



Justice Centre for Constitutional Freedoms

Mandatory Gay-Straight Alliances versus *Charter* Freedoms

An analysis of Alberta's Bill 10 in light of the
Supreme Court of Canada ruling in *Loyola v. Quebec*

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Executive Summary

Bill 10, the new law that requires every school in Alberta to host a Gay-Straight Alliance (GSA), is on a collision course with the Supreme Court of Canada's recent decision in *Loyola High School v. Quebec*.

The stated purpose of Bill 10 is to create a “welcoming, caring, respectful and safe learning environment” in Alberta's schools. But how Bill 10 tries to do this – by requiring religious schools to host clubs and activities that are hostile to the school's mission, beliefs, character and culture – runs afoul of religious freedom as protected by section 2(a) of the *Canadian Charter of Rights and Freedoms*.

GSAs are ideological clubs, embracing a wide range of sexual expression that is incompatible with the morality of many religious faiths. On their own websites, GSAs speak of curing society of “homophobia” and “heterosexism”; people who do not support gay sex or gay marriage are denounced as “fascist”. The ideology or worldview of GSAs is not neutral, and is not compatible with the teachings of most religions about human sexuality.

By imposing ideological clubs and activities on every school, Bill 10 removes the right of parents to have a meaningful say about the culture, character and learning environment of the schools that their children attend. Principals no longer have the authority and autonomy to work with parents and teachers to address bullying in ways most suited to the local school. Instead, principals are legally obligated to help establish an ideological club, or to help facilitate an “activity”, if one or more students so demand. The Alberta Government has stated that parents will not be notified if their children attend a club, or participate in an activity, even if such club or activity is contrary to the morals taught by the parents at home.

In *Loyola v. Quebec*, the Court reaffirmed the *Charter* right to manifest religious belief by teaching and dissemination. The Court held that the state cannot “undermine the character of lawful religious institutions and disrupt the vitality of religious communities”, including religious schools. In *Loyola* and other similar cases, the Supreme Court has made it clear that education is more than just curriculum. The school's character, learning environment and community life, and even the conduct of its teachers outside the classroom, are all vital parts of education.

The Court noted that “an essential ingredient of the vitality of a religious community is the ability of its members to pass on their beliefs to their children” through “instruction in the home” as well as “participation in communal institutions.” In contrast, Bill 10 removes from parents their right to determine what clubs are permitted at their child's school, or even whether their child can attend such clubs. This violates the right of parents, recognized in *Loyola*, to ensure that the moral education of their children conforms to their own convictions.

If the Alberta government fails to amend Bill 10 and thereby provokes a legal challenge, a court would follow the *Loyola* precedent and likely conclude that Bill 10 undermines the *Charter* freedoms of families which send their children to religious schools.

Introduction

On March 19, 2015, the Supreme Court of Canada overturned the decision of Quebec’s Minister of Education, by which he had refused to allow a private Catholic school to teach any part of a mandatory ethics and religious culture program from a Catholic perspective. *Loyola High School v. Quebec (Attorney General)*¹ is an important precedent affirming that laws and governmental action cannot run roughshod over the religious freedom of religious schools.

By ironic coincidence, on the same day that the Court issued this landmark decision, Alberta’s controversial Bill 10 received royal assent.

This paper examines the impact of *Loyola* on the requirement imposed by Bill 10 that every school in Alberta, including religious schools, support and promote the establishment of Gay-Straight Alliances (“GSAs”), upon the demand of one or more students. Bill 10 also requires every school in Alberta, without exception, to facilitate an “activity” at the demand of one or more students.

This paper finds that Bill 10 is likely unconstitutional, for violating the freedom of religion that protects religious schools as guaranteed under section 2(a) of the *Canadian Charter of Rights and Freedoms* (“Charter”).

The text of Bill 10, which is now law in Alberta, states:

35.1(1) If one or more students attending a school operated by a board request a staff member employed by the board for support to establish a voluntary student organization, or to lead an activity intended to promote a welcoming, caring, respectful and safe learning environment that respects diversity and fosters a sense of belonging, the principal of the school shall

- (a) permit the establishment of the student organization or the holding of the activity at the school, and
- (b) designate a staff member to serve as the staff liaison to facilitate the establishment, and the ongoing operation, of the student organization or to assist in organizing the activity.

35.1(2) For the purposes of subsection (1), an organization or activity includes an organization or activity that promotes equality and non-discrimination with respect to, without limitation, race, religious belief, colour, gender, gender identity, gender expression, physical disability, mental disability, family status or sexual orientation, including but not limited to organizations such as gay-straight alliances, diversity clubs, anti-racism clubs and anti-bullying clubs.

¹ *Loyola High School v. Quebec (Attorney General)*, 2015 SCC 12 [“*Loyola*”].

35.1(3) The students may select a respectful and inclusive name for the organization, including the name “gay-straight alliance” or “queer-straight alliance”, after consulting with the principal.

35.1(4) The principal shall immediately inform the board and the Minister if no staff member is available to serve as a staff liaison referred to in subsection (1), and if so informed, the Minister shall appoint a responsible adult to work with the requesting students in organizing the activity or to facilitate the establishment, and the ongoing operation, of the student organization at the school.

Through section 35.1 of the *Education Act* and s. 16.1 of the *School Act*, Bill 10 imposes GSAs in both name and substance, along with undefined “activit[ies]” that “foster a sense of belonging”, upon any school operated by a board, regardless of whether school administration or parents object to them.

This paper does not take a position for or against GSAs. Rather, it evaluates from a legal perspective whether Bill 10 infringes the freedom of religion of religious denomination schools in Alberta that do not support the sexual practices that are recognized, affirmed or promoted by GSAs.

Loyola High School v. Quebec (Attorney General)

The March 19, 2015 decision of the Supreme Court of Canada in *Loyola* considered the constitutionality of a mandatory program on Ethics and Religious Culture (“ERC program”) in Quebec schools. The Quebec Government required that beliefs and ethics of world religions be taught from a neutral and objective perspective. Loyola High School, a long-established private Catholic boys’ school, objected to this requirement, and sought an exemption as permitted by Quebec law to teach an alternative equivalent program. Loyola sought to teach an equivalent alternative course from a Catholic perspective.

Quebec’s Minister of Education denied Loyola High School’s exemption request. The Minister argued that the unmodified ERC program was “a necessary strategy to ensure that students are knowledgeable about and respectful of the difference of others.”² The Supreme Court of Canada identified the goal of the ERC program as seeking to “inculcate in all students openness to diversity and respect for others.”³ The “fundamental assumption” made by the Minister was that any program taught from a religious perspective could not be an alternative to the provincially-required ERC program.⁴

² *Loyola* at para 2.

³ *Loyola* at para 11.

⁴ *Loyola* at para 5.

The Supreme Court of Canada unanimously sided with Loyola High School, and found that the Minister's decision, mandating all aspects of the ERC program to be taught from a neutral perspective, limited freedom of religion and did not reflect a proportionate balancing.

Justice Abella's majority reasons in *Loyola* held that requiring Loyola High School and its teachers to explain Catholicism from a neutral and objective perspective violated the freedom of religion. Requiring Loyola to explain the beliefs, ethics and practices of other religions in an objective and neutral way was not a violation.⁵

In a separate judgment that likewise allowed Loyola High School's appeal, Chief Justice McLachlin and Justice Moldaver went further. They held that Loyola should be permitted to teach Catholic doctrine as well as other ethical beliefs and doctrines from a Catholic perspective, in an objective and respectful (though not neutral) way.⁶

While the ERC program had been found to be acceptable by the Supreme Court of Canada in *S.L. v. Commission scolaire des Chenes*⁷ in the context of the *public* school system, in *Loyola* the ERC program was evaluated in the context of a private denominational school.⁸ Justice Abella stated:

In *S.L.*, this Court held that the imposition of the ERC Program in public schools did not impose limits on the religious freedom of individual students and parents. This case, however, can be distinguished from *S.L.* because Loyola is a private religious institution created to support the collective practice of Catholicism and the transmission of the Catholic faith.⁹

Both the majority and concurring decisions in *Loyola* explained the concept of freedom of religion by reference to the Supreme Court of Canada decision in *R v. Big M Drug Mart Ltd*¹⁰ and its statement that “[t]he essence of the concept of freedom of religion” includes “the right to manifest religious belief . . . by teaching and dissemination”.¹¹ For the majority in *Loyola*, Justice Abella explained the concept of freedom of religion in relation to a secular state:

A secular state does not – and cannot – interfere with the beliefs or practices of a religious group unless they conflict with or harm overriding public interests The pursuit of secular values means respecting the right to hold and manifest different religious beliefs. A secular state respects religious differences, it does not seek to extinguish them.¹²

⁵ *Loyola* at para 6.

⁶ *Loyola* at para 162.

⁷ *S.L. v. Commission scolaire des Chenes*, 2012 SCC 7 [“*S.L.*”].

⁸ *Loyola* at para 22.

⁹ *Loyola* at para 61.

¹⁰ *R v. Big M Drug Mart Ltd.*, [1985] 1 SCR 295.

¹¹ *Loyola* at paras 58 and 132 (quoting *Big M Drug Mart Ltd.* at 336).

¹² *Loyola* at para 43.

The Court's majority set aside the Minister's refusal to grant Loyola High School an exemption for teaching an equivalent alternative program:

In order to respect values of religious freedom in this context, as well as to cohere with the larger regulatory scheme, a reasonable interpretation of the process for granting exemptions from the mandatory curriculum would leave at least some room for the religious character of those schools. The regulation providing for such exemptions would otherwise operate to prevent what the *Act respecting private education* itself allows — a private school being denominational.¹³

Justice Abella recognized the “deep linkage” between religious belief and “its manifestation through communal institutions and traditions”. She further recognized that “[t]o fail to recognize this dimension of religious belief would be to ‘effectively denigrate those religions in which more emphasis is place on communal worship or other communal religious activities’”.¹⁴

Justice Abella concluded that “[t]o tell a Catholic school how to explain its faith undermines the liberty of the members of its community who have chosen to give effect to the collective dimension of their religious beliefs by participating in a denominational school.”¹⁵ She explained that just as government cannot coerce individuals to affirm religious beliefs or manifest religious practices without violating freedom of religion, requiring Loyola's teachers to take a neutral position about Catholicism, even for a secular purpose, violated the *Charter*-protected freedom of religion.¹⁶ Justice Abella found:

Ultimately, measures which undermine the character of lawful religious institutions and disrupt the vitality of religious communities represent a profound interference with religious freedom.¹⁷

Justice Abella also recognized a violation of “the rights of parents to transmit the Catholic faith to their children”.¹⁸ She noted “the fact that an essential ingredient of the vitality of a religious community is the ability of its members to pass on their beliefs to their children, whether through instruction in the home or participation in communal institutions.”¹⁹ In support of this statement, she quoted Article 18(4) of the *International Covenant on Civil and Political Rights*²⁰ which requires governments to “undertake to have respect for the liberty of parents . . . to ensure the religious and moral education of their children in conformity with their own convictions.”²¹

¹³ *Loyola* at para 55.

¹⁴ *Loyola* at para 60 (quoting Dwight Newman, *Community and Collective Rights: A Theoretical Framework for Rights held by Groups* (2011), at 78).

¹⁵ *Loyola* at para 62.

¹⁶ *Loyola* at para 63.

¹⁷ *Loyola* at para 67 (emphasis added).

¹⁸ *Loyola* at para 64.

¹⁹ *Loyola* at para 64.

²⁰ *International Covenant on Civil and Political Rights*, 999 U.U.T.S. 171.

²¹ *Loyola* at para 65.

While the majority did require that Loyola teach the ethics of other religions in a neutral, historical and phenomenological way,²² Justice Abella stated that “[a] school like Loyola must be allowed some flexibility as it navigates these difficult moments [i.e. “teaching other ethical frameworks in a neutral way”].²³ Justice Abella acknowledged the importance of the government objectives for the requirement, but stated that “[p]ursuing them in a religious school may require the Minister to accept some adjustments to the program to make it align with the school’s religious character”.²⁴

The Court’s majority found that the Minister’s refusal to permit Loyola an exemption was unreasonable because “it rests on the assumption that a confessional program cannot achieve the objectives of the ERC Program.”²⁵ Justice Abella stated:

This is not to suggest, however, that in a religious school, the Minister is required to allow the ERC Program — a program that is framed as a tool to teach students about different world religions and ethical beliefs — to be replaced by a program that focuses on that religion’s doctrine and morality. To ask a religious school’s teachers to discuss other religions and their ethical beliefs as objectively as possible does not seriously harm the values underlying religious freedom. These features of the ERC Program are essential to achieving its objectives. But preventing a school like Loyola from teaching and discussing Catholicism in any part of the program from its own perspective does little to further those objectives while at the same time seriously interfering with the values underlying religious freedom.²⁶

In their concurring judgment, Chief Justice McLachin and Justice Moldaver held specifically that that religious schools have religious rights,²⁷ stating:

The communal character of religion means that protecting the religious freedom of individuals requires protecting the religious freedom of religious organizations, including religious educational bodies such as Loyola.²⁸

Chief Justice McLachin and Justice Moldaver also noted the importance of having a legislated exemption available to religious schools from the otherwise mandatory ERC program. They stated:

Section 22 [of Quebec’s law mandating the ERC program] functions to ensure the legislative and regulatory scheme’s compliance with the freedom of religion guaranteed by s. 2(a) of the *Charter*. It guards against the possibility that, in

²² *Loyola* at para 71.

²³ *Loyola* at para 73.

²⁴ *Loyola* at para 74.

²⁵ *Loyola* at para 79.

²⁶ *Loyola* at para 80.

²⁷ Justice Abella, for the majority, did not find it necessary to determine whether Loyola itself, as a corporation, had religious rights under s. 2(a) of the *Charter*.

²⁸ *Loyola* at para 91.

certain situations, the mandatory imposition of a purely secular curriculum may violate the *Charter* rights of a private religious school. This safeguard is consistent with the obligations of the state in a multicultural society.²⁹

Overview of GSAs and Activities in Alberta's Bill 10

Bill 10 was passed *in a matter of hours*. While there had been some public consultation about previous bills and motions pertaining to GSAs, there was *no public consultation* in regard to the actual text and substance of Bill 10. Further, Bill 10 was not thoroughly and carefully reviewed by a committee, which is the normal practice with almost all legislation.³⁰

Bill 10 was given Royal Assent on March 19, 2015, and requires *every* school in Alberta, secular or religious, to permit and promote GSAs where one or more students request that one be created.³¹ Under the law, principals must assist in establishing GSAs, and must designate staff members to be liaisons for GSAs to help them operate. In addition to GSAs, Bill 10 also requires the principal to facilitate an “activity” demanded by one or more students.

Bill 10 does not require parental notification about whether their children attend a GSA. In practice, this means that ideological clubs can counsel children about complex moral issues without the consent – or even the knowledge – of their parents. As the Alberta Government itself explains it:

There is no requirement in Bill 10 requiring parental notification or consent for a student to participate in a GSA. School boards, staff and teachers have a responsibility to act in the best interest of their students, by ensuring their health and safety. School boards and teachers have a duty of care; the government expects them to act in the best interest of their students within the context of all of their legal obligations.³²

Bill 10 does not merely share a common legal birthdate with the Supreme Court's decision in *Loyola*. The purposes of the ERC program in Quebec, discussed above, are similar to the purpose of Bill 10 in Alberta: to “promote a welcoming, caring, respectful and safe learning

²⁹ *Loyola* at para 112.

³⁰ See *Appendix B* to this paper: *Myths and facts surrounding Bill 10*

³¹ While the ERC program in *Loyola* was a mandatory part of the core curriculum for all schools in Quebec, GSAs are mandatory for all schools in Alberta based on this triggering event (i.e. one or more students asking they be created at their school). It also bears noting that while Bill 10 contemplates other organizations or activities, it is replete with explicit references to GSAs, which appear to be the motivating idea behind this proposed legislation. This is also clear from statements of the provincial government.

³² <http://education.alberta.ca/admin/supportingstudent/safeschools/amendments-to-bill-10.aspx>

environment that respects diversity and fosters a sense of belonging” and to promote “equality and non-discrimination”.³³

However, unlike Quebec’s law mandating the ERC program, which allows for an exemption for the equivalent programs of religious schools, the imposition of GSAs or activities (or both) on religious schools in Bill 10 is mandatory. There are no exceptions or exemptions.

Discussion and Analysis

The *Universal Declaration of Human Rights*³⁴ states that parents have a prior right to choose the kind of education that shall be given to their children. This fundamental principle of our free society also exists in Canada’s constitution, which expressly recognizes the right of parents to impart their values to their children through religious schools, regardless of how popular or unpopular that religion’s teachings may be at a particular time or place. The *Universal Declaration* was drafted and signed in response to governments using their coercive powers to indoctrinate children into the state’s ideology, contrary to the wishes of parents.

As noted above, there are significant similarities between Quebec’s requirement of the ERC program and Alberta’s requirement of GSAs and other activities. Both requirements apply to every school, secular and religious. Both requirements are imposed with the goals of promoting openness, diversity and respect for others. However, in contrast to Quebec’s law, Bill 10 does not provide for any exemption or exception for religious schools from the requirement of GSAs and other mandated activities.

GSAs seek to recognize, affirm and even promote sexual practices that are incompatible with the religious beliefs of many religious denominations, including (with some exceptions) Christians, Muslims, Jews, and other faiths.³⁵ To force GSAs on religious schools that object to them on religious grounds does not leave any room for the “religious character of those schools.” The Court in *Loyola* recognized and protected the right to religious freedom, and its particularly important application in the context of religious schools.

Bill 10 denies any possible exemption from the mandatory requirement that religious schools establish and promote GSAs and activities upon the demand of one or more students. For many religious schools, Bill 10 compels them to violate their religious beliefs by actively supporting clubs and activities that contradict their religious convictions. This infringes the freedom of religion that protects religious schools, and does not involve any proportionate balancing, as *Loyola* requires, with respect to their constitutionally protected rights and the objectives being pursued by the Alberta government in Bill 10.

³³ *Education Act*, RSA 2012 cE-0.3, s 35.1(1) and (2); *School Act*, RSA 2000 cS-3, s 16.1(1) and (2).

³⁴ <http://www.un.org/en/documents/udhr/>

³⁵ See *Appendix A* to this paper: *What do GSAs say about themselves?*

Bill 10 offers no means for religious schools to propose alternative approaches that could achieve the law's objectives. There likely are ways that such institutions could promote a "welcoming, caring, respectful and safe learning environment that respects diversity and fosters a sense of belonging" and promote "equality and non-discrimination" without forcing them to create GSAs and host ideological activities. Bill 10 denies any possible alternative proposal from being made to achieve these goals and, in this respect, is even more constitutionally problematic than the Quebec government's approach that was rejected by the Court in *Loyola*.

In taking a categorical approach, Bill 10 forbids any possible accommodation or reconciliation of religious freedom and the provincial government's objectives. It thus represents an infringement of freedom of religion that is unlikely to be justified under section 1 of the *Charter*, notably because it fails to minimally impair the religious freedom that exists to protect religious schools.

Conclusion

The Alberta Legislative Assembly did not have the benefit of the Supreme Court of Canada's judgment in *Loyola* when it adopted Bill 10. Based on *Loyola*, Bill 10 likely unconstitutionally infringes the freedom of religion of religious schools in Alberta as protected by section 2(a) of the *Charter*. When the Legislative Assembly resumes sitting, it should review and amend Bill 10 to bring it into compliance with the *Charter*. Otherwise, costly, lengthy and unnecessary litigation could be required to enforce the constitutional rights which protect Alberta's religious schools, and the right of parents who choose to have their children attend these institutions.

About the Author

Calgary lawyer John Carpay has been involved in *Charter* litigation since 2001, when his then-employer, the Canadian Taxpayers Federation, intervened in *Benoit v. Canada*. In the *Benoit* case, the Canadian Taxpayers Federation argued that race, ancestry, descent, and ethnicity should not be grounds for the unequal taxation of Canadians. John also championed racial equality before the Supreme Court of Canada in *R. v. Kapp*, representing the intervener Japanese Canadian Fishermen's Association. He defended freedom of expression before the Saskatchewan Court of Appeal in *Whatcott v. Saskatchewan Human Rights Commission*, and before the Alberta Court of Queen's Bench in *Lund v. Boissin*. John's involvement in *Kingstreet Investments v. New Brunswick* led to a victory for taxpayers and for democratic accountability, with the Supreme Court of Canada recognizing the principle of "no taxation without representation." In *Wilson v. University of Calgary*, John represented seven U of C students who were found guilty of non-academic misconduct for peacefully expressing their opinions on campus. The seven students successfully challenged the university's decision in the Alberta Court of Queen's Bench.

John has served the Justice Centre for Constitutional Freedom (JCCF) as its President since 2010. The JCCF's mission is to defend constitutional freedoms through education and litigation.

Appendix A

What do Gay-Straight Alliances say about themselves?

A few minutes spent reading one or more GSA websites makes it clear that GSAs describe themselves as ideological clubs which accept the idea that all forms of consensual sexual expression are legitimate. GSAs do not hold out abstinence from sex as a virtue worth pursuing, and are therefore incompatible with the teachings of Christianity, Islam, Orthodox Judaism, and other religions, not to mention the individual virtues of many agnostic or atheist families and communities. GSAs also embrace the idea that people (whether opposite-sex attracted or same-sex attracted) are not really capable of, and not fully responsible for exercising, self-control and self-restraint when it comes to consensual sex.

Whether or not one agrees with this approach to human sexuality, it is clear that GSAs are based on a belief system (ideology or worldview) that is neither neutral nor compatible with religious teachings about human sexuality.

GSAs state that one of their primary purposes is to fight against “homophobia” and “heterosexism”.

Dictionaries define “phobia” as “an extreme or irrational fear of or aversion to something”. In clinical psychology, a *phobia* is a type of anxiety disorder, such that it constitutes a mild mental illness. Based on the common understanding of “phobia”, “homophobia” is an irrational fear of homosexuals or homosexuality.

However, in gay advocacy literature, the term “homophobia” includes any disagreement with gay marriage or gay sex, regardless of whether one’s opposition is motivated by religious, social, health, cultural, political, philosophical, or other reasons. One example of how the word “homophobia” is used to disparage, intimidate and silence people on account of their opinions was the *Fight Against Homophobia Award* being given to the Members of Parliament who voted in favour of same-sex marriage in 2006. One does not need to be a philosopher or logician to understand that those who believe that marriage is between one man and one woman stand accused of “homophobia”.

This *Fight Against Homophobia Award* is but one of thousands of examples where the word “homophobic” is used to describe any opinion (or person) in disagreement with the idea that homosexuality is normal, natural, healthy, and worthy of full social, cultural and moral acceptance. The words “homophobia” and “homophobic” are also used routinely to describe opposition to gay marriage, and even political opinions about public policy issues like the accreditation of the law school at Trinity Western University. The distortion of the true meaning of “phobia”, and the misuse of “homophobia”, end the debate before it can even begin. This is an abuse and distortion of language, and could be seen as a bullying tactic in public policy debates. When a person’s moral, political or philosophical opinions are dismissed as nothing

more that manifestations of a phobia, all of society loses out on the benefits of authentic debate as a result.

In conjunction with denouncing those who disagree with GSAs as suffering from a mild mental illness (“homophobia”), GSAs go as far as to further denounce their opponents as “fascists”. As www.gaystraightalliance.org explains it:

You have a right to talk with your friends and fellow students about marriage equality, human rights, celebrating diversity, and the importance of liberty and justice for all. **The fascists do not want you to talk about these important topics**; they want to silence you just as they used lies, deception, and fearmongering to violate human rights in many states; **the fascists did the same thing in Nazi Germany and they are doing it in the Russian Federation**. They do not want you talking about your gay friends or family members. They do not want you standing up for human rights.

When you form a student organization, **you will immediately know you are dealing with abusive fascists if they try to limit what you call your student organization**. This is the first sign that such trustees, administrators, and school systems are disingenuous about confronting homophobia and discrimination ...

Such administrators and trustees abusing children in this manner are corrupt, should not be allowed around students and should be removed from their post; they are a source of the very discrimination gay straight alliances aim to combat. All public funding should be removed from such discriminatory institutions.
[emphasis added]

Appendix B

Myths and facts surrounding Bill 10

Myth #1: Bill 10 merely allows GSAs to exist in schools.

Fact: Prior to Bill 10, GSAs were already legally permitted in all Alberta schools. The principal of each school had the discretion and authority, entrusted to her or him by parents, to grant or deny a request for a GSA.

Myth #2: Bill 10 does not apply to Catholic schools and other religious schools.

Fact: Bill 10 applies to “a school operated by a board”, which means every school in Alberta, including all religious schools as well as home-schools.

Myth #3: Schools can refuse a GSA if the principal and/or parents are against it.

Fact: Bill 10 says that a principal “shall” permit the establishment of a GSA if one or more students request one. This “request” (which effectively functions like a demand) can be put to the principal or any teacher. The principal is legally obligated to say “yes” to this demand.

Myth #4: Bill 10 is limited only to student clubs.

Fact: In addition to what Bill 10 says about student clubs, Bill 10 expressly authorizes the holding of an “activity” such as a Gay Pride Day, a raising of the rainbow flag, or the hosting of an outside speaker on “diversity” or “non-discrimination”. The principal no longer has any legal authority to refuse a student demand to hold an “activity” at the school. Parents’ concerns are irrelevant under Bill 10.

Myth #5: Religious schools can still refuse to have a GSA, by establishing their own anti-bullying club.

Fact: Bill 10 denies principals the right to refuse a “voluntary student organization” requested by one or more students. A club established by the school itself likely does not qualify as a “voluntary student organization.” Further, it is open to any student to argue in Court that the

school's anti-bullying club does not promote respect for "diversity", in which case the Court would order the establishment of a GSA even if the school already has an anti-bullying club.

Myth #6: Bill 10 is limited to GSAs. The new law cannot be used or abused by various special interest groups seeking to promote their views to children.

Fact: Bill 10 applies to any and all school clubs, as well as "activities", which "intend to promote a welcoming, caring, respectful and safe learning environment that respects diversity and fosters a sense of belonging". These words from Bill 10 can be used by any group that wishes to promote its beliefs or goals to students through a student club or "activity".

Myth #7: Catholic schools and other religious schools in Alberta can have their own anti-bullying clubs that are not called "gay-straight alliances" or "queer-straight alliances".

Fact: Section 35.1(3) empowers students (not parents, teachers and principals) to choose the club's name. Students must "consult" the principal about the name, but do not need her or his permission to call their club a "gay-straight alliance" or "queer-straight alliance".

Myth #8: Parents still have a say as to what clubs are permitted at the school where their children attend.

Fact: Parents have no say at all as to whether or not a GSA or "activity" is permitted at the school where their children attend. Even if 100% of the parents of a particular school believe that they have a better solution to bullying than GSAs, and even if 100% of these parents disagree with the GSA's mission of curing "homophobia" and fighting "heterosexism", the school's principal is legally required to disregard parental concerns.

Myth #9: Bill 10 respects the autonomy of schools to make their own decisions about anti-bullying policies.

Fact: If neither the school's principal nor any of its teachers is willing or able to help establish and maintain a GSA (or facilitate an "activity"), the Minister will appoint an outsider ("responsible adult") to work with the students to establish a GSA, or to organize an "activity". Bill 10 allows the Minister to appoint a political activist, or any person who is hostile to the school's mission, vision and purpose.