

Policy in practice: How teachers understand and apply school policies in cases of bullying and harassment.

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Introduction

This paper explores how secondary teachers in Quebec understand and apply ministry, school board, and school level policies in cases of bullying, racial harassment, and gendered harassment. Gendered harassment is defined as any behavior that polices and reinforces traditional heterosexual gender norms such as (hetero)sexual harassment, homophobic harassment, and harassment for gender non-conformity (Meyer, 2006, in press). Previous studies indicate that gendered harassment is prevalent in secondary schools and teachers consistently fail to intervene or support students who are targeted (Bochenek & Brown, 2001; California Safe Schools Coalition, 2004; GLSEN & Harris Interactive, 2005; Kosciw, 2001; Smith & Smith, 1998). This research aims to develop an understanding of how law and policy shape teachers' classroom practice to improve the success and relevance of policy reforms aimed at reducing incidents of gendered harassment in schools. Most bullying intervention programs rely too heavily on individual behavior modification approaches and do not consider broader socio-cultural influences that impact bullying behaviors in schools, such as homophobia and sexism (Walton, 2004). This study shares Walton's critique and is grounded in a critical feminist approach (Blaise, 2005; Kincheloe & McLaren, 2000; Oleson, 2000) to understanding bullying and harassment and uses content analysis and feminist and critical theories as frameworks for analysis.

Methods

This is a phenomenological study based on in-depth interviews with six Canadian teachers working in secondary schools in one urban school board (Patton, 2002; Van Manen, 1997). Participants were recruited using both snowball and maximum variation sampling methods (Maykut & Morehouse, 1994) to ensure a broad range of experiences and perspectives. Through a series of three open-ended interviews (Seidman, 1998), teachers described how they understood and responded to incidences of bullying, racial

harassment and gendered harassment in the context of their current school culture. These interviews were tape recorded and transcribed for analysis. Policy documents were also collected from the ministry, school board, and school level. A content analysis of these documents was conducted to identify references to bullying, racial or ethnic harassment, sexual harassment, homophobia, and harassment for gender non-conforming behaviors. This content was then compared with teacher interview data to identify the relationships between official school policies and reported teacher practice.

School board policies from all nine English school boards in Quebec were studied in order to contextualize the documents from the board where the research was conducted. The other documents that were included in this phase of the study were teachers' handbooks, student agendas, school mission statements, and codes of conduct. These documents were located on official school and school board websites and provided by the teachers during the interview process.

Each of these documents was read and analyzed for any discussion of bullying and harassment. Particular attention was paid to definitions of these terms and whether they explicitly named any of the following: race, ethnicity, sexual orientation, sexual harassment, and/or gender identity and expression. They were also examined to see if they included response protocols and if they did how they differed for various infractions. These artifacts were also consulted during the analysis of the teacher interview data to determine the level of teachers' knowledge about their own schools' policies and the extent to which they felt they had been informed about such policies, and if these official documents impacted their reports of their own classroom practice.

The Climate in Canada

The current progressive political climate in Canada was achieved through a long and slow process of legislative reforms. In 1944, the Province of Ontario set the stage for equality for all Canadian citizens by creating the first human rights legislation with its *Racial Discrimination Act*. In 1947 Saskatchewan followed suit with the more broadly defined and inclusive *Bill of Rights Act*. Ontario then established the first Human Rights Commission in 1961, and eventually all provinces followed its example. In 1960, the Federal Government passed the *Canadian Bill of Rights*, but this legislation was

somewhat faulty in that it lacked an enforcement agency and had little meaningful impact in provincial matters. In 1980, the *Canadian Human Rights Act* was enacted and the Supreme Court of Canada stated that this act should be given a broad and liberal application (Watkinson, 1999, p. 14).

The main objective in creating increased human rights protections was meant to be remedial in nature. It was not intended to punish transgressors, but instead was designed to prevent discrimination against historically marginalized groups and counter the impact of discriminatory practices in the public sector. An important moment in the human rights movement in Canada was when the *Canadian Charter of Rights and Freedoms* was instituted. This important document was entrenched into the Canadian Constitution by the *Constitution Act* in 1982 (Watkinson, 1999, p. 22). As part of the supreme law of Canada, this document superseded all existing laws, and for the first time the rights of all persons to be treated equally was given constitutional status. Although public education is governed by provincial statutes, all publicly funded institutions must abide by the spirit and letter of the *Charter* (Watkinson, 1999).

This was an important time in Canadian politics: it sent a clear message to the nation about the priority the Trudeau government placed on equality rights. This new constitution guaranteed protections for many historically marginalized groups. Sexual orientation, however, was not initially included as a protected class for equality rights under section 15 of the *Canadian Charter of Rights and Freedoms*. The original language of this section reads as follows:

Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability . ("The Canadian Charter of Rights and Freedoms (s. 15)," 1982)

Although the federal government wasn't willing to explicitly include the phrase, "sexual orientation" in the *Charter*, other provinces had already established human rights codes that included this language. In 1977, the Province of Quebec led the way in the equality movement for sexual minorities by adding *sexual orientation* to its Charter of Human Rights and Freedoms. Ontario followed suit nine years later. These were the

first legal protections that clearly included sexual orientation as a protected class (Hurley, 2005). Although equality rights supported by the *Charter* were enforced starting in 1985, sexual minorities were not recognized as a protected class until 13 years later, following a unanimous decision of the Supreme Court of Canada in the landmark case of *Egan v. Canada* (1995). Although this case was not about discrimination in schools, it addressed the issue of access to public services. The ruling provided that discrimination based on sexual orientation was prohibited by s. 15 of the *Charter* and the justices observed:

Sexual orientation is a deeply personal characteristic that is either unchangeable or changeable only at unacceptable personal costs, and so falls within the ambit of s. 15 protection as being analogous to the enumerated grounds ("Egan v. Canada," 1995, para. 5).

This case established the precedent to include sexual orientation as a protected class and had *sexual orientation* read into the *Charter*. Every Canadian was guaranteed equal protection from discrimination based on sexual orientation. Although some provinces were slow to add the term *sexual orientation* to their individual human rights codes, this protection was federally guaranteed as a result of this important ruling.

Important Legal Decisions

Since the Supreme Court's 1995 decision in *Egan v. Canada*, various cases have come forward to test the interpretation and application of the equality rights extended in that case. In another case ("Vriend v. Alberta," 1998), a university employee was fired from his position as a lab coordinator solely due to his homosexuality. He initially brought forward a human rights complaint; however it was dismissed because the province of Alberta did not have sexual orientation listed as a protected class in its human rights legislation. The appellants (Delwin Vriend, Gala-Gay and Lesbian Awareness Society of Edmonton, Gay and Lesbian Community Centre of Edmonton Society and Dignity Canada Dignité for Gay Catholics and Supporters) then argued their case to the Supreme Court where the judge reinstated the earlier decision by the Court of Queen's bench that not protecting individuals from discrimination based on sexual orientation was an "unjustified violation of s. 15 of the *Canadian Charter of Rights and Freedoms*," and ordered that the words "sexual orientation" be read into ss. 2(1), 3, 4, 7(1), 8(1) and 10 of

the *IRPA* [Individual Rights Protection Act] as a prohibited ground of discrimination (“*Vriend v. Alberta*”, 1998, 2). This important decision relied on *Egan* to affirm that all Canadians are protected federally and provincially from discrimination based on sexual orientation.

The next test came in May 2001 when the Supreme Court of Canada heard a case brought forward by Trinity Western University (TWU) a private, religious, institution against the British Columbia College of Teachers (BCCT). In this instance, the B.C. professional teachers’ organization had responded to a request from TWU to be fully responsible for its teacher training program, which it shared with Simon Fraser University. TWU wanted more autonomy in the program in order to reflect its Christian worldview. The BCCT chose not to accredit this institution because it believed the institution was discriminating on the basis of sexual orientation in its demands on its students. TWU required their students to sign a statement that asserted they would “refrain from practices that are biblically condemned,” including homosexuality (“*Trinity Western University v. British Columbia College of Teachers*,” 2001, para. 4)

In its decision, the B.C. Supreme Court found in favor of Trinity Western University, stating that teachers could hold “sexist, racist or homophobic beliefs” (para. 36). However, the Court also made the following distinction:

Acting on those beliefs, however, is a very different matter. If a teacher in the public school system engages in discriminatory conduct, that teacher can be subject to disciplinary proceedings. Discriminatory conduct by a public school teacher when on duty should always be subject to disciplinary proceedings [and] disciplinary measures can still be taken when discriminatory off-duty conduct poisons the school environment (“*Trinity Western v. British Columbia College of Teachers*”, 2001, at para. 37).

Although this majority opinion sided with TWU and allowed them to continue mandating anti-gay beliefs in their future teachers, the judges made the important distinction between discriminatory behaviors and beliefs which is common in cases regarding religious freedom. The decision clearly states that teachers may not discriminate overtly against their students, but does not address the issue of the subtle and persistent homophobic behaviors that such attitudes engender and the impact it has on a classroom or school community.

This position was reinforced in the case of a teacher who was suspended for making public statements that were understood as anti-gay in nature. In February 2004, a B.C. teacher, Chris Kempling, was suspended for one month for “conduct unbecoming” a teacher for publishing articles that were considered to be defaming of homosexuals in a local newspaper (“Kempling v. British Columbia College of Teachers,” 2004, para.1). The Christian teacher appealed this decision to the B.C. Supreme Court, but the court held that the BCCT was within its jurisdiction to suspend the teacher. The court’s rationale for its decision was based on the “wrongful public linking of his professional position to the off-duty expression of personally held discriminatory views in order to lend credibility to those views,” (“Kempling v. British Columbia College of Teachers”, 2004, para. 2). This decision was heavily influenced by the precedent set in a similar case in New Brunswick in 1996. In *Ross v. New Brunswick School District no. 15*(1996), a teacher, Malcolm Ross, was relieved of his classroom duties after distributing anti-Semitic literature and making public statements that were hurtful and derogatory towards Jewish people. The Supreme Court of Canada wrote that the “anti-Jewish writings and public statements outside the classroom were found to contribute to a poisoned environment within the classroom” and that “the teacher’s manifestation of freedom of expression and religion are incompatible with respect for dignity and equality” (“*Ross v. New Brunswick School District No. 15*,” 1996).

The *Kempling* and *Ross* cases both demonstrate that regardless of an educator’s personal religious beliefs, as government employees, they are required to uphold the spirit and letter of the *Charter*. This establishes a clear responsibility on the part of schools in Canada to create learning environments that are free from discrimination. The final case discussed here demonstrates what happened when a school failed to provide such an environment.

Azmi Jubran, a student in Vancouver, was repeatedly called ‘gay’, ‘faggot’, and ‘homo’ by his peers during his secondary schooling. In addition to these verbal taunts he was spit upon, shoved in class and the hallways, and even had his shirt burned. After repeated complaints to the school by Jubran and his parents with no satisfactory response, they filed a Human Rights complaint in November 1996. In April 2002, the Human Rights Tribunal of British Columbia found that the school board in Vancouver had

contravened the *Human Rights Code*, “by failing to provide a learning environment free of discriminatory harassment” (“School District No. 44 v. Jubran,” 2005, para. 2). This was an important decision because it affirmed the school’s responsibility to protect students from discriminatory behavior and to respond effectively and consistently to incidents of homophobic harassment.

Unfortunately, when this case was heard on appeal by the Supreme Court of British Columbia, the court adopted a much narrower interpretation of the provincial human rights codes. The majority found that Jubran could not have experienced discrimination based on sexual orientation since *he did not identify as homosexual* (emphasis mine). This May 2003 decision was appealed, and in April 2005 the Court of Appeal for British Columbia applied a broader interpretation of the human rights codes and reinstated the Human Rights Tribunal’s earlier decision (“School District No. 44 (North Vancouver) v. Jubran,” 2005). The fate of this case was decided on October 20, 2005 when the Supreme Court refused to hear an appeal and effectively upheld the lower court’s decision. This was an important decision as the court acknowledged that the school had made some effort to individually discipline the students targeting Jubran, but that the school had not done enough. The court stated that the school needed to have communicated its code of conduct to students and provided teachers with resources and training on how to deal with homophobia (CLE Staff, 2005; Meyer, 2007). This case sent a clear message to educators that they must mobilize multiple resources and be proactive when addressing issues of student safety that relate directly to human rights protections.

As the above listed cases demonstrate, there are legal precedents that exist to protect students from discriminatory behavior in schools. However, many school boards and educators are ignorant of their legal responsibilities and fail to effectively implement and enforce policies that support full equality rights. When they do create inclusive policies, they are often empty promises. As Gerald Walton writes in his article, *Bullying and Homophobia in Canadian Schools: The Policies of Policies, Programs, and Educational Leadership*, “most school administrators heartily embrace ‘safety’ but avoid the more challenging but pervasive issues of homophobia, heterosexism, and heteronormativity...in this light, promoting school safety and preventing bullying is

largely a public relations exercise” (2004, p. 29). This statement accurately describes the state of policy in English schools in Quebec as the data presented below will indicate.

Quebec Policies

This section will present the policies of the Quebec Ministry of Education, Leisure, and Sport as well as the nine English school boards in the Province of Quebec to determine if they have any policies that explicitly address bullying or harassment based on race, ethnicity, sexual orientation and/or gender expression/identity. The Ministry of Education, Leisure, and Sport (MELS) has a policy on intercultural education that addresses many levels of diversity in schools in Quebec. However, this policy document, *Educational Integration and Intercultural Education*, does not mention sexual orientation or gender identity/expression anywhere in the document (Gouvernement du Quebec, 1998). The focus of this document is on immigrant communities, as well as ethnocultural, linguistic and religious diversity in Quebec. Although the *Strategic Plan for 2000-2003* of the Ministry (2000) includes in its “context and issues” section the goals of “providing equal opportunities to all young people” and “teaching values, particularly the values of democracy and values that foster openness,” there is no explicit naming of specific groups that have historically been excluded from this process.

The MELS also published a report entitled *Sexual Harassment in Schools: Implementing a Policy* (1996) in which it relies on *The Quebec Charter of Human Rights and Freedoms* to frame the importance of addressing this issue in schools. This policy cites the *Quebec Charter* to provide a legal basis for its importance: in Chapter I. 1. s. 10 the *Quebec Charter* states that “Every person has a right to full and equal recognition and exercise of his human rights and freedoms, without distinction, exclusion or preference based on race, colour, sex, . . . , sexual orientation, . . .” and goes on to state that, “discrimination exists where such a distinction, exclusion or preference has the effect of nullifying or impairing such a right.” This policy also refers to s. 10.1 of the *Quebec Charter* which was added in 1982 to explicitly prohibit harassment. This section reads: “No one may harass a person on the basis of any ground mentioned in section 10.” Even though this sexual harassment policy does mention sexual orientation in referring to the *Quebec Charter*, the rest of the 100 page document is specifically geared to address the

issue of heterosexual harassment by males towards females. It includes two brief sentences (p. 8 & 16) that males can be victims too, but it never specifically addresses the issue of sexual harassment that is between students of the same sex, that is homophobic in nature, or based on gender non-conformity. On the other hand, this document clearly states that “schools and school boards are responsible for developing and implementing policies against sexual harassment” (21) and provides suggested elements of an effective policy including suggested intervention protocols, implementation plans (training and distribution), and a framework for evaluating the effectiveness of the policy (p. 23-32).

These documents from the MELS only include sexual orientation when citing the provincial human rights codes and do not provide any further discussions of implementation and approaches to addressing this level of diversity and associated forms of harassment in schools. Although this document is over ten years old, which may explain its narrow definition of sexual harassment, it has not been reevaluated or updated since its publication. By not explicitly including homophobic or transphobic harassment in any of its publications, the Ministry is sending the message that addressing homophobia and transphobia in schools is not a priority and it is a form of discriminatory harassment that is tacitly condoned in its schools.

In November of 2001, the President of the Quebec Human Rights Commission, Pierre Marois, sent a letter to all schools in Quebec asking them to implement an “Awareness and Action Plan” for addressing homophobia. He wrote, “The *Commission des droits de la personne et des droits de la jeunesse* encourages institutions that have already moved in this direction to keep up their work, and invites all other institutions that are somewhat behind in this respect to speed things up. Implementing practical ways and means absolutely requires such a plan” (p. 2). Informal conversations with current practitioners and school board administrators indicate that many have no knowledge that this letter was sent. The analysis of the school board policies presented below also indicate that this letter was not taken seriously by the English school boards in Quebec.

School Board Policies

In Quebec there are nine English school boards. Seven of these are in and around major metropolitan areas and for the purposes of this study are considered “urban.” The

remaining two include large areas of Quebec that do not include a major metropolitan area and are considered “rural.” At the request of research participants and to not identify the school board where this research was conducted, each board will be referred to by a randomly assigned number. The first urban school board (USB1) has policies that were drafted to include multiple forms of harassment and they pre-date the letter from Pierre Marois. The USB 1 does explicitly assert its support of the *Canadian Charter* in its Safe School Policy by listing all protected classes, including sexual orientation. Gender identity or expression are not included in the Canadian or Quebec *Charters*, and are not included in USB1’s policies which state that “everyone in our community is entitled to a safe, secure and respectful environment free from all forms of harassment and violent behavior”. This school board’s Intercultural Policy also explicitly names sexual orientation although this policy primarily to addresses issues of ethnocultural diversity. There were no awareness or action plans regarding homophobia embedded in either of these policies. Urban School Board 2 has a similar *Safe School Policy* that stated its support of the Quebec and Canadian *Charters*, and indicates that incidences of bullying, sexual harassment and racially motivated acts of violence are explicitly included in the policy. However, it does not include any statement on issues of sexual orientation or gender identity/expression.

A third urban school board (USB3) has an intercultural policy statement that clearly asserts, “the Board sees as its role the safe-guarding of the learner and employees on its premises or at school sponsored events and does not tolerate: ...expressions of racial, ethnic, religious, or sexual prejudice or harassment” It goes on to enumerate “Unacceptable Behaviors” which include “Overt Bigotry – written or verbal comments which insult others because of their gender, racial origin, ethnicity, religion, or sexual orientation.” This policy is the most inclusive in its explicit mention of sexual orientation and gender in its language. This document leaves no question that administrators and teachers in this school board are expected to treat issues of gendered harassment as they would any other form of discriminatory behavior. USB 3’s policy states that they will “endeavour to implement an Advisory Committee on Race Relations,” however, there was no awareness or action plan regarding homophobia embedded in this policy.

A fourth urban school board, (USB4), has included sexual orientation in its harassment and non-discrimination policy under its section on sexual harassment. Their definition may be sufficiently broad to include all forms of gendered harassment and reads as follows: “one or a series of comments or conduct of a gender-related or sexual nature that is known or might reasonably be known to be unwelcome, unwanted, offensive, intimidating, hostile, or inappropriate”. Again, in spite of this more inclusive language, there was no awareness or action plan on homophobia in this policy.

The fifth urban school board (USB5) has a code of conduct and a harassment policy that prohibit many forms of biased harassment including based on a person’s race, colour, ethnic origin, sex or sexual orientation. They also include the following definition of harassment: “Harassment may be defined as unwelcome comments or behaviours that cause discomfort, offend, humiliate, intimidate or are generally recognized as inappropriate” This section goes on to clarify that sexual harassment is understood as unwelcome gender-related comments, gestures with sexual overtones, or physical contacts of a sexual nature that offend, humiliate, or create a harmful effect, as well as behaviour that is generally recognized as inappropriate.” This harassment policy makes no mention of gender identity or expression nor does it include an awareness or action plan to address homophobia.

Finally, the most extensive policy that also includes an action plan is from the Urban School Board 6. This policy explicitly lists race, color, sex, and sexual orientation in a section titled “Other forms of harassment (discrimination)”, but not gender identity or expression. Included with the policy is a table entitled “mechanisms of intervention” indicating different levels of intervention, as well as report forms, responsible personnel, and suggested items for discussion in meetings with alleged victims and perpetrators. Although this is the most detailed of the policies examined, it still did not include any reference to an awareness or action plan to address homophobia. As of February 2008, the remaining three English school boards, one urban and two rural, have no policies addressing safe schools, bullying, or harassment among students.

Table 1 summarizes the content of the nine policies evaluated. This table provides a visual organizer to indicate if school boards reference the protections outlined in Canadian or Quebec *Charter* as well as Ministry policies in their own formal

documents. Of particular note is that only four out of the nine school boards explicitly named sexual orientation as a protected class, and four named gender. Alternatively, every school that did have a safe schools or harassment policy did explicitly address racial and ethnic forms of harassment as well as bullying or related forms of teasing and intimidation. This table also points out if the policies included any response guidelines and protocols, reporting mechanisms, or evaluation plans. These elements have been identified as important to effective policy implementation (Macgillivray, 2004).

Unfortunately, without a system-wide effort to raise awareness and gain community support around the content and intent of these policies, teachers and educators are left to rely on their own skills and interpretations of how to implement and support such protections. This is evidenced in how the teachers spoke of their school's policies during interviews. (Central Quebec School Board, 1998; English Montreal School Board, n.d.; Lester B. Pearson School Board, 2000, 2001; New Frontiers School Board, 1998; Riverside School Board, 1998, 2007; Western Quebec School Board, 2001)

	CC	QC	MLS	B	H	R/E	Sx	SxO	G	GI/E	Gui	Rep	Ev
U6		y			y	y	y	y			y	y	
U2	y	y		y		y	y				y		y
U1	y	y			y	y	y	y	y		y	y	
U4					y	y	y		y				
U7													
U3	y	y				y	y	y	y		y		
U5	y	y			y	y	y	y	y		y	y	
R8													
R9													

Table 1 – Summary of the content of Quebec English school board safe schools and harassment policies

KEY: CC = Canadian Charter, QC = Quebec Charter, MLS = Ministry, B = Bullying, H = Harassment, R/E = race/ethnicity, Sx = Sexual, SxO = Sexual Orientation, G = Gender, GI/E = Gender Identity or Expression, Gui = guidelines/protocols, Rep = reporting mechanisms, Ev = Evaluation

School Policies and Interpretations

Each of the three schools included in this study were in the same school board, but were situated in very different communities. The research school board was one of the four in Quebec that did not have a policy that explicitly addressed harassment based on sexual orientation or gender. The dominant cultural group and socioeconomic status of

the students in the school communities varied greatly. Teachers in two schools described their students as relatively privileged (European ethnicities, middle class) and teachers in one school talked about the multiple oppressions the majority of their students face in Canadian society (recent immigrants, students of colour, poverty). In all three research schools, it was clear that the values and expectations of the community were significant factors that shaped what could and could not happen from the teacher's perspective. Their interpersonal relationships with colleagues and families are created in this context and are often actively transmitting the values of the broader school community. These, in turn, influenced the school culture (Meyer, in press).

The factors described above shape how teachers read and respond to cues in their schools. The participants also offered explanations of how they perceived the culture of their school which was the subject of a previous publication (Meyer, in press). In order to give a sample of how the official structures of the school may impact how teachers read and understood their school cultures, I have compared the formal mission statements or philosophies of the school with a description of that school informed by the teachers' perspectives. The entire philosophy is not presented here so as to protect the identity of the schools.

Victoria Secondary

School philosophy: Victoria Secondary is “committed to academic excellence... in a supportive environment...students are taught respect for individual differences and for the rights of others.”

At Victoria Secondary, sexism and homophobia were common occurrences and the three participants who had worked at this school spoke about the significant challenges they faced due to the powerful influence of the values of one dominant European ethnic and religious group. These teachers all spoke about feeling as if they were outsiders in the school because they were not members of the dominant ethno-cultural group and felt powerless to change these behaviors because they were so deeply embedded in and tolerated by the school community. Although excerpts from the student agenda and teacher handbook indicate that there were some formal structures in place to address sexual

harassment, there was no mention of race, ethnicity, gender, or sexual orientation. The school stated that it had a zero-tolerance policy towards physical and verbal aggression and made this assertion at the beginning the student agenda:

we will adhere to policies that have: zero tolerance for physical and verbal aggression... [bold in original document]. Failure to comply with any of the above will result in an automatic 5-day suspension and administration will open a file with the Regional Director to relocate the student from Victoria Secondary school. (Student Agenda, p.3)

In spite of this clear policy statement that is handed out at the beginning of the school year to every student, staff, and faculty member, the teachers varied in their understanding of this policy.

I'm not aware of any [policies]. If there [were], it was never brought to our attention. There was never a policy that was given to us: this is what you need to do about bullying. There are SO many policies that you're not going to know them unless someone makes a point of saying 'this one's important.'

There is supposed to be a zero-tolerance policy [for bullying] so that means that any sort of physical violence or physical abuse or even threats could and should result in suspension...so there are some deterring or education programs there as well, but as far as actual punishment we are really limited to what can happen.

The first teacher expressed a complete lack of knowledge about this zero-tolerance policy. The second teacher was aware that the policy existed, but by saying that there was "supposed to be" a policy indicated that its presence in the school agenda did not mean that it was consistently and clearly enforced in the school. The student agenda and teacher handbooks from Victoria Secondary also had clear statements about what constituted sexual harassment and that all cases would be reported to the "proper authorities" and "youth protection." However, in one teacher's experience, these procedures were not followed. She explained:

I went to the head of my department and spoke to him about [accusations of sexual harassment by female students against another staff person]. They said, 'yeah, we know, we've spoken to him about it, we see it too.' But then it never went to the administrative level...the administrator and the head of my department happened to be very, very good friends, so I felt like I don't have a place to go in there...I didn't see any of the teachers that had been there for a while necessarily trying to make changes. The new

teachers would get upset about things but then they would be a little bit afraid to go speak to the administration.

This unofficial response by her department head to the complaints of several female students against one of their male teachers indicated to her how the sexual harassment policy was handled in reality. This lesson was very difficult for her to experience as a first year teacher, and it demonstrated to her the dominance of hegemonic male values in the school. These same values were present in the rampant anti-gay language and behavior she and the other teachers from that school spoke about. She described Victoria Secondary and incidents of bullying and homophobia as follows:

In our school there was a really big problem with, I don't know if I want to say bullying, but there was a lot of homophobia in the school...It happens on a daily basis. It happens in your classroom, in the hall, it happens ALL the time...It would be difficult to respond to [verbal harassment] because it occurs so much – it's almost like it's a part of the school culture. It's tolerated within the school and there are so many things that contribute to it: you have a dominant ethnic group that gives them a sense of power and if not all the teachers are dealing with it then students think, 'sometimes I can do it, sometimes I can't.'

A male colleague at that school supported this description by explaining how prevalent homophobic name-calling was in his school. It happens “every period, every day. [homophobic name-calling] has actually become a part of the culture of the school. Certain comments that you could consider bullying...its just not even noticed. It just happens.” With no policy in place to address this form of harassment these teachers felt frustrated and vulnerable in trying to address sexism and homophobia in the school. They both spoke about various attempts they had made to intervene and reduce the sexist and homophobic language they heard in their school, but found that they couldn't have an impact without the support of their colleagues and the administration. One teacher expressed this sentiment simply as, “If its just four teachers who are interested in implementing some type of policy, it's not going to be effective, unless all the teachers do it.” This is consistent with MacGillivray's findings in his study on sexual orientation and school policy in one school district in the United States (Macgillivray, 2004, pp. 71-74) . In the second research school, there was a different presentation of the

school policies as well as a different culture that impacted teachers' understandings of and applications of school policy.

Only the Best Academy

School philosophy: The school's mission is to "foster academic achievement, ... an understanding of social issues, and a sense of community responsibility." We encourage students "to develop self-discipline, interpersonal skills, and self-esteem." (Admission is by application and entrance examination)

Only the Best Academy was recognized as a public school that had an outstanding record of academic achievement and community involvement. The teachers working at this school took great pride in this aspect of their school, but also noted that the perceptions and pressures that go along with that reputation can have a harmful impact on their students. The teachers described their school in the following way:

I think student performance in academics, community, cultural, sports activities, are the top priorities of the way our school runs...as long as the kids are doing well, the school goes on and we can justify our position in the public school system...Here there's a perception that it's perfect when it really isn't. We've got good kids, but they have lots of problems too.

The very first thing that these students will see at this school is a test. That gives them a clear indication; a clear impression of what this school is all about...At this particular school bullying has taken on a different perspective. It's not physical, its much more mental, its much more verbal...I don't find our school is very warm. I find our school is very safe, because the last thing a lot of our students want to do is fight...I haven't seen very much racism here. It's a very white school.

The student agenda supports the teachers' perceptions of the school. In the 23 pages that outline the policies and procedures, one page outlines the Charter of Student Rights (4%) which includes the following non-discrimination statement: "You have the right to not be discriminated against on the basis of your gender, sexual preference, age, religion/belief, physical appearance, opinions and political views." In addition to this clear and relatively progressive statement (the use of 'sexual preference' notwithstanding), the agenda goes on to address other important aspects of school life. Based on the amount of real estate that is dedicated to various themes, the content analysis demonstrated that almost half of the agenda (10 pages or 46%) addressed issues related to academics (homework,

marking, & exams) and uniform policies. This space allotment clearly influenced what the teachers emphasized with their students. One teacher explained:

The section [in the agenda] that I highlighted in terms of what I need to focus on with the students: have I highlighted anything in students' rights and responsibilities? No. And their code of behavior? No. Tons of highlights on how I expect them to behave. Tons of highlights on examination and marking policies. Lots to say on uniform regulations. I've highlighted pretty much every other thing, but how I should be treating them and what they expect when they come to school.

In addition to the student agenda, the teachers were provided with a 53 page handbook that outlined important information for the school year. The bulk of this was devoted to scheduling, routine procedures, templates for various forms, and staff lists. There was not a single item that mentioned or referenced the student agenda, the charter of student rights, or school board policy on safe schools. Although this school had a positive reputation in the community and the administration had the respect of the teachers who were interviewed for this study, the lack of any school policy on safety, bullying and harassment was surprising. After this analysis it was curious that one teacher asserted in his interview that, "there's no tolerance whatsoever [for bullying] in the school...[Bullying]'s not tolerated at all. We have strict guidelines by what we describe as being bullying." No evidence of any guidelines was found in the documents examined for this study.

The teachers at Only the Best Academy voiced frustration about the high demands on students for academic success and the elitism of the families and students in the school. They spoke of the school as a place where students are physically safe, but the psychological pressures to compete and succeed are great and have harmful impacts on the student body. They also spoke about how difficult it was to witness and intervene in covert acts of bullying and harassment that seemed to prevail in this school community. This was a very different reality from the third school in this study, Exodus High.

Exodus High

Atmosphere & Conduct: Exodus High's goal is to "promote a positive attitude for social and emotional learning...foster a more positive

atmosphere and ... increased academic achievement...All students have a right to learn in a positive atmosphere.”

Exodus High was a school that had undergone significant shifts in enrollment and student population in the years leading up to this study. The participants who worked at this school talked about the multiple challenges they faced in working in a school that had been scaling down due to declining enrollment and changing demographics. One teacher described the school in the interview.

The culture of the school was homophobic. Its what kids call each other now, ‘fag’ and ‘gay’ and that seems to be the bottom of the rung and I find that kids, especially poor [racialized] kids, are very homophobic... We did have a multicultural day which was great. That day allowed all the kids from different cultures to come forward and present something. That was a good day because that was inclusive but generally it was mostly focused on the [racialized] culture of our school.

Related to the declining enrollment was limited support from the administration. The principal was the administrator for another program in the building due to this downsizing, and his hands-off approach to leadership hadn’t earned the respect of the teachers. One teacher described the school’s approach to bullying and harassment as “pretty weak.” He went on to explain, “I usually handle things pretty independently because I find administratively they really just don’t get it. What it’s taught me is: don’t involve the administration.” A second teacher echoed these frustrations when trying to enforce policies at the school.

I spent the first couple of months enforcing all of this [uniform policy, swearing, and name-calling] and there are some teachers that just never enforce it and so you realize that out of 20 teachers, we have about five who do all the enforcing, and you just can’t anymore. You can’t do it.

This lack of leadership from the administration allowed inconsistent responses to develop within the staff. The lack of a teacher handbook may have added to this difficulty. The only policy documents that the teachers from Exodus High had to share with me were pages from the student agenda. Neither one reported ever receiving a teacher handbook. However, the student agenda did have a clear policy statement on bullying:

In working to ensure that Exodus High can provide a secure and supportive environment in which to learn, we will adhere to policies that have: **zero**

tolerance for physical and verbal aggression (Threats/ bullying/ taxing/ playfighting)

The more experienced teacher from this school spoke about a zero tolerance policy at the school board, but he didn't seem to be aware of the policy at his own school. He explained,

There was apparently a zero tolerance [for bullying] that was going to be put in place with the school board. I wasn't quite sure what they were doing. Within our school and our administration there was no definite policy.

When comparing his interview with the documents collected, it was interesting that his school board did not have a zero-tolerance policy, but his school did. This is exactly the inverse of his understanding of these policies. In any case, the implementation and enforcement of anti-bullying and anti-harassment procedures were not clear to this experienced teacher. His colleague who was newer to the profession spoke of her frustration with the lack of direction and support she received when she arrived to teach at Exodus that year.

I just think it's so interesting that I could walk into this board and not be informed of specific things that I need to follow. Nothing was verbally gone over with me. I did all the research on my own, the handbooks, all that stuff. I just think it's really unfortunate that there are not specific policies or regulations that we follow when it comes to verbal harassment.

The teachers at Exodus High expressed feeling very little support from their Principal and spoke about a regular police presence and conflicts with local residents as regular concerns at the school. Although they felt that homophobia was a significant problem that was important to them personally, they spoke about larger concerns for their students that often took priority such as nutrition, physical safety, and working to emphasize the positive aspects of the multicultural school community.

As the above analysis shows, only one of the participants had an accurate understanding of his school's official policies. Even though they all expressed a commitment to student safety and addressing issues of harassment and bias, they did not know what policies existed to help them confront these challenges. However these teachers did have a clear sense of what the culture of the school was willing to accept and

adjusted their teaching and behavior accordingly. This lack of familiarity with school policy was also reported by Sarkar & Lavoie in their examination of Quebec teachers' integration of the Ministry of Education's Intercultural Education Policy (2006). The limited awareness and understanding of current school policies and related laws is significant in shaping how educators act.

In a study on sexual harassment in the U.S., Gloria Jones found that an understanding of Title IX legislation in the U.S. was an important factor that caused educators to take on an activist role in regards to cases of peer sexual harassment (2005). These teachers' statements indicate that even in the presence of clear policies and procedures, many teachers are not aware of their existence, or their role in implementing them. Their use of terms such as "supposed to be" or "apparently" indicate that there was some awareness of existing bullying policies. This awareness did not translate into consistent action in schools since these policies were not clearly communicated or systematically implemented in the school. The perceptions that teachers shared about their experiences with the formal structures of their schools present a clear description of some of the structural obstacles that exist and prevent educators from responding consistently and effectively to incidents of gendered harassment. In addition to structural barriers, teachers also experienced informal barriers to intervention. As other studies have found, school culture is much more likely to determine and support what it is that students, teachers, and others say and do than is the formal management system. This means that teachers are more inclined to act in ways that reflect shared norms and values of other teachers than in ways defined by school policy (DiGiulio, 2001; Meyer, in press; Stader & Graca, 2006, p. 16).

The teachers did feel as if there was a hierarchy of behaviors that were more acceptable in their schools. They perceived physical bullying and racial harassment at the top of the list as forms of peer aggression that get responded to strongly and were most consistently intervened in by the administration and other staff. They also felt that homophobic harassment was at the bottom of the list of priorities in terms of awareness and institutional support. Interestingly enough, harassment for gender non-conformity was often not even mentioned again in interviews unless it was asked about specifically. This may indicate that it is a category of harassment that is not widely discussed or

understood, even among educators who have a heightened awareness of issues relating to bullying, harassment, and homophobia in school.

These teachers had a very limited understanding of the laws and policies that exist in Quebec that may help them address issues of gendered harassment in their classrooms. When asked about their knowledge of school law and how it impacts their actions with students, one teacher answered “I just basically go on common sense, in terms of what would happen in the case of, let's say there'd be legal action to be taken, ... I'm not aware.” A second participant noted which legalities had been emphasized for him as an educator. He explained, “I'm constantly reminding my student teachers: keep the door open when you're in the classroom with a child, because that protects you. So we're constantly being told how to protect ourselves. We're not constantly being told how to protect these young people from other young people.” In light the recent court cases mentioned earlier, I found it surprising that none of the teachers in this study were aware of these legal precedents, or knew of their potential to support anti-homophobia work in Canadian schools.

Conclusions

The findings from this study support the work of other researchers that indicate that educators have an extremely limited awareness of existing school policies and legal protections relating to bullying and harassment. Findings also indicate that policies at the school board and school level do not explicitly name forms of gendered harassment in spite of a clear directive sent from the *Commission des droits de la personne et des droits de la jeunesse* [Quebec human rights commission] and existing human rights protections at the Federal and Provincial level.

Teachers also reported that they felt a lack of support and guidance from their school administration and school board on how to respond to these incidents. By gaining a better understanding of the gaps between policy and practice, scholars, teacher educators, and community activists can better formulate curricular interventions, staff development programs, and policy initiatives that will more effectively improve school responses to such behaviors. One teacher reflected on the potential impact of human rights education for teachers.

I think if teachers were more aware of these things that they would implement – because when you learn about human rights, I think it some respects it changes your values, right? Because if you know that people should be treated equally or that there shouldn't be any type of discrimination, that changes who you are as a person if you buy into it and if you believe that so you can't help but bring that with you into the classroom. But if you're completely unaware of these things then, then it doesn't become a part of your value system, right?

By raising the profile of important human rights protections and including legal education in teacher preparation programs, there is the potential to transform how educators view their students and their roles in the classroom. It is important for those involved in pre-service teacher education to address the multiple issues of bullying and harassment with future teachers but also be very clear in the legal obligations that exist for classroom teachers. As the judgment from the *Jubran* case clearly states, “the School Board has the duty to provide students with an educational environment that does not expose them to discriminatory harassment” (“School District No. 44 v. Jubran,” 2005, p. 116).

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