Conversations in Equity and Social Justice: Constructing Safe Schools for Queer Youth

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Abstract

The paper is a critique of discourse focused on at-risk behaviour and homophobic bullying. The paper argues that conversations around homophobic bullying mustinclude discussions of doing equity and achieving social justice,in which the ultimate goal of constructing safe schools is achieved through the utter transformation of school culture. Failure to do anything less continues to license homophobia and makes predictable and inevitable violence against queer youth. This study employed a series of interviews with sexual minority students and teachers combined with observations in the field, documenting and critically inquiring intothe effectiveness of anti-harassment policies and safe school legislation to address the problem of bullying of sexual minority students in Canadian high schools. The study concludes that the effectiveness of legislation and polices, as well as the larger goal of doing equity and achieving social justice in schools, is impacted by how a school conceptualizesand implements "safety".This study was supported by the Law Foundation of British Columbia.

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In the United States, much of the discourse about "safe schools" and "bullying" has unfolded within a larger discussions about "school violence," often in the context of school shootings. Walton (2004, 2005a, 2005b) has argued that this has proven problematic in a Canadian context – even though gun violence in schools does occur in Canada and is clearly a serious concern. American concerns about extreme violence have significantly influenced discussions about school safety such that factors such as equity in schools, are not emphasized. This approach has given rise to a "moral panic" about physical violence, particularly gun violence, and once in place, the prominence given to extreme violence has been difficult to supplant (Walton, 2005a, 2005b).

Theories of bullying that limit bullying to specific incidents of personal conflicts between individuals have policy implications for the construction of safe schools. This conception of violence in schools ignores many other aspects of school life that have profound and negative effects on school climate, particularly for sexual minority students whose needs are not

addressed when the emphasis on keeping schools safe is on exerting control and where the focus is on extreme physical violence or gun violence. Designing strategies to "respond" to bullying in high schools is limited, lacking as these responses do proactive, educative and critical responses. This kind of approach largely focuses on bullying's psychological and cognitive determinants between specific and limited numbers of students – the larger culture is not implicated. Bullying is conceptualized and studied as a cognitive and behavioural "moment," rather than the expected outcomes of cultural and ideological factors (Pepler, Craig,& Blais, 2007). As Walton (2005a) points out, very often even research-based solutions are "in large part implicitly predicated on rooting out bullies, like pulling noxious weeds from an otherwise aesthetically-pleasing garden" (p. 1).

Bullying and the Law

Until recently, the term "bullying" was an artless word at law, possessing little meaning in a legal context. "Bullying" had not been a term in any Canadian legislation. Criminal law recognizes "assault," "trespass," *et. al*.; civil litigation permits legal actions founded on "assault", "battery" and a failure to provide a sufficient standard of care where a duty of care is owed to one's neighbour. The *Charter* and provincial human rights legislation affords students, and others, protection from harassment and discrimination in access to services, employment and housing. There have been three human rights complaints founded in Canada based on what the media, public and some academics would describe as "bullying," but none of these actions was grounded in "bullying" *per se*.

For five years, from 1993 through 1998, Azmi Jubran attended Handsworth Secondary School in North Vancouver where he was repeatedly assaulted verbally and physically. He was subjected to homophobic epithets and spit and urinated on, kicked and punched by male and female students. After defending himself during one of these assaults, Jubran faced criminal charges – of which he was eventually acquitted. As a result of his experience before the criminal court, and before he graduated from high school, Jubran filed a human rights complaint before the Human Rights Tribunal in British Columbia alleging that he was discriminated against on the basis of sexual orientation, a prohibited ground. The basis of his complaint was that the Board of School Trustees was accountable for the discrimination because it failed to provide an educational

environment free from discriminatory harassment, by failing to respond effectively to the discriminatory conduct. The Human Rights Tribunal found that Jubran's own sexual orientation – which he described to me as heterosexual – was irrelevant. The Tribunal also found that the fact that Jubran's victimizers did not believe he was homosexual was not a basis to exclude protection under that province's human rights legislation. The school board appealed that decision to the British Columbia Supreme Court where the court decided that Jubran, because he was heterosexual, had not been discriminated against according to the language of section 8 of the British Columbia *Human RightsCode*. The Court of Appeal reversed that decision and the Supreme Court of Canada declined to hear an appeal. As a result, after over thirty thousand dollars in legal fees, twenty-four year old Azmi Jubran prevailed.

Gabriel Picard brought an action against the Lakehead District School Board, in Thunder Bay, Ontario alleging that the school board, in violation of sections 1 and 9 of the Ontario *Human Rights Code*, had "discriminated" against him. Picard set out the basis of his complaint in his application:

> I am gay and I believe my right to equal treatment with respect to services, goods and facilities without discrimination because of my sexual orientation has been infringed by the respondents. I believe this is contrary to … the Human Rights Code … I believe this [because] … since grade nine, I have been repeatedly harassed by numerous students because of my sexual orientation … This has caused a poisoned and unsafe environment for me in the school. (Ontario Human Rights Commission Complaint No. SBHE-5YJRJL, July 22, 2004)

Picard's complaint resulted in settlement with the school board that called for a number of solutions. First, the Board agreed to developed a document entitled, "Proactive Steps in Preventing Homophobic Harassment," which the Board agreed to adopt. The document outlined a series of programs intended to achieve what Picard initially set out to do by filing the complaint – to "change the culture" of the high school, which he told me was the only way to ensure a safe site for queer students and teachers. The Board committed to a review of its policies, agreeing to make necessary changes. Most important, they agreed to promote curriculum resources and professional development in order to confront homophobia and, most importantly, the heterosexism at Picard's school, by establishing, among other things, a

Gay/Straight Alliance and designated safe spaces in every high school in the school district. Under the agreement, a newly instituted Diversity Committee was charged with promoting additional programs and proposals in order to make district schools "safer." Unfortunately, success on paper did not immediately translate into success on the ground and Picard, with the assistance of his mother, a high school teacher at his former high school, were obliged to bring further complaints before the Human Rights Commission in Ontario in order to compel the School Board to comply with its obligations under the Settlement Agreement.

Since completing the interviews upon which this study has been based, the Ontario legislature enacted Bill 212 into law in 2007. Bill 212, which came into effect on February 1, 2008, made some changes in the safe school provisions of the *Education Act*. One of the significant effects of Bill 212 is that the Ontario legislature introduced the term "bullying" into the *Education Act*. As a result, "bullying" has become a prohibited action in schools, thereby making "bullying" an identifiable term in Canadian legislation. The legislation does not offer a definition of "bullying, but there is a definition in the Ministry's *Policy/Program Memorandum No. 144*, regrettably following accepted – and narrow – conceptions of bullying in most literatures dealing with bullying – that is, divorced from cultural or ideological implications. Bullying is conceived as an incident between specific, identifiable "individuals":

> Bullying is typically a form of repeated, persistent, and aggressive behaviour
> directed at an individual or individuals that is intended to cause (or should be
> known to cause) fear and distress and/or harm to another person's body, feelings,
> self-esteem, or reputation. Bullying occurs in a context where there is a real or
> perceived power imbalance. (Ministry of Education, 2007, p.3)

Bill 212 also removed the power of principals to expel and the power of teachers to suspend, as well as eliminating any reference to "zero tolerance" in the *Education Act*, the provincial *Code of Conduct* or policy documents.

Notwithstanding that "bullying" now appears in the language of the *Education Act*, the current conception of bullying, as it has been understood for several decades in Canada, has, in mainstream discourse, failed to move beyond generic conceptions (Walton, 2005). The results of this study indicate that a more expansive approach is required to address the broad forms of

oppression faced by sexual minority students – and many other students. Bill 212, now law, also raises questions as to whether or not a progressive discipline framework that shifts the focus in the *Education Act*'s safe school provisions from punitive discipline to a focus on supportive and corrective discipline – but continues to lack an emphasis on equity and social justice as a significant part of what makes schools safe – will play out differently on the ground or "in practice." Narrow conceptions of "bullying" and "safety" do not capture what Eric Rofes called "the complicated nature of classrooms" (Rofes, 2005) and ignores what Kevin Kumashiro has described as "the new narratives that queer youth in schools are writing for themselves with respect to a multiplicity of sexual and gender identities" (Kumashiro, 2000).

The Safe Schools Movement in Ontario

In 1993, a series of incidents in Scarborough, one of Toronto's outlying boroughs, spurred the Scarborough Board of Education to take action to deal with the already growing perception that the safety of its high schools was under threat. The popular press – newspapers, magazines, tabloids – was full of accounts of "extreme" violence occurring in schools. Three Scarborough teenagers were charged with sexually assaulting and extorting money from girls at Midland Collegiate in Scarborough (Ainsworth, 1990). A 15-year-old girl was attacked at knife point (Ferguson, 1993). One Scarborough high school caught an adult drug dealer in one of the school's washrooms. At the time of his arrest, he was in possession of a gun as well as the drugs he was selling on school property (Josey & O'Neill, 1993). At another school, a 17-year-old student pointed a handgun at another student's head. In response, on November 1, 1993, the Scarborough Board of Education approved a policy on violence and weapons that would come into effect on December 1 of that year – the first school board in Canada to introduce a so-called "zero tolerance" policy with the goal of making schools "safer" (Josey, 1993). Under the policy, principals were required to document all acts of violence at their schools and to report to the police all "incidents" in which weapons were used. Students who violated the policy were suspended, or in the case of assault, expelled. While the events in Scarborough in 1993 are often looked to as the beginning of the safe schools movement in Canada in the media, certainly, the conversation about safe schools had been going on for a number of years before the Scarborough Board was spurred to act. For example, the Scarborough Board had instituted a Safe Schools Committee, chaired by Stuart Auty, a high school principal at the time, as early as 1989 (Abtan,

1993). Gerri Gerhorn, a TDSB trustee for Don Valley West recounted the climate with regard to keeping schools safe in the late 1980s:

> In 1987, I was one of several trustees involved in a confidential meeting with a group of secondary school principals. Our meeting was under wraps because it was about violence and it was not politically correct at that time to talk about the growing manifestation of aggression in student behaviour.At the Toronto District School Board these conversations signalled a shift. It was the beginning of Codes of Behaviour … It also led to increased security measures such as locking outside doors, installing cameras, hiring hall monitors, and employing security patrols.(Gershorn, 2007, p. AA06)

In 1990, growing concern about school safety prompted the Ontario Secondary School Teachers' Federation to set up a task force to address the issue (Gershorn, 2007). A newspaper search reveals that, at this time, the discourse surrounding "school safety" unfolded in the media around issues of "school security," "crime," and "school violence." Setting the tone of the tenure of the task force, Auty conveyed to the news media that Scarborough-area principals had believed for some time that security guards, electronic surveillance and constantly-visible student identification tags were the kinds of security measures that were necessary to make schools safe. A focus on extreme school violence animated by moral panic fuelled discussions about safety in schools throughout the decade (Walton, 2004, 2005).

In anticipation of the impending provincial election in 1999, the Mike Harris Progressive Conservative government formalized its promised to implement a zero tolerance policy toward violence in schools in its policy platform, *Blueprint: Mike Harris' Plan to Keep Ontario on the Right Track*. Once returned to office, Harris delivered on the party's promise and, in April 2000, the Ministry of Education delivered a *Code of Conduct* for Ontario schools which, among other things, mandated suspensions and expulsions for certain behaviours, as well as requiring police involvement for a variety of infractions:

> Premier Mike Harris says students will face automatic suspensions if they swear at a teacher and immediate expulsion if caught providing drugs or alcohol to other

> students. While school boards have codes of conduct, Mr. Harris said, enforcement has been lax.(Galt, 2000)

Within a month, the Ministry introduced Bill 81 more popularly known as the *Safe Schools Act*, which amended and became part of the *Education Act*, to give force to the *Code of Conduct*, giving principals and teachers more authority to suspend and expel students. The *Safe Schools Act* was passed in June 2000 and came into effect in September 2001. The preamble to the *Safe Schools Act* indicated that the legislation was enacted "to promote respect, responsibility and civility in Ontario schools" and was intended to ensure that "students and teachers are interacting in a safe and respectful learning environment."As many commentators have noted, the *Safe Schools Act* drastically transformed how students were to be disciplined in Ontario's schools. Prior to the enactment of the *Safe Schools Act*, the suspension and expulsion of students was governed by section 23 of the *Education Act*. The power to suspend a student was restricted to principals and the power to expel was restricted to school boards. Both actions were discretionary. The basis upon which students could be suspended was limited and a student could be expelled only where it could be shown that the student's conduct was so "refractory" that continued attendance at school would be "injurious" to other students or to anyone.

The legislation required school boards across the province to turn their corporate minds to the issue of school safety – and to act. The *Safe Schools Act* required school boards to provide programs for suspended and expelled students, which did not often happen (Bhattacharjee, 2003).School Boards in Ontario began to pay attention to their safe school programs, amending policies, even before the *Safe Schools Act* was enacted. The TDSB, for instance, had already adopted a "Safe Schools Foundation Statement" with a "zero tolerance" component, *Police School Protocol* and a *Safe Arrival Program for Elementary Schools* document.

Several provisions of the *Safe Schools Act* were characterized as "zero tolerance" responses when dealing with incidents of physical violence – some of which called for police involvement. The provincial *Code of Conduct*, promulgated under s. 301 of the *Education Act*, had already

mandated the participation of the police for most breaches. Specifically, the *Safe Schools Act*, the *Education Act* was amended attracting mandatory suspensions for such infractions as uttering threats to inflict serious bodily harm, possessing alcohol or illegal drugs, being under the influence of alcohol, swearing at a teach, committing acts of vandalism causing damage to school property. The minimum duration of a mandatory suspension was one school day and the maximum duration was 20 school days. Mandatory expulsions were to be imposed for these infractions if committed on school property or when a student was engaged in a school activity. The significance of requiring discipline for students "engaged in school activity" under section 6 is that off school site conduct such as possessing or using weapons could also be captured.

Notwithstanding the touting of the *Safe Schools Act* as a zero-tolerance response to school violence, and the widespread perception that the government had delivered on its promise to bring zero tolerance to schools in Metro Toronto, the *Safe Schools Act*, in fact, allowed for a consideration of a number of "mitigating factors"– on paper making the legislation less than a true "zero tolerance" approach. In practice, however, these mitigating factors – such as a student's inability to control his or her behaviour – were often not taken into account.

The Toronto District School Board

As required under the *Safe Schools Act*, the TDSB increased the list of infractions for which suspensions or expulsions were required in its own safe schools policy and developed a list of breaches that could be responded to with discretionary suspension or expulsion. To make these lists easily comprehensible, the TDSB a document entitled, "Consequences of Inappropriate Student Behaviours Charts" or "Grid of Consequences" – or just "the Grid" as many informants referred to it. The "Grid" listed the infractions for which disciplinary action would be imposed as well as listing the minimum days that would be imposed for suspensions and expulsions. The document is laid out in the form of a table so that the vice-principal meting out punishment could immediately determine "time periods" of suspensions or expulsions and whether or not he or she was required to call the police for a particular breach of conduct. Even though the mitigating factors set out in the *Act* and *Regulations* were intended to rule out mandatory suspensions or expulsions, under the TDSB's *Safe Schools Procedures Manual*, principals were given the right to impose discretionary suspensions or expulsions in any event. Teachers were required to

employ the same philosophy with respect to their power to suspend. As a matter of practice, however, the teachers' federations in Ontario advised their members to refrain from exercising this power and, instead, to refer all disciplinary decisions to the office of the principal.

Sexual Minority Students

Public and media pressure gave rise to the *Safe Schools Act*. Notably, the legislation did not specifically mention bullying, sexual orientation or verbal harassment. A review of the house debates regarding the legislation reveals that there was some debate regarding the potential impact of the *Safe Schools Act* on disabled students, but no mention of its impact on racial minority students. Nor was there discussion of how to make schools safe/safer for sexual minority students. The debates also failed to include any perspective that read bullying as a cultural practice guarding categories of social advantage and, most detrimentally for queer students, where gender and sexuality were the source of cultural privilege. These deficiencies, as well as the historicity of the legislation, generally, provide a valuable background to some of the commentary provided by the informants in the remainder of this study. As this paper will show, many students and teachers characterized their schools in terms of models of "control" or "security," attributable, in the view of some, to the historical narrative that drove conversations about safety, in such terms, throughout the 1990s. As the interviewees made clear to me in this study, the pursuit of equity was viewed by school administrators and safe school committees as a separate goal, meaningful only for a few implicated students, and not relevant to conversations about safety, generally.

"The Race to Equity"

At the same time as the movement to safe schools was unfolding in Ontario, there was another parallel effort playing out in Toronto schools. Less visible, for the most part, but no less passionately fought for by its advocates and supporters, what Tim McCaskell has termed "the race to equity" was a 30-year pursuit (McCaskell, 2005). The movement began in the early 1970s in the Toronto Board of Education and came to fruition (on paper) at the newly-amalgamated Toronto District School Board in 1998 – to bring antiracist, anticlassist, antihomophobic and antisexist programs to Toronto's education system.

In 1997, the amalgamated City of Toronto was created by the *City of Toronto Act*, which replaced the *Municipality of Metropolitan Toronto Act*. The legislation united the five Toronto-area boroughs (Metro Toronto, Scarborough, York, North York, East York and Etobicoke) into one "super city" that has since come to be known as "the GTA" – the Greater Toronto Area. Around the same time, the Mike Harris government enacted the *Fewer School Boards Act* to amalgamate the school boards of the five boards into one governing entity, the Toronto District School Board or TDSB. Even though both proposals received abrupt and pervasive public opposition in late 1996 when the Harris government first announced its intentions for the city and its schools, as of January 1, 1998, the Toronto District School Board ("TDSB") was created as the sole governing entity – where before there had been five.

According to McCaskell, among all the boroughs, the Toronto Board exhibited the most profound commitment to equity. Tim McCaskell began working with the TBE in 1979 as a contract worker and became a full-time employee in 1983. He described to me the nature of the work he undertook during those years:

> I did work with students focusing on getting them to identify and challenge first of all racism in their schools and then began to do anti-homophobia work as well. And as the Board's policies grew and changed, I was a sexual harassment resource person as well. So, then I also helped students with sexual harassment complaints. And I was still preparing curriculum documents on such topics as racism or disabilities or class bias. (McCaskell, 2005)

When the provincial government proposed merging the five school boards into one, McCaskell and other equity workers in Toronto were concerned that the gains made by the TBE's equity departments would be sacrificed. He recalled his anxieties when the new structure was first suggested:

> Those of us from Toronto tended to see the progress of the other boards as under-developedand narrower than what we had accomplished in terms of equity in Toronto. Nobody knew what position the new board would take on equity or what the new structure would look like. There was a widespread concern, well a fear,

> really, that the issues and the programs we cared about most and had spent so
> many years working towards might be gone or displaced. (McCaskell, 2005)

To preserve the decades-long efforts of the Toronto equity employees, McCaskell drafted a document that he and other equity employees in the TBE hoped could be used to represent and codify a commitment to equity of the newly-formed super-board. The result was "Equity in Education: Basic Principles," which stated:

> Educational systems in Canada have not served individuals associated with
> certain groups. There is consequently a need for change to overcome institutional
> and individual racism, sexism, homophobia, class, bias, ableism and other forms
> of discrimination …
>
> Equity in education requires pedagogy which encourages and equips students and
> staff to understand power relations and challenge unjust systems. It must be based
> on learners' experience and must be relevant to their lives. Teachers, students,
> families and communities are therefore partners in an exploration that encourages
> responsibility and critical thinking.
>
> Equity in education must help learners understand the connections, similarities
> and differences between different forms of oppression and discrimination. Only
> with such understanding is it possible to work together to build a more just
> society. (McCaskell, 2005, pp. 230-31)

Recognizing the individual and systemic bases of oppression, the document reflects a robust conception of schools pointedly different in its concerns and proposals than those occurring in relation to the discourse surrounding "safe schools." In the document's conception of equity, equity is not just an "add on," but the substance behind creating safe and equitable schools. McCaskell told me:

> Having policies around harassment and bullying and stuff is certainly not enough
> to keep kids safe. You've got to have regular educational work to dismantle and
> constantly challenge the kinds of stereotypes the kids will be learning from the
> rest of their environment and you've got to have all these systemic pieces in
> place, not only in terms of harassment and anti-bullying and anti-violence, but in
> terms of equity being promoted. So, yes, you can do the "rules and consequences

> piece" around "no more bullying" and "anti-violence," but the other piece has got to deal with equity issues. (McCaskell, 2005)

The document identified oppressed persons within the educational system as the "driving force" behind the hoped for changes, endorsing their participation in devising and implementing proactive programs grounded in student realities.

Adopting the "Basic Principles" document was not automatic. Powerful voices, primarily from the individuals previously employed at boards outside the downtown Toronto area, bitterly opposed the document, preferring instead an equity policy limited to "race and culture" – meaning, at most, race and "faith." It is here, after the battle lines were drawn between those favouring the narrower approach to equity and those endorsing the broader approach embodied in the Basic Principles document, that the struggle gained public attention and widespread media coverage.

As the issue gained more prominence in the Toronto press, public support for the broader approach to equity took hold – but only after a very dispiriting and drawn-out fight. Finally, in May, 1999, a task force recommended that the Board develop a basic equity "foundation statement" based on the "Basic Principles" document, and recommended the development of corresponding documents with respect to gender, sexual orientation and socio-economic class. The only deviation in language between the "Basic Principles" and the final draft of the foundation statement was to migrate away from a recognition of oppressed communities as the "driving force" behind system-wide changes to a preference to "value and encourage" the contributions of diverse community members. In June, 1999, the Board adopted the recommendation of the task force. The document acknowledged the historical differential treatment of certain groups based on race, colour, culture, ethnicity, linguistic origin, disability, socio-economic class, age, ancestry, nationality, place of origin, religion, faith, sex, gender, sexual orientation, family status, and marital status. The statement articulated the Board's commitment to equity:

> The Board will therefore ensure that … the curriculum of our schools accurately reflects and uses the variety of knowledge of all peoples as the basis for

instruction; that it actively provide students to understand the factors that cause inequity in society, and to understand the similarities, differences, and the connections between different forms of discrimination; and that it helps students to acquire the skills and knowledge that enable them to challenge unjust practices, and to build positive human relationships among their fellow students, and among all members of the society. (Toronto District School Board, 1999, p. 269)

Tim McCaskell, Sharon Dominick and Lorna Gillespie and many other educators I met, considered equity to be a crucial component to making schools safe, particularly for sexual minority students. In conversations and debates leading up to the introduction of the *Safe Schools Act*, however, it was clear that equity did not form a part of those discussions, but was a separate and distinct discourse within the TDSB and the province, generally.

The Current Study

The particular focus of the larger research project on which this paper is based, was to examine the potential of safe school legislation and equity policies to combat the bullying and oppression of sexual minority students in high schools at the particular site of the TDSB. My main purpose was to inquire into how safety was defined and understood by sexual minority students and their allies – particularly in the absence of legal guidance – and then to inquire into how sexual minority students reported that safety was pursued at their schools. Finally, I considered how those definitions and understandings might be translated into law and policy reform that re-conceptualizes current approaches to safety.This paper reviews conceptions of safety and perceptions of threats from the perspective of sexual minority students and their advocates, taking seriously the legitimacy of their voices.To explore these questions in a way that purely doctrinal or theoretical research can rarely accomplish, I spent three months in 10 Toronto high schools within the TDSB, interviewing approximately 25 sexual minority students and 15teachers and guidance counsellors. The students in the study ranged from Grades 9 through 12 with equal gender representation. Students ranged in age from 15 to 18. Students were recruited through teachers who were known to be supportive of sexual minority students in their high schools, often running gay-straight alliances or teaching sexuality and/or gender studies. Teachers, committed to making a difference for sexual minority students at particular schools, opened their doors to me, allowed me to sit in on classes day after day, and, most importantly,

directed me to students they knew to be queer. The teachers who granted me access to their students (and other teachers who did not) also described their teaching experiences through formal interviews. As I spent time in their classrooms, these conversations also included informal "day to day" conversations that unfolded over the days or weeks spent in their schools. Teacher and student informants were asked to identify other informants who were part of the cultural community. This technique is known as "chain sampling" or "snowballing." The purpose was to obtain a diffusion of knowledgeable informants in similar experiential areas of investigation. Chain sampling or snowballing in the educational context was the most useful and practical way to gain access in two crucial ways. First, snowballing at one site allowed me to access students who identified as gay, lesbian, bisexual, transgender or queer, whom I would otherwise have had no way of identifying. Second, snowballing allowed me to access different sites, being introduced into a different school, usually to a teacher at that site who was informed and involved with "queer issues."

I interviewed approximately three to five "out" students at each school. Limiting my interviews to students who identified as queer meant that there was a small pool from which to draw. I discovered that it was difficult for me to locate five students at any school who were "out" and willing to go on the record to discuss harassment with me. Not surprisingly, only at Triangle, a program exclusively serving GLBT youth, was it possible to find so many queer students willing to talk.

I was particularly interested in student awareness of safety and equity legislation and policies, their assessment of the implementation of those policies and the details of their "day to day" experiences at school. Some students, understandably, had more to say than others; as a result, the length of the interviews varied from 60 minutes to two hours. All interviews were semi-structured and digitally recorded and transcribed. I quickly learned that many queer students resist in self-identifying through a simple male-female binary, choosing instead to place themselves somewhere along a male-female continuum. In addition, I interviewed several students who did not identify as GLBTQ, but who were, nonetheless, subject to homophobic harassment by their peers – particularly, Azmi Jubran.

There is an obvious trade-off between having a reliably representative sample (more likely with larger numbers of informants) and logistical limitations on the depth and quantity of interviews I could undertake. However, I was never concerned with making an argument that these experiences were conclusively representative. Rather, I was, more interested in the richness of detail made possible by a smaller sampling. This study is concerned, primarily, with the standpoint of queer students and their allies at ten high schools in the Greater Toronto Area. A standpoint is simply a perspective from which the world is viewed by members of a social group. Knowledge produced from the standpoint of an informant would be historic, representing a moment in time, dependent upon the specific circumstances under which the perspective was constructed and delivered. As such, the informants in this study are not a sample and they represent only themselves. Nonetheless, the perceptions of the informants in this study about homophobic bullying, the impact of a heteronormative school culture on queer students and the experiences of queer high school students, generally, provide a useful and reliable basis upon which to build a descriptive and also critical/prescriptive analysis. Their observations can be confirmed in several ways. First, some of the stories related to me in this study are remarkably similar to my own personal experiences in high school. Other researchers have produced data that confirms the legitimacy of the experiences of the informants of this study, notably GLSEN's *2009 National School Climate Survey*. In March, 2009, Egale Canada published an executive summary of Phase 1 of its safe school survey. The survey was funded by Egale Canada, the University of Winnipeg, and SVR/CIHR and included questions about sexual orientation, the language used by students in schools, bullying, the curriculum and teacher advocacy for queer students.

Results

Ontario high schools are governed by the same safe school legislation and regulations. In the TDSB, each school looks to the TDSB Safe School Foundation Statement and the Equity Foundation Statement to fulfil notions of safety and equity. According to students and teachers in this study, however, there is a range of conceptions of safety at schools. This range corresponds to the degree to which the safety concerns and needs of sexual minority students are variously considered. For a few schools, that conception is a marvel for sexual minority students. At others, sexual minority youth were ignored or incidentally considered when administrations were

compelled to do so. At these schools, most of the concern was on "visible minority" students who were perceived to be the greatest threat to the school. The range of conceptions can be represented in this way:

Control   Security   Equity   Social Justice
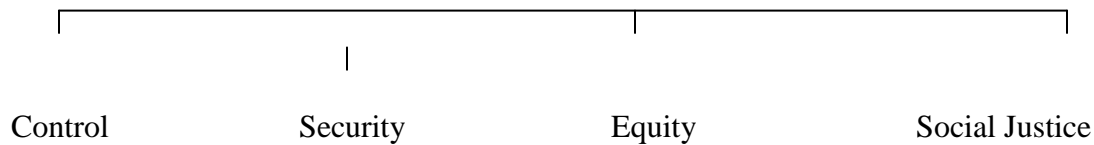
Figure 1: Model of Conceptions of Safety

At one end of the spectrum, school administrators conceptualized safety as an extreme in which "control of identity" of the students was paramount. In this configuration, students and teachers told me that students at these schools were read as dangerous, often black, and the particular object to be controlled, male. The process of "othering" or "social distancing" that resulted from this perception pushed black students, or some members of the group, away from the "ormative centre as it was perceived by the policy actors at the school. "Othering" marginalized this population in such a way as to produce inequities, resulting in alienation. Because of the power of the policy actors and the possibility that black students internalized the labels, diminution of their social standing within the school was believed to give rise to self-fulfilling prophecy, i.e., the label came to be accepted even by the students and the students, in fact, came to behave in ways the labels suggested they should. The minority fulfilled the prophecy of the social construction despite the efforts of the controlling group of policy actors to ensure the opposite, i.e., the "whiteness" of the black students.

At other schools, "security" was the primary focus of ensuring a safe school environment. The emphasis in the school was on "physical safety." Measures included surveillance cameras, dress policies, security guards, an emphasis on containing and, if unsuccessful, responding to violent behaviours. Equity policies were secondary to concerns about violence and the presence of gangs in the school. Schools in this category, as well as schools that might be classified as schools

where identity was controlled, perceived their own students as the threat to certifying the safety of the school. Many, if not most, schools may fall into this category.

Not surprisingly, given the status as "other" that most sexual minority students occupy in their schools, most students felt that safety had to be defined broadly with significant room for impact on the school culture, and not just as after purpose responses undertaken following an "incident" of bullying and harassment. Consequently, further along the model are schools that sexual minority students conceptualized as promoting equity as a means of achieving a safe and secure environment for students, teachers and staff. At this site, students and teachers emphasized equality and focused less on monitoring their own students. These schools may be uncommon, but the results of these efforts were effective in the estimation of students and teachers at the schools where equity as safety was stressed, notably for sexual minority students.

A smaller number of students made a distinction between equity and social justice often on the basis that a school that was engaged in social justice was also engaged with the larger community – often the global community. For many students, "doing equity" was no less deserving of respect than seeking social justice, but "equity"was perceived as emphasizing school-focused goals. In both cases, the efforts of these students represents a new student-led activism aiming for cultural transformation – either of the school climate, the larger world, or both. Some students told me that social justice meant the pursuit of equality and the elimination of all oppression; whereas, equity was seen by some as a more limited goal, often equated with a respect for diversity. The distinction between equity and social justice, in the view of some students, was contingent upon the extent to which a school was proactively trying to change the school culture, to address, for example, the heteronormativity of official and unofficial space in schools – especially the curriculum. For many students, heteronormativity was viewed as being more immediately threatening to their personal identities and safety, than bullying and any fear of physical or verbal harassment or violence. These students acknowledged, however, that for students in other Toronto schools, students in smaller cities, and in rural settings, concerns about physical and verbal violence were significant and immediate. "Safety" as "social justice" was proposed by informants at the site an ideal model for all schools, notwithstanding an acknowledgment that transformation would likely be long-term for most schools undertaking it.

In whatever category, or categories, a school might be classified along this study's model, conceptions of safety at these five schools were not perceived as absolutes. For example, a school that might be classified as a school in which safety was conceived of in terms of creating a climate of equity, might also be concerned with social justice or even security. A school that emphasized a commitment to "safety as equity," also tipped towards "social justice" in some ways.

The question must be posed: is this representation in *Figure 1*, from control-security-equity-social justice, a continuum? Do the pursuit of equity and social justice lead to a structure of security and attempt to control student identity? Do these interviewees – and critical educators – seek to replace one form of hegemony with another? Dan W. Butin (2001) has suggested that educators who insist that students gain knowledge of and acceptance of anti-oppressive pedagogies that are being offered to students are being just as oppressive as the practices that deliver oppressive, hegemonic perspectives. He has critiqued the antioppressive pedagogies as "limited" on the grounds that they "remain beholden to a notion of antioppression education as itself somehow outside of the potential for oppression"(p.#). Citing Foucault, Butin critiques Kumashiro, in particular, and equity or antioppressive education, generally:

There is no possibility that anti-oppressive education may itself be a pedagogy of silencing which is resisted by those in disagreement. Foucault has shown that we should be sceptical of any discourse that purports to be outside relations of power. In turn we must acknowledge that anti-oppressive education imposes itself upon students, from the texts to be read to the intellectual positions defended and attacked.(p. 14)

What Butin appears to miss in his critique, however, is the emphasis on critical pedagogy in developing, not an ethos nor a mindset in the students, but rather a freedom to question and to interrogate. Kumashiro (2002) responds to Butin's critique in this way:

…[A] pedagogy informed by "posts" perspectives does not hope that students embrace or come closer to "the" anti-oppressive practice or perspective, not does such a pedagogy need to resign itself to the fact that students might instead embrace oppressive ones. Rather, it hopes that students question the effects of a variety of practices and perspectives, including the ones their teachers say are anti-oppressive. In particular, it teaches students to look beyond a variety of practices and perspectives, not to reject what they are taught, but to examine and experience ways that any practice or perspective can produce different knowledge, identities, relations and forth, sometimes oppressive ones, sometimes anti-oppressive ones, and sometimes both …"Posts" perspectives on anti-oppressive education problematizes the assumptions of educators that they can know with certainty what is oppressive or anti-oppressive and that their students do not need to be examining the multiple and often contradictory effects of what it is that they are learning.(p. 18)

Emma, who attended a school that exemplified this same approach, told me about an interesting situation at her school regarding her school's Sex Ed curriculum:

In fact, this year the seniors are planning to kind of take over grade nine sex ed. because, well, actually the seniors have decided that it's really no good. The school encourages us to take these kinds of roles, to look around and to critique what we see. And, in general, the sex ed. course in grade nine, well … because it's TDSB written curriculum, there's no queer content. Or if there is it's kind of mumbled somewhere in there. So we've decided to go in and teach the class even though the teachers thought they were doing something better than what's at most schools, we thought it wasn't enough. (Emma, 2006)

The idea of senior students deciding among themselves to initiate curriculum change seemed extraordinary and difficult to believe. I am told "the admin had to approve it and actually they already have for next year." I asked whether or not any teachers would be involved in teaching this revised sexual health curriculum:

No. I'll do portions of it and then different students will take other parts. Like there's still going to be the basic sex ed. and not just queer content but we'll put that in, and then just focusing on just making sex not look like such a horrible thing. (Emma, 2006)

I asked Lorna directly if teaching equity was merely replacing hegemony with hegemony. I set out her answer at length:

> I just did *Lord of the Flies* with my class, which is all about societal control, as you probably know. Maybe if we need to look at control as setting limits for the good of everyone. Control of some sort is usually necessary in any institution, especially one full of often impulsive and foolish young people who sometimes can't see beyond the next five minutes or who come to school with a lot of negative baggage that they dump onto the school community. It's like the free speech issue: free to a point, but we don't typically let racists or Nazi types bellow their crap in public.
>
> In fact, your question is very timely, as the student population at my school is changing, and things are getting more and more out of control because of what I perceive as a lack of control being enforced by the admin. I think when students can yell "fuck", "fag", "bitch" etc., down the hallway, when they can scream, roughhouse to the extreme, ignore or be openly rude to teachers and simply refuse to do what a teacher says – teachers who are trying to keep the halls civilized, for example - we have a big problem.
>
> You know that I'm an easy-going teacher, but I sure am not easy-going about people being mean, rude, disrespectful, "primitive" and obnoxious - not at all.
>
> In these types of cases, the equity stuff should form a foundation and be an ongoing campaign, but when it comes down to the behaviours I mention above, I don't shy away from certain "punitive" measures. However, what I would do is, for example, instead of suspending them and sending them home, have in-school suspensions or removal from classes, maybe peer guidance for some, and in that context, put the student through a process that communicates - via their own reasoning, if possible - in no uncertain terms, why they may not behave in such a manner in the school, and why this is so. Ideally, we would have social service back-up right in the school so that a kid could get ongoing help. However, as you know, we don't get the funding for that and that's unlikely to change. (Gillespie, 2006)

At the end of the day, I think Peter McLaren (2009) best articulates, for me, the kind of work I saw being done at schools pursuing equity and social justice and the kind of programs these students – and teachers – would like to see undertaken at other schools"

> …[S]chooling should be a process of understand how subjectivities are produced. It should be a process of examining how we have been constructed out of the prevailing ideas, values, and worldviews of the dominant culture. The point to remember is that if we have been made, then we can be "unmade" and "made over" … Teachers need to encourage students to be self-reflexive about these questions and to provide students with a conceptual framework to begin to answer them. Teaching should be a process of constructing, of building a social imagination that works within a language of hope …(p. 80)

McLaren's work is grounded in hope. Invoking Giroux's summons to teach in the "language of possibility", McLaren continues:

> Teachers can do no better than to create agendas of possibility in their classrooms. Not every student will take part, but many will … Some teachers may simply be unwilling to function as critical educators. Critical pedagogy does not guarantee that resistance will not take place. But it does provide teachers with the foundations for understanding resistance, so that whatever pedagogy is developed can be sensitive to sociocultural conditions …(p. 80)

In sum, this horizontal scale from "control" to "social justice" does not necessarily represent unchallengeable truthsabout these and other schools, but is, rather, a useful means by which to view the organization of safety in educational narratives on the ground. Many schools, no doubt, present elements of several or all of these conceptions in varying degrees.For many sexual minority students, schools were not places of learning or even social development, but places where they were abused and terrorized and oppressed for being different. What these conceptions establish is that this oppression takes more forms than Walton's "generic" bullying. Queer students perceived their safety to be threatened in ways that may be different from heterosexual students. One key way is that the oppression of queer students can come from groups who are themselves oppressed – such as homophobic language from racial minorities or women.

Homophobia is connected to other forms of oppression and even hyper-nationalism. For example, the degree to which high school students utilized an expression like "it's so gay" and the high degree to which heterosexual students failed to see this as anything other than an innocuous expression was striking; whereas, for sexual minority students, and their allies, the expression was a constant reminder that security was under threat and their safety tenuous.

Reconceptualizing Safety: Law and Policy Reform

Gabe Picard told me about a conversation he had with the principal of his high school. He told her that hanging one "Positive Space" flag on a door knob in the basement was not sufficient to make his experience safe in her school. When she asked him what he wanted, he told her, "I want to change the school culture. If you can't change this culture, then you've failed as an educator because that's what it's all about." And she told him, "No, we can't change a culture. You want too much." These comments capture the challenge of turning theoretical concepts or empirical findings into law and policy reform recommendations. And for this reason they provide a helpful segue into the final point of discussion – the issue of reform.

A list of proposals were subsequently presented to the interviewees as possible reforms and these were selected by them on the basis that they highlighted the links between the students' understandings and definitions of safety and the reforms they ultimately supported:

1.   The need for school boards, and schools, to conceptualize bullying broadly; to include, not just physical violence, but also verbal and attitudinal violence, including cyber-bullying, that is, bullying by computers and text messaging;

2.   The need for school boards, and schools, to conceptualize safety broadly, to give voice to equity and social justice, as a proactive components of the goal of constructing safe schools. Several students mentioned that it would be helpful if the *Safe Schools Act* had been called the *Safe and Equitable Schools Act* or if the TDSB Equity Foundation Statement could be incorporated into the provincial *Education Act*, under the "safe school" provisions;

3.   Mandated curriculum change that reflected queer realities and queer lives beginning in the early grades;

4.   Mandated curriculum change that also implicated the privilege and social rank of heterosexual students, so that queer content in the curriculum was not merely "inclusive,"

thereby leaving privilege unchallenged. In this configuration, curriculum examined the social construction of sexuality and gender of all students, working to contest cultural hierarchies, rather sustaining a normative order of gender and sexuality (and other privileges);

5.   Sufficient funding to put equity into practice, including a well-staffed equity office at each school board;

6.   Teacher training and workshops providing teachers with necessary information, as well as the support of colleagues.

In general, then, the interviewees agreed that it was necessary to begin a transformative process intended to dismantle the normative powers exerted in schools in a variety of privileged categories. Students recognized that transformation on this scale would be time-consuming, but that this was not a reason to begin the process at any other time than immediately.

Conclusion

While the legislature and policy-makers may face unique challenges in drafting reform that acknowledges and protects sexual minority students in these ways, and while the students are very much aware that nothing less than what might be a decades-long transformational process would bring about these changes, they also believed these were not excuses for inaction.

In 2009, the *Education Act* was amended to replace "zero tolerance" with "gradual discipline." The legislation now also includes "bullying" as a specifically named offence. However, the definition of bullying in provincial documents adopts a narrow definition, free of cultural implications, that dominates conversations of bullying in Canada and other jurisdictions. It would be valuable to return to the schools in Toronto for future research to see if the change in emphasis from zero tolerance to gradual discipline has made any difference to approaches to the pursuit of safety. The research I have undertaken in Toronto needs to be conducted at different geographic locations – in smaller cities and also in rural settings, to measure the effectiveness of policies in place at these sites or the need for them where they do not exist. The purpose of my research has been and will continue to be to listen to the voices of sexual minority students, grounded in their own experiences, in an to attempt to understand how these informants perceive what most threatens their personal identities, as well as their physical safety, as one means to

measure the effectiveness of current policy and legislation, where it is in place and to construct policy where it is not, in an effort to construct safe schools. Only with this knowledge can more effective reforms be imagined.

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