

Upfront

A LOT OF PEOPLE ARE TRANSITIONING NOW, BECAUSE OF ME.

Jenna Talackova speaks openly about being an advocate and a Pride grand marshal >14



EDUCATION

Quesnel makes 20

One third of BC school districts now protect queer students

Nathaniel Christopher

ONE THIRD OF BRITISH COLUMBIA SCHOOL DISTRICTS now have stand-alone anti-homophobia policies after Quesnel implemented its Sexual Orientation and Gender Identity policy on July 11 with unanimous board approval.

"The next step for us is to focus on the implementation," says Quesnel superintendent Sue-Ellen Miller. "We have a committee with many stakeholders to develop the education components and the anti-homophobia workshops and other things. This is just the beginning step to break down the barriers. We're excited about the things to come."

The new policy recognizes homophobic bullying as a "routine form of bullying that takes place in all schools." Citing research done by the McCreary Centre Society, Egale and the BC Centre for Safe Schools, the policy also recognizes that "LGBTQ students and any student who does not conform

to rigid gender-role stereotypes can frequently be the target of homophobic or transphobic bullying."

"There are sections of other policies that address discriminating and bullying, and we needed one to specifically address sexual orientation and gender identity," says board chair Caroline Mitchell. "We know that with kids it's really easy to tease when they think something's different, so the teachers and a principal had been working [on] this, and we felt it important everyone, both staff and students, feel safe in our schools."

Quesnel District

Teachers' Association president Teri Mooring says she and her colleagues looked to neighbouring Prince George school district for guidance on how to proceed with their own policy. "They had their GSA going for a while now, and we heard nothing but good stuff about it," she says. "The teachers have been extremely active and supportive, so it's interesting that their board is lagging behind while ours has always been supportive with these types of issues."

In March, Prince George school trustees rejected proposals for a stand-alone anti-homophobia policy, opting instead to improve existing, general policies.

Mooring notes that there are currently no GSAs in Quesnel but hopes the new policy will encourage a core group of supporters to start one in the near future. "It used to be that kids would wait until they graduated before coming out," she says. "There are kids who are out now, but it is certainly not representative of kids who could be out now, but we're working on it."

She says it's really important for small-town boards and teachers' unions to take a public stand in support of lesbian, gay, bisexual and trans equality. "We're a small northern community, and there hasn't been anything here to promote a broader-base community conversation about these issues."



"There are kids who are out now, but it is certainly not representative of kids who could be out now, but we're working on it," says Quesnel District Teachers' Association president Teri Mooring.

COURTESY OF TERI MOORING

HUMAN RIGHTS

Christian B&B discriminated

Private business can't reject gay couple, tribunal rules

Nathaniel Christopher

THE BC HUMAN RIGHTS TRIBUNAL HAS ruled that a Christian couple violated a gay couple's rights when they denied the two men accommodation at their Grand Forks bed and breakfast in 2009.

"There is a clear nexus between the Complainants' sexual orientation and the denial of accommodation," wrote tribunal member Enid Marion in her July 17 decision. "Their sexual orientation was a factor, if not the sole factor, in the cancellation of their reservation."

Marion ordered Les and Susan Molnar to cease and desist their discriminatory conduct and to refrain from doing the same or similar in the future.

She also ordered the Molnars to pay Shaun Eadie and Brian Thomas \$1,500 each as damages for injury to dignity, feelings and self-respect, as well as \$344 for expenses associated with attending the October 2011 hearings, \$850 for lost wages and post-judgment interest until the awards are paid in full.

Eadie and Thomas had each requested \$2,500 in damages, but Marion decided on the lower figure as they were able to find alternate accommodation, and she saw no evidence of ongoing trauma, anxiety or other mental or physical detriment as a result of the Molnars' discriminatory conduct.

"The only comment I have at this time is that I was never disrespectful to Mr Eadie or Mr Thomas," says Les Molnar, who told *Xtra* July 17 that he disagrees with the tribunal's decision. "Somehow it came out in the decision that my comments on the phone were disrespectful. In a less-than-a-minute conversation with them I was very respectful."

In June 2009, Shaun Eadie spoke with Riverbend Bed and Breakfast co-owner Susan Molnar to book a room for himself and his partner, Brian Thomas. Five minutes later, Eadie told the tribunal, Molnar's husband, Les, called him back to ask if he and Thomas were a gay couple.

When Eadie said yes, Molnar allegedly replied, "This is not going to work out," and Eadie said, "Wow" and hung up. Molnar told the tribunal he said, "I'm sorry," and described Eadie's "wow" as angry. "I said to my wife, 'Maybe I should phone them back, invite them for breakfast and talk about this.' She said that he sounded angry and said, 'I don't think we should aggravate him anymore.'"

Eadie and Thomas filed a complaint with the Human Rights Tribunal the same day,



"If there is any lesson learned from this, we really hope that is if you are wronged, if you have your principles violated, that you have a moral obligation to stand up to that," says Brian Thomas (left, with partner Shaun Eadie). NATHANIEL CHRISTOPHER

which was heard over two days in Kelowna last fall.

"If there is any lesson learned from this, we really hope that is if you are wronged, if you have your principles violated, that you have a moral obligation to stand up to that because it's bigger than just what's happened to that individual," Thomas says. "If it's not questioned or not challenged, it makes it right; it makes it okay. It's not okay."

Eadie is pleased with the outcome and hopes the three-year process is finally at an end.

"I feel very fantastic," he says. "All my friends and family are very supportive. That's kind of what helped me get through everything was having their support. There's five of us in my family who are gay, and they are all ecstatic that I accomplished it and that I stood up for our rights as a gay community — that somebody actually did it."

During the hearing, the Molnars' lawyer, Ron Smith, argued that the religious convictions of his clients, who describe themselves as evangelical Christians, justified their actions.

"Our position is clear," Smith told the tribunal. "Given the unique purpose of this home and its dedication for Christian worship, the Molnars could not allow activities in their home that would offend what they believe is their god and their church." He pointed out that Les and Susan Molnar's home was not only a place of business but also where they lived, ministered and held religious fellowship meetings and said that the property had been blessed by clergy on two occasions.

Smith drew comparisons between this case and the 2005 Knights of Columbus case in which the BC Human Rights Tribunal upheld the Knights of Columbus' religious freedom when it ruled they didn't

have to rent their hall for a lesbian wedding, which would go against their core beliefs.

Marion, however, found that the function of the Molnars' bed and breakfast, which they have since closed, was to offer temporary accommodation without any express restriction, to the general public.

"In this regard, I note that the Riverbend was operated as a for-profit business, and that the Molnars managed it as individual citizens," Marion ruled. "Unlike the Knights case, the Molnars did not operate the Riverbend on behalf of the Church, and the Church had no direct involvement in its operations."

Marion emphasized that the Molnars voluntarily chose to turn their home into a bed and breakfast out of their own free will for a number of reasons, including to "supplement their retirement income and to take vacations in a sunnier environment."

"Unlike the decision in Knights, I am not persuaded that the standard of restricting accommodation in single bed rooms to married heterosexual couples was adopted for a purpose or goal that was rationally connected to the Riverbend's function, which was to offer temporary accommodation to the general public," Marion ruled. "The standard was rationally connected to the Molnars' personal religious beliefs, but not to the function or purpose of the Riverbend."

"My wife and I respect the decision of the Human Rights Tribunal," Les Molnar clarified in a phone call to *Xtra* on July 18, "and we didn't mean any ill will towards Mr Thomas or Mr Eadie, before or after, and don't hold any hard feelings for them."

"At this stage we don't plan to appeal," Molnar says. "We consider this matter a learning experience and consider it closed as far as we're concerned."