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## Civil Liberties Association Holds Public Consultation on Gay-Straight Alliances in Schools

By: Sarah Burton

**Consultation Commented On:** Rocky Mountain Civil Liberties Association, [Consultation on Gay Straight Alliances](#), January 27, 2015

The Rocky Mountain Civil Liberties Association (RMCLA) recently conducted public consultations to continue Alberta's ongoing conversation about Gay Straight Alliances (GSAs) in schools. This post discusses the main themes revealed at the public consultation held at the University of Calgary on January 27, 2015.

### Background

In December 2014, the Prentice government introduced [Bill 10: An Act to Amend the Alberta Bill of Rights To Protect Our Children](#), 3<sup>rd</sup> Sess, 28<sup>th</sup> Leg, 2014 (Bill 10) in response to public pressure driven by Liberal Private Members' [Bill 202](#), the *Safe and Inclusive Schools Statutes Amendment Act*. Without rehashing the details (which were discussed in an earlier post [here](#)), Bill 10 permitted school boards to deny a student's request to create a GSA, and gave recourse to the Minister of Education in the event of such a denial. Amid a growing wave of public scrutiny, on December 4, 2014 Bill 10 was "[put on hold for more consultation](#)".

The government has not, however, announced any plans to conduct a public consultation. The RMCLA stepped in to fill this void and create a platform for Albertans to voice their opinions on this issue. Oral and written submissions were welcome from everyone. They will be incorporated into a formal report that will be submitted to the Alberta government in March 2015. More information on the public consultation, as well as copies of the written submissions, is located on RMCLA's website ([here](#)).

I had the opportunity to attend the Calgary branch of the public consultation process on January 27, 2015. It was an informative and poignant expression of public interest in the creation of GSAs. The audience heard from students, teachers, social workers, politicians, religious representatives, civil liberties groups and other interested community members. While their stories were varied, the following common themes emerged.

### 1. All Students Benefit from GSAs

A GSA is not a gay club, and it does not only benefit LGBTQ students. Everyone is welcome to join, and in practice, membership includes a wide variety of students who are looking for a safe and welcoming place in their school.

GSAs have a positive impact outside the four-corners of the group. Parents, teachers and students repeatedly emphasized the difference that a GSA makes in creating a more positive school culture. As one student noted, just the presence of a GSA is a conversation starter. It sparks curiosity and questions from other students, creating a perfect opportunity to educate people about what GSAs are and why they are needed. It also is a useful launch point to explain to the larger student population the effect that homophobic put-downs have on persons in the LGTBQ community. Several students and teachers noted that the use of homophobic slurs decreased after a GSA was up and running at their institution.

## **2. Deferring to Parental Control Misses the Point**

Bill 10 protects the right of parents to control how their child is exposed to human sexuality in school. For instance, it modifies but continues the controversial practice of sending a notice to parents whenever “human sexuality” (as opposed to “sexual orientation”) will be taught (Bill 10, s. 2(5)). While GSAs themselves are not expressly subject to parental control, the appeal structure created by Bill 10 would not function without parental involvement or awareness.

On its face, parental controls are appealing – they respect the right of Alberta parents to present sexuality to their children in a way that accords with their deeply held beliefs. However, this approach is flawed in its assumption that all students come from supportive and accepting families, and that those students possess no rights independent of their parents.

In handing over significant control to parents, Bill 10 ignores the tragic fact that parents are often the worst bullies of their LGBTQ children. There is no shortage of news stories involving parents who isolated or abused their LGBTQ children, often with dire consequences (for example, read reports of [Leelah Alcorn’s](#) story). It is sad but undeniable that family bullying contributes to LGBTQ youth suicide rates, and the overrepresentation of LGBTQ youth among Alberta’s homeless populations (see [here](#) and [here](#)).

GSAs create a safe space for students to be themselves. When they lack family support, it may be the only place they have. If parental control takes precedence, this undermines ones of the core benefits GSAs have to offer the most vulnerable students. A GSA with a parental override clause will not serve those who most need it.

## **3. Religious Beliefs Should Not be a Barrier to GSAs**

Two Jewish community leaders spoke out in support of GSAs. Their submissions sought to demonstrate that there is more than one way to interpret and contextualize religious beliefs on homosexuality. Members representing the Christian faith were asked to make oral submissions in Calgary, but regrettably declined. This is unfortunate, as it would have provided an opportunity to clarify one of the central sticking points on GSAs – their application to the separate Catholic School Boards.

When Alberta became a province in 1905, s. 17 of the *Alberta Act, 1905* (an appendix to the *Constitution Act, 1867*) affirmed the right of minority faith communities, either Protestant or Roman Catholic, to form a separate school district. This was affirmed by s. 29 of the *Charter*,

which preserves existing constitutional rights. As such, the province of Alberta must contend with constitutionally enshrined rights bestowed on denominational schools when it seeks to enact legislation affecting Alberta schools.

This has caused tension with Alberta's prohibition on discrimination based on sexual orientation, which has bubbled over periodically into lawsuits and human rights complaints (see, for example [Vriend v Alberta, \[1998\] 1 SCR 493](#)).

In an ideal world, matters should not have to proceed to court before the status of GSAs in denominational schools can be settled. As the Jewish community leaders demonstrate, the tension between religion and the LGBTQ community is not inevitable, nor is it universal. Given the demonstrated benefits of GSAs, religious teachings on support and inclusivity, and the fact that membership and involvement with GSAs is entirely voluntary, the Jewish representatives have shown that it is possible to respect one's faith and facilitate the creation of GSAs.

#### **4. GSAs Should be Student-Driven**

One of the most valuable features of a GSA is that it is student led and controlled. No two GSAs are identical, because they adapt to the specific student needs at each school. It is this individuality and ownership of interested students that have made GSAs so successful.

A blanket obligation that all schools "shall" have a GSA blunts this spirit and sense of control. While the GSA supporters agreed that all schools should permit GSAs when asked, they were equally clear that the impetus for creating the GSA should rest with the students.

#### **5. There is Importance in a Name**

Legislation on GSAs must stipulate that the name "Gay Straight Alliance" is permitted, although not required. While students didn't care about the name "Gay Straight Alliance", politician Laurie Blakeman and the RMCLA panelists recalled Ontario's problems with school boards creating "diversity" or "equality" clubs while simultaneously prohibiting the name "Gay Straight Alliance" (see, for example, news coverage of Windsor Ontario's Catholic School Board [here](#)).

By permitting the GSA title, legislation will be clear that school boards must adhere to the spirit and the letter of the law. Students may, however, choose a name other than GSA.

#### **Concluding Thoughts**

As you may gather from the comments outlined above, participants in the public consultation were overwhelmingly pro-GSA. This may not be surprising, as the RMCLA would likely appeal to advocates who are, by and large, supporters of equality rights. While I believe that Albertans who are skeptical of GSAs would have been received respectfully and openly at the hearing, their absence demonstrates that they likely felt otherwise.

The relative one-sidedness of the oral public consultation highlights how much a government-sponsored public forum would have been useful on this issue. A government sponsored consultation would give the appearance of a more neutral platform for Albertans to voice their concerns, and perhaps to settle their differences.

Unfortunately, after the firestorm died down late last year, the Alberta government has been largely silent on Bill 10, its potential successor, and GSAs generally. Given the headache it caused the government, this silence is disappointing but not at all surprising. Amidst this silence, however, it is important to remember that the issue of GSAs has not been settled. While attention has been diverted, the Alberta students who would benefit from a GSA have been left waiting in limbo. All schools in Alberta have LGBTQ children. Given the risks facing marginalized LGBTQ youth in schools, and the demonstrated benefits of GSAs, we owe it to these students to make comprehensive legislation on GSAs a priority that actually serves their needs.

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