

January 30, 2007

Hamilton-Wentworth District School Board  
100 Main Street West  
P.O. Box 2558  
Hamilton, ON L8N 3L1

Attention: Dr. Chris Spence, Director of Education

**Re: HWDSB EQUITY POLICY**  
**Sexual Orientation Component**

Dear Dr. Spence and members of the Hamilton-Wentworth District School Board:

We understand that the Hamilton-Wentworth District School Board (HWDSB) is currently in the process of developing the sexual orientation component of its Equity Policy. Several parents from the Hamilton-Wentworth area have contacted our office with concerns that their religious beliefs about human sexuality and family structure will not be accommodated under the policy. We have assured these parents that they have a legal right to have their religious beliefs and practices accommodated.

As you are aware, international law to which Canada subscribes and the Canadian *Charter of Rights and Freedoms* specifically protect religious freedom. The United Nations International Covenant on Civil and Political Rights states in Article 18 (4):

The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

The United Nations *Declaration of Human Rights* affirms that '[p]arents have a prior right to choose the kind of education that shall be given to their child' (S. 26, s.3).

We understand this to require that school boards, schools and teachers respect parental religious teaching in the area of sexuality and family structure.

In 1997, the Supreme Court of Canada has ruled that school boards have a duty to ensure that the public education system is a welcoming and positive school environment for all students. The court went on to require that school boards be 'ever vigilant' of anything that might interfere with that duty (*Ross v. New Brunswick School District No. 15*).

Discrimination on the basis of religion (creed), or sexual orientation, is also expressly forbidden under the Ontario *Human Rights Code*.

Balance is required. The challenge in a plural society is to respect diversity, including religious diversity. Richard Peters, a well-known philosopher of education, noted that people use the word 'indoctrination' when they find something objectionable about what someone else is teaching or how that teaching is taking place. They tend to refer to instruction based on their own worldview as 'educating'.

Teaching in the public education system requires transmission of knowledge (which includes both communication of values and facts) without indoctrination. Facts cannot be taught in the absence of values. Every person embraces certain beliefs and communicates from that perspective – whether it is desire to communicate a message or fear of communicating an incorrect message. An appreciation of various worldviews, religious or otherwise, is as fundamental to knowledge as an understanding of facts.

Recognition of pluralism includes and requires respect for the worldview of religious and other ‘traditional’ communities represented in the public education system along with non-traditional or neo-traditional communities for whom school board policies are now being revised. When educators understand the concepts of pluralism, and are sensitive to their communication of values and facts, they may take steps to teach even the most controversial subjects with integrity.

Children are not ‘tabula rasa’. Children have a worldview that is influenced by family, religious practices and the education system among others. It is not the place of the education system to impose the worldview of adults (teachers) on children but to teach with an appreciation for the values of the students and their parents. Justice, equality and fairness are expected in the treatment of the diverse ideological communities within the education system. This incorporates both the concepts of recognizing we live in a plural society and ensuring that teaching is age appropriate.

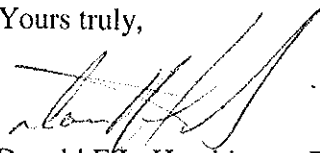
At a minimum, parents should be notified when potentially controversial subject matter is going to be taught to their children and provided the option of alternative programming – whether taught in the school or at home – when they object to their child being provided instruction that does not accommodate a fair teaching of the family’s expressed values or might be considered age inappropriate by the parents.

The constitutional guarantee of freedom of conscience and religion extends to all students and parents – and teachers – regardless of their ideological or religious beliefs. The education system, including the school board, is responsible for ensuring that all are respected.

This letter is sent to enquire as to what procedures you have put in place to ensure that the necessary accommodation of parental rights and religious freedom will occur under the Hamilton-Wentworth District School Board’s policy?

Your early reply to this request is appreciated so that we may respond appropriately to the community seeking our advice on this issue.

Yours truly,



Donald E.L. Hutchinson, B.A., LL.B.  
General Legal Counsel

*The Evangelical Fellowship of Canada is the national association of Evangelical Protestant Christians in Canada. EFC affiliates include 40 denominations, 77 ministry organizations, 35 post-secondary educational institutions and nearly 1,000 individual congregations, who uphold a common statement of faith.*

Please reply to National Office address