste in my mouth. I no longer wanted to work for my administration and I applied to work at another school. Unfortunately, my principal gave me a poor reference at the first school I applied to. I confronted my administrator about it, but she said nothing. I knew I was still being discriminated against, but I couldn't do anything to prove it. I took my principal off my reference list and immediately got the next job I applied for. The person who had told my administrators that I could not come out was later investigated; from what I heard, they were causing harm in many areas, discriminating against and sexually harrassing people at our board, and were let go. I was relieved that this person would not be able to give poor advice to any other principals, and that students would not be negatively impacted by them.

I decided to leave the school due to what had happened. The students asked why I was leaving; I never told them, the other teachers, or the parents/caregivers why I left. Many people did not know what had happened to me, and some students wanted to blame themselves, asking, "Don't you like us? Did we do something wrong?" I assured the students that they were amazing, that I loved working with them, and that it was just time for me to move on and learn from a new community. I knew that if the students knew the truth about what our administrators had done, they would turn against them and I knew that would be bad for everyone. I also reminded myself that my administrators originally were supportive of me coming out as trans until they called the person who told them I couldn't.

I tell this story to you now in the hopes that this mistake is never made again. **Everyone has the right to self-identify and to come out whenever they want and in whatever way feels right to them.** If training is required for staff to be more supportive, it can be done at any time and should never prevent someone from being proud of who they are. So, as you see, policy can be quite complex. Policies which were written to protect trans people can sometimes be used against us. Ensure you stand up for trans people and allow them to come out when and how they want to (and never out a trans person yourself, as it's their story to tell)."

Reflection questions:

- The policy at Jordan's school stated that adequate training needed to be given to support trans staff and students. One administrator took that to mean that Jordan could not come out as trans until after training had been given. How was that interpretation harmful to Jordan?

- Why was it problematic that a straight white cis man wanted to lead the Pink Day assembly instead of allowing Jordan to share his story?

- Identify all the instances of discrimination within Jordan's story.

- The administrators were very focused on negative rights (Jordan's right to be free from discrimination), even though they discriminated against him! How could they have been more focused on his positive rights for him and for other trans people in the school?

- How was the *Ontario Human Rights Code* used to supersede the administrator's harmful interpretation of Jordan's school's policy?

- What could the staff at Jordan's school have done differently?
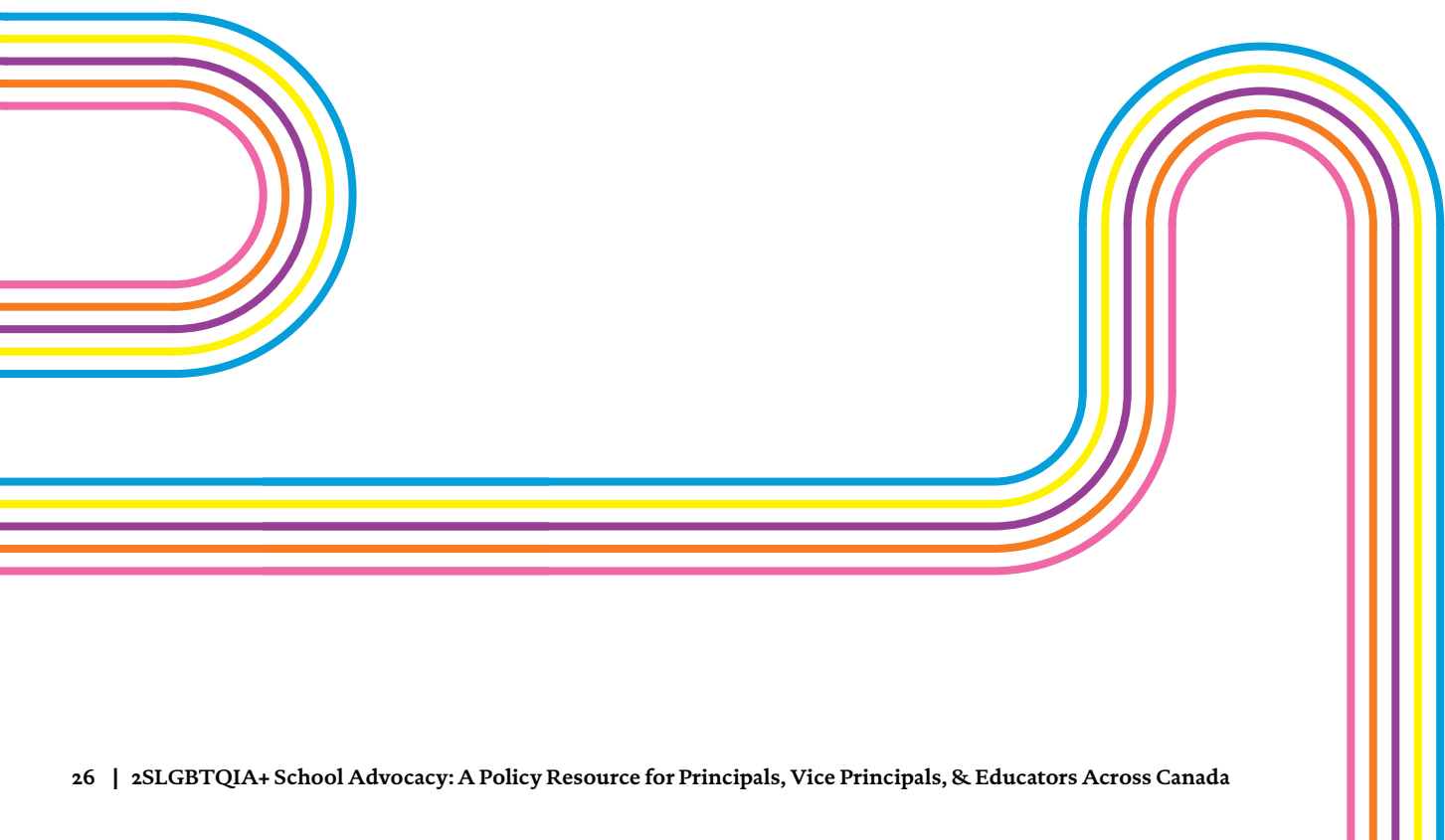
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