

This is the 1st Affidavit
of Glen Hansman in this case
and it was made on April 17, 2019

No S35152
Chilliwack Registry



IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

BARRY NEUFELD

PLAINTIFF(S)

AND:

GLEN HANSMAN

DEFENDANT(S)

AFFIDAVIT

I, Glen Hansman, Teacher, care of Taylor Veinotte Sullivan, Barristers, Suite 502, 1168 Hamilton Street, Vancouver BC, AFFIRM THAT:

1. I am the Defendant herein, and as such I have personal knowledge of the matters deposed to in this Affidavit except where I depose to a matter based on information from an informant I identify, in which case I believe that both the information from the informant and the resulting statement are true.
2. I am President of the British Columbia Teachers' Federation ("BCTF"). I was elected to this position in 2016 and my current term ends on July 1, 2019. I have been a full time released officer of the BCTF since 2010, as 1st Vice President from 2013 to 2016 and as 2nd Vice President from 2010 to 2013. I have been a teacher in British Columbia since 2000.
3. The BCTF is the certified bargaining agent for all teachers and associated professionals employed by public school boards in British Columbia and has

approximately 45,000 members. The BCTF is also a social justice union that advocates for social change and access to educational opportunities for all students.

4. The BCTF Member's Guide includes the BCTF's policies and procedures, in the form of motions passed by the BCTF Annual General Meeting ("AGM"), Representative Assembly and Executive Committee. The goals of the BCTF are set out in the BCTF Members' Guide and include: "To strive to eliminate from the school system discrimination on the basis of sex, race, religion, age, handicaps, economic status, marital status, sexual orientation, gender identity, number of dependents, or pregnancy". Several policies and procedures in the Member's Guide address homophobia and transphobia, including policies to support gay/straight alliance groups in schools and working with school boards to facilitate the use of learning materials that convey inclusive and positive portrayals of same-sex families. The BCTF AGM has identified transphobia as a form of harassment and in 2017 adopted a comprehensive statement on principles of transgender rights.

5. The term SOGI refers to "sexual orientation and gender identity". It is an inclusive term relevant to all individuals regardless of where they identify on the sexual orientation or gender spectrum.

6. In 1992, sexual orientation was added to the *Human Rights Code* as a protected ground of discrimination. The *Human Rights Code* was updated again in 2016 when the terms "gender identity or expression" were explicitly added as protected grounds. Prior to that, individuals alleging discrimination on the basis of gender identity or expression had their claims addressed under the ground of sex.

7. The BCTF advocated for "gender identity or expression" to be explicitly included in the *Human Rights Code*. The BCTF has also advocated for specific protection for transgender people under the *Criminal Code*.

8. Shortly after the *Human Rights Code* was amended to include "gender identity or expression", an existing Ministerial Order on standards for school codes of conduct was updated to require that school boards include "gender identity or expression" in their

codes of conduct (Exhibit "A", *Codes of Conduct Order*). The BCTF supported this update to the *Provincial Standards for Codes of Conduct Order* and I was present for the press conference with the Minister of Education on September 7, 2016.

9. SOGI 1 2 3 is a collaboration involving the ARC Foundation in partnership with the BCTF, the Ministry of Education, UBC Faculty of Education and LGBTQ community organisations to share SOGI-inclusive tools and resources in three areas: policies and procedures, inclusive environments and curriculum resources for educators. There is no SOGI curriculum, but SOGI resources that align with the Ministry of Education curriculum can be used in many different subject areas. In BC, the curriculum at all grade levels and in all subject areas is set by the Ministry of Education. SOGI 1 2 3 materials are available online: <https://www.sogieducation.org/> and support inclusive environments in schools.

10. On or about October 23, 2017, Trustee Neufeld posted a statement on his Facebook account addressing what he terms the SOGI "program". His statement read as follows:

Ok, so I can no longer sit on my hands. I have to stand up and be counted. A few years ago, the liberal minister of education instigated a new curriculum supposedly to combat bullying. But it quickly morphed into a weapon of propaganda to infuse every subject matter from K-12 with the latest fad: Gender theory. the Sexual Orientation and Gender Identity (SOGI) program instructs children that gender is not biologically determined, but is a social construct. At the risk of being labeled a bigoted homophobe, I have to say that I support traditional family values and I agree with the College of paediatricians that allowing little children choose to change gender is nothing short of child abuse. But now the BC Ministry of Education has embraced the LGBTQ lobby and is forcing this biologically absurd theory on children in our schools. Children are being taught that heterosexual marriages is no longer the norm. Teachers must not refer to "boys and girls" they are merely students. They cannot refer to mothers and fathers either. (Increasing numbers of children are growing up in homes with same sex parents) If this represents the values of Canadian society, count me out! I belong in a country like Russia, or Paraguay, which recently had the guts to stand up to these radical cultural nihilists. <https://c-fam.org.../parents-defeat-gender-ideology-paraguay>

11. Trustee Neufeld's Facebook post prompted a variety of responses which were also posted on his Facebook page.

12. I became aware of Trustee Neufeld's comments on Facebook when they were circulated online. The statements showed up in my newsfeed on Twitter and Facebook when it was commented on by others. I follow many BC reporters and various people in the education community on social media as part of my job, I follow these sources so that I can be aware of emerging issues or media stories from different parts of the province in a timely manner.

13. As President of the BCTF, a teacher, a gay man and a member of the LGBTQ community, I found Trustee Neufeld's comments of concern for several reasons.

14. First, despite Trustee Neufeld's subsequent "apology" issued on October 25, 2017, this outburst was not merely a critique of the teaching materials created for SOGI 1 2 3, but an attack on the people who created those materials and supported their use. The use of the terms such as "weapon of propaganda" and "radical cultural nihilists" and even "LGBTQ lobby" impute bad faith, dishonesty, and cynical manipulation to those involved with SOGI 1 2 3, which includes many members of the BCTF.

15. Second, Trustee Neufeld used terms such as "traditional family values" and "LGBTQ lobby" that are frequently employed by those opposed to equality for LGBTQ persons.

16. Third, Trustee Neufeld's reference to the American College of Pediatricians (the "ACP") is a red flag to anyone familiar with efforts to deny equal rights and protection for LGBTQ people. The ACP is a small, socially-conservative group founded in the United States in 2002 as a protest against the American Academy of Pediatrics' support for adoption by gay couples. The ACP has been listed as a hate group by the Southern Poverty Law Centre.

17. Similarly, Trustee Neufeld's apparent embrace of the policies of Russia and Paraguay towards LGBTQ issues is deeply concerning.

18. It is well known that Paraguay and Russia are unsafe places for LGBTQ individuals. During the time frame when Trustee Neufeld made his Facebook post, there had been significant media coverage about violence against LGBTQ individuals, including transgender people, in Paraguay and Russia (Exhibit "B", New Yorker Article). In addition, in October 2017 the Paraguayan Education Minister issued a resolution banning classes about sexual diversity in schools and stated that he would burn any books related to the subject (Exhibit "C", NBC News Article). The link in Trustee Neufeld's Facebook post was to an online post applauding that resolution (Exhibit "D", C-Fam online post).

19. Finally, as a teacher and an active member of the BCTF, I am well aware of the legal battles that have been fought to counter homophobic discrimination in the education sector, including decisions such as *Chamberlain v. Surrey School District No. 36*, 2002 SCC 86, *North Vancouver School District No. 44 v. Jubran*, 2005 BCCA 201 and *Kempling v. British Columbia College of Teachers*, 2005 BCCA 327 and I immediately thought of the parallels with those cases.

20. Trustee Neufeld subsequently deleted the Facebook post.

21. In my role as President of the BCTF, I am frequently called on by news media to comment on matters of public interest, including: education policy, education programs and resources; the relationship between the BCTF and various levels of government; and other matters relating to schools, students, teachers and education.

22. Several media outlets contacted me for comment regarding Trustee Neufeld's Facebook post, including the Vancouver Sun, Global TV and the Huffington Post.

23. In interviews with these media outlets, I shared my views and opinions concerning Trustee Neufeld's statements and posts. I did not have any speaking notes prior to the calls or video interviews and did not take any notes during the calls or video interviews. Obviously, I did not control what parts of the interviews were used in the reports that were published or broadcast.

24. As I recall, when I was interviewed I did discuss the legal precedents above with the reporters, as well as my concerns about Trustee Neufeld's references to Russia and Paraguay. I also reacted to Trustee Neufeld's comments on SOGI 1 2 3.

25. I was of the view that Trustee Neufeld's comments were inconsistent with his duties as a school trustee, and I expressed the view that he should resign or be removed as a school trustee

26. In preparing this affidavit, I have reviewed the reports that resulted from those interviews. Attached and marked as Exhibit "E", is a true copy of the Vancouver Sun story published October 24, 2017. The online version of the Global News video from October 24, 2017 is available here: <https://globalnews.ca/video/3823083/backlash-after-schooltrustee-> Attached and marked as Exhibit "F" is a true copy of the Huffington Post story published October 24, 2017.

27. On October 25, 2017, Trustee Neufeld issued a news release that purported to be an apology, and stated, "I want to apologise to those who felt hurt by my opinion... I am critical of an educational resource, not individuals". Trustee Neufeld went on to say, "I firmly believe that implementation of the SOGI 1 2 3 resources needs to be reviewed by engaging parents and teachers in conversation on this topic before full implementation".

28. When I read Trustee Neufeld's apology, I believed it minimized the full impact of what he had said in his Facebook post. It did not appear to be a full apology. It also attempted to deny what in my view was a clear attack on the people who created and supported the SOGI 1 2 3 materials.

29. On November 21, 2017 Trustee Neufeld was a keynote speaker at an event organised in Chilliwack by Culture Guard, an organisation that describes itself as working "to ensure that our nation's statutes and concepts of 'community values' used by agencies will reflect and protect the natural family, parental rights, the sanctity of life, liberty, respect, judicial accountability and the proper rule of law...". It is my understanding that Culture Guard was founded by Kari Simpson.

30. At that event, Trustee Neufeld described SOGI as “an institutionalisation of codependency encouraging and enabling dysfunctional behaviour and thinking patterns” and the “codling and encouraging what I regard as the sexual addiction of gender confusion”. Trustee Neufeld stated that using SOGI 1 2 3 resources amounted to “gaslighting” and an “attack on the foundation of the child’s being which is child abuse”. Trustee Neufeld also stated that “rushing into the use of puberty blockers, hormone therapy and gender reassignment is child abuse”.

31. A video of the speech is available online:

<https://www.langleytimes.com/news/chilliwack-school-trustee-says-he-will-run-on-gender-positive-platform-next-year/>

32. The event was attended by both supporters of Culture Guard and opponents of the positions taken by Trustee Neufeld.

33. I am familiar with the activities Kari Simpson and her organization, Culture Guard, have engaged in with respect to the education sector over the years. Ms. Simpson and Culture Guard have consistently opposed LGBTQ inclusion efforts in British Columbia schools. For example, in 2009 Ms. Simpson submitted a complaint to the British Columbia Human Rights Tribunal against the BCTF and the Ministry of Education, alleging to be on behalf of: “Those suffering a confused sexual orientation and/or dysfunctional homosexuality and/or those in need of sexual re-orientation therapy and/or those suffering from a sexual identity crisis”. Her complaint alleged that the omission of “psychological help for students suffering from dysfunctional homosexuality” was discriminatory. The complaint was not accepted for filing with the Tribunal (Exhibit “G”, BCHRT July 15, 2009 Letter).

34. The fact that Trustee Neufeld appeared to have joined forces with Ms. Simpson was a matter of concern. Ms. Simpson previously operated something called the Citizen’s Research Institute and was notorious for making anti-LGBTQ statements. She was also the plaintiff in *WIC Radio v. Simpson*, 2008 SCC 40, a libel case in which she unsuccessfully sued the late broadcaster Rafe Mair for comments he made about her

statements about LGBTQ people. On or about December 18, 2017 Trustee Neufeld posted another statement on his Facebook account, wherein he referenced his position as a school trustee stating, "My job description is that of policy maker. And the current emphasis is on inclusion. I do not want to give in to the self-serving agenda of the LGBTQ+ groups who want to be given priority as the most downtrodden of victims..." He went on to make additional statements including the following:

But the scary thing is that it has already demonised people of faith who believe that God created humans male and female: In the image of God. Here is my prophecy to the Church. If you don't get off your duffs and push back against this insidious new teaching, the day is coming (maybe it is already here) when the government will apprehend your children and put them in homes where they will be encouraged to explore homosexuality and gender fluidity. There already is a Special group foster home for LGBTQ+ kids in Red Deer, AB.

You think that is impossible? Well the Canadian government did exactly that to Aboriginal families until a few decades ago. Determined to destroy the traditional teachings of their culture and re educate children into the prevailing worldview of the government. The Government have already ensured that families with traditional values will not be approved as foster homes and are refused the right to adopt children. But the government has always done a horrid job of being a parent.

35. Also in December 2017, the Chilliwack District Parent Advisory Counsel ("DPAC") asked Trustee Neufeld to step down. Trustee Neufeld responded by launching a letter writing campaign against the Chair of the DPAC. On January 1, 2018, Trustee Neufeld disseminated an email, stating the following:

...Not all of these parents subscribe to the unscientific gender-fluid theory that *"what is between one's legs is not always the same as what is between one's ears."*

I am aware there are about 20 children in Chilliwack who fit this category. Some parents are taking the *"wait and see approach"* hoping that their child will grow out of this confused phase, and indeed about 80% do eventually become content with their gender assigned at birth. Other parents are taking a more proactive approach, encouraging their child to find gender appropriate activities, even though they may not be stereotypical: i.e. taking an effeminate boy to figure skating lessons, or signing up a rough and tumble girl for Karate. Only a few parents have caved in to the new trend in treatment for gender dysphoria and will support their child on the path of dressing in a different gender, taking on a new

name, and heading towards hormone blockers, hormone therapy and ultimately gender reassignment surgery. These parents may have been overwhelmed by the threats of the transgender radicals: *"Do you want a dead son or a living daughter (or vice versa)."*

I do not **"hate"** transgender children: They can't help the way they feel. They should certainly NOT be bullied or teased. But I advocate for the least intrusive way of helping them: hopefully to accept the gender they were assigned at birth. Ms. Hodge is taking sides with only a handful of radical parents, and alienating the vast majority of parents who trust biology and common sense.

36. On January 16, 2018, the Chilliwack Teachers' Association (the "CTA") passed a resolution of non-confidence in the Chilliwack Board of Education in response to the Board's failure to take a strong stand on the attack on SOGI 1 2 3.

37. On January 17, 2018, I was interviewed by several Fraser Valley papers about the resolution and the ongoing controversy over SOGI 123.

38. I made comments about the challenges professional educators face from those who promote hatred. In making those comments, I was not specifically referring to Trustee Neufeld, but more generally to those who attack efforts to ensure that LGBTQ students can attend safe and inclusive schools.

39. On January 18, 2018, the Chilliwack School Board passed a motion during an in-camera meeting requesting Trustee Neufeld's resignation because of the Board of Education's loss of confidence in Trustee Neufeld's ability to effectively perform the duties of a trustee. Trustee Neufeld did not resign.

40. On January 29, 2018, the BCTF and the CTA filed a complaint with the British Columbia Human Rights Tribunal on behalf of teachers in the Chilliwack School District (the "Complaint"). The Complaint alleges that Trustee Neufeld violated sections 7 and 13 of the *Human Rights Code*. The Complaint was accepted for filing on April 20, 2018.

41. After the filing of the Complaint, Trustee Neufeld continued to make statements the BCTF viewed as discriminatory. The BCTF/CTA filed an amended Complaint with the Tribunal on February 19, 2019. The amended Complaint has not yet been accepted for

filing (Exhibit "H", the Complaint). The matter is ongoing at the Tribunal and hearing dates have not yet been set.

42. Both prior and subsequent to the filing of the Complaint, teachers in Chilliwack have continued to raise concerns with the CTA about the impact of Trustee Neufeld's comments on the school environment. Those concerns have been passed on to me by the CTA President and others from Chilliwack.

43. Trustee Neufeld's comments have generated significant attention from the media and education stakeholders.

44. In April 2018, I was interviewed by various media outlets about the Complaint to the Human Rights Tribunal, including the Star Vancouver, News 1130, and CBC Radio.

45. In speaking to the Star, I noted that if Trustee Neufeld was a teacher, he would be removed from the school system, just as Chris Kempling had been removed from the school system by the BC College of Teachers after he published anti-LGBTQ screeds. My point was that people in positions of authority within the school system, whether, they are teachers, such as Mr. Kempling, or school trustees, like Trustee Neufeld have to understand that things they say in public can have a real and significant impact on vulnerable students and teachers within that school system, and that the CTA and the BCTF had filed the complaint about Trustee Neufeld to address the impact of his comments on transgender students and teachers. Attached and marked as Exhibit "I" is a true copy of the story published by the Star Vancouver.

46. In my interview with News1130 about the complaint, I made reference to Trustee Neufeld's comments about transgender persons getting very close to hate speech. In making that point, I was referring to section 7 of the *Human Rights Code*, which deals with expressions and representations that are "likely to expose a person or a group or class of persons to hatred or contempt". We relied on that section of the *Human Rights Code* in making our complaint to the Human Rights Tribunal. I felt that Trustee Neufeld's comments had crossed a line and that he shouldn't have contact with students. Attached and marked as Exhibit "J" is true copy of the News1130 story.

47. I also shared my views about Trustee Neufeld's comments and conduct in an interview with CBC Radio. Attached and marked as Exhibit "K" is a true copy of the story published on the CBC website on April 13, 2019.

48. On April 22, 2018 I was interviewed by CityNews 1130 about public demonstrations in support of and opposed to SOGI 1 2 3. In that interview, I commented on the public reaction in Chilliwack to Trustee Neufeld's comments earlier that year. Attached and marked as Exhibit "L" is a true copy of the CityNews 1130 story.

49. On September 19, 2018 during the run up to the municipal election, Trustee Neufeld, through his counsel, sent me a letter demanding that I retract my comments and apologize to Trustee Neufeld (Exhibit "M", the "Demand Letter").

50. On September 20, 2018 the website *thevalleyvoice.ca* posted a story indicating that they had spoken to Trustee Neufeld and that he was suing me. The story also included the statements that were alleged to be defamatory in the Demand Letter (Exhibit "N", *thevalleyvoice.ca* post).

51. On September 27, 2018 my counsel responded to Trustee Neufeld's counsel (Exhibit "O", September 27, 2018 letter)

52. On October 12, 2018, Trustee Neufeld filed his Notice of Civil Claim in defamation against me.

53. I filed my Response to Civil Claim on November 5, 2018.

54. On October 19, 2018, I was interviewed about the Trustee Neufeld's claim by the Chilliwack Progress. A few days earlier, I had seen a news story published by PressProgress, an online news site, about other controversial posts Trustee Neufeld had made on his Facebook page. It ran under the headline This Man is Probably the Worst School Trustee in British Columbia (the "PressProgress Story").

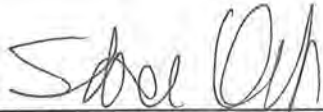
55. The PressProgress Story came up in interview with the Chilliwack Progress and I told the reporter that these new revelations of problematic Facebook posts deepened my concern about Trustee Neufeld's fitness for office. I also said I stood by my previous comments concerning Trustee Neufeld's statement and actions.

56. On January 2, 2019, Trustee Neufeld filed his Amended Notice of Civil Claim.

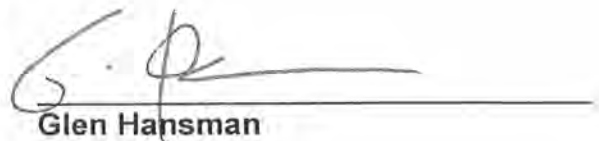
57. I filed my Amended Response to Civil Claim on January 23, 2019.

58. I affirm this Affidavit in support of my Application to have the Plaintiff's case dismissed pursuant the *Protection of Public Participation Act*, SBC 2019. c. 3.

AFFIRMED BEFORE ME at Vancouver,
British Columbia on April 17, 2019



A Commissioner for taking Affidavits for
British Columbia


Glen Hansman

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This is Exhibit "A" referred to in the
affidavit of GLEN HANSMAN
sworn (or affirmed) before me on
APRIL 17 2019
[Signature]
A Commissioner for taking Affidavits
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PROVINCIAL STANDARDS FOR CODES OF CONDUCT ORDER

Authority: *School Act*, sections 85(1.1) 168 (2) (s.1)

002

Ministerial Order 276/07 (M276/07) Effective October 17, 2007
 Amended by M208/14 Effective June 23, 2014
 Amended by M341/16 Effective September 7, 2016
 Orders of the Minister of Education

1 In this order “**board**” includes a francophone education authority as defined in the *School Act*.

2 Boards must, in accordance with this order, establish one or more codes of conduct for the schools within their school district and ensure that the schools within their school district implement the codes.

3 When establishing codes of conduct, boards must consider the results of the consultations undertaken by schools within its school district at the school level with individuals or groups the schools consider are representative of

- (a) employees of the board,
- (b) parents, and
- (c) students

4 Boards must ensure that schools within their school district

- (a) make codes of conduct available to the public;
- (b) distribute the codes of conduct at the beginning of the school year to
 - (i) employees of the board at the school,
 - parents of students attending the school, and
 - (ii) students attending the school
- (c) provide codes of conduct to employees of the board who are assigned to a school during the school year when they are so assigned;
- (d) provide the codes of conduct to students who start attending a school during the school year and their parents when the students start attending the school;
- (e) display the codes of conduct in a prominent area in the school.

5 Boards must ensure that schools within their school district review the codes of conduct annually with individuals or groups the schools consider are representatives of

- (a) employees of the board,
- (b) parents, and
- (c) students

to assess the effectiveness of the codes of conduct in addressing current school safety issues.

6 Boards must ensure that the following elements are included in their codes of conduct:

- (a) a reference to
 - (i) each of the prohibited grounds of discrimination set out in section 7 (*Discriminatory publication*) and section 8 (*Discrimination in accommodation, service and facility*) of the *Human Rights Code*, RSBC 1996, c. 210, and

PROVINCIAL STANDARDS FOR CODES OF CONDUCT ORDER

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- (ii) without limiting subsection (i), sexual orientation, gender identity or expression;
- (b) a statement of purpose that provides a rationale for the code of conduct, with a focus on safe, caring and orderly school environments;
- (c) one or more statements about what is
 - (i) acceptable behaviour, and
 - (ii) unacceptable behaviour, including bullying, cyberbullying, harassment, intimidation, threatening or violent behaviours while at school, at a school-related activity or in other circumstances where engaging in the activity will have an impact on the school environment;
- (d) one or more statements about the consequences of unacceptable behaviour, which must take account of the student's age, maturity and special needs, if any;
- (e) an explanation that the board will take all reasonable steps to prevent retaliation by a person against a student who has made a complaint of a breach of a code of conduct.

[am M208/14, effective June 23/14; am M341/16, effective Sept 7/16]

7 Further to section 6(c), boards must do the following in the statements about consequences of unacceptable behaviour:

- (a) whenever possible and appropriate, focus on consequences that are restorative in nature rather than punitive, and
- (b) include an explanation that special considerations may apply to students with special needs if these students are unable to comply with a code of conduct due to having a disability of an intellectual, physical, sensory, emotional or behavioural nature.

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This is Exhibit " B " referred to in the
affidavit of GLEN HANSMAN
sworn (or affirmed) before me on
APRIL 17 2019
Steve Allen
A Commissioner for taking Affidavits
for British Columbia

THE
NEW YORKER

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THE YEAR RUSSIAN L.G.B.T. PERSECUTION
DEFIED BELIEF

By Masha Gessen December 29, 2017

A recent demonstration at the Russian embassy in London protested the reported crackdown on L.G.B.T. people in Chechnya.

Photograph by Justin Tallis / AFP / Getty

I can think of only two times it's happened to me: I read a news story, or even a series of stories, and thought that it contained such extreme exaggerations that it had to be, essentially, false. I could enumerate my reasons, which were similar both times: the stories came from the Russian media, which is unreliable (even in the independent media outlets, reporting standards are often lax); the stories described awful, nearly unthinkable violence that came so neatly, so horrifyingly packaged, that it defied belief. I have known violence to be insidious, messy, trivialized by all participants, even as it happens, and these stories seemed to paint the exact opposite picture. These stories were preposterous—the word Hannah Arendt used in explaining why the world was so slow to understand the murderous threats posed by Hitler and Stalin.

The first story emerged in Russia about four years ago. Reports claimed that organized groups of young men were entrapping gay men, torturing them on camera, and posting the videos. I had a hard time believing that the effort was as well organized and widespread as the reports claimed. I have since learned that it was much more widespread than initially reported. Vigilante groups continue to entrap gay men in several Russian cities.

This spring, I didn't believe a story that claimed that authorities—no longer vigilantes but actual police—in Chechnya were rounding up and torturing gay men, and that some of these men had apparently been killed, while others were released to their relatives, who were instructed to kill the men themselves. I tried to latch onto the things that *weren't* true. There were rumors of special concentration camps for gay men—human-rights researchers said that this didn't check out. The original article in the

muckraking *Novaya Gazeta* blamed the wave of arrests on a Moscow activist's effort to organize a Pride march somewhere in the North Caucasus. This was a classic case of blaming the victims, and also false. Yet the rest of the story was true.

I flew to Moscow in late May to report the story of the men who had been able to flee Chechnya, and at that time I still couldn't quite imagine the scale of the purges. I dropped my bag at a hotel and immediately headed to one of the safe houses. It had been difficult to get people to agree to talk with me, and I feared giving them time to change their minds. I spent the rest of the evening and half of the night talking to victims of the Chechen attacks, and went back again the next day, and the day after that. In my head, though, the stories began to run together after a couple of hours. This happens when you listen to accounts of extreme violence: bare suffering is a monotonous experience. I developed short-hand notations for the executioners' repertoire: electrocution, solitary-confinement cells, beatings, dunking in a vat of cold water, starvation.

Back in New York, I sorted through my notes on the men's personal tragedies. There was the guy whose name had been given up by someone he seemed to have loved—and who was now presumed dead. There was the man who had left his lover behind. And there were several men who were married to women, and had children they adored, who were struggling to figure out how to save their own lives and keep their families. There were several very young men who desperately missed their mothers but also knew that their families would probably kill them if they made contact.

They were all men. This was not because lesbians faced less danger in Chechnya but because they faced more. The men, at least, were free to leave the region on their own; women's lives were controlled entirely by their fathers, brothers, and husbands. The activists who were helping the men had sheltered one young woman, but, by the time I got to Moscow, she had disappeared. I learned bits of her story from recordings of two conversations with her on someone's phone. A few days later, she was dead, apparently killed by her family.

For security reasons, I couldn't write about the rescue effort in much detail, but I bet that, if I had read a story about it, I wouldn't have believed it. I could not have imagined that in Russia, where civil society has been trampled by the authorities with such force, queer people, who have been the government's scapegoat of choice for

several years, would be able to pull off an effort as ingenious and sustained as the one I observed. By the end of the year, the Russian L.G.B.T. Network and the Moscow L.G.B.T. Community Center had succeeded in getting a hundred and six people out of Chechnya and then out of Russia altogether. A handful of people with no special training and very little funding at the start managed to save a hundred and six people from certain death.

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Toward the end of the summer, my contacts in Moscow told me that they were wrapping up their effort. They thought that they were about to send the last of their charges out of the country. But then people kept coming.

VIDEO FROM THE NEW YORKER

The Visual Drama of the State of the Union

So far, most of the men they have helped have gone to Canada. A few have landed in Latin America and in Europe. Many of them fear going to countries with large Chechen diasporas, where they are likely to be targeted again in exile. None of the men appear to have made it to the United States. In general, the U.S. has been one of the half-dozen countries that are reasonably likely to grant asylum to people persecuted on the basis of their sexual orientation or gender identity—a small subset of the very small

number of countries that welcome asylum seekers at all. (Other countries in the select group that grant asylum to L.G.B.T. people include South Africa, Belgium, Argentina, the Netherlands, and Sweden). For now, L.G.B.T. asylum seekers are still faring well in the U.S., but the application process takes years, and, with the Trump Administration reshaping this country's immigration landscape, it's hard to imagine this country welcoming many Muslim gay men, even when they are fleeing mortal danger.

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Masha Gessen, a staff writer at The New Yorker, is the author of ten books, including, most recently, "The Future Is History: How Totalitarianism Reclaimed Russia," which won the National Book Award in 2017. [Read more »](#)

CONDÉ NAST

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Shirley D. ...
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for British Columbia



OUT POLITICS AND POLICY

Paraguay Bans Material on 'Gender Ideology' in Public Schools

Oct. 17, 2017, 12:35 PM PDT / Updated Oct. 17, 2017, 12:35 PM PDT

By Teo Armus

Paraguay's Ministry of Education banned public schools from using or spreading materials on "gender ideology," a move critics say promotes discrimination toward women and LGBTQ people.

At a press conference in September, Education Minister Enrique Riera said the government recognizes "traditional values" and the "traditional family," consisting of "father, mother and children."

"We naturally respect different options, but we're not going to instill them in our public schools," Riera said, [according to local newspaper ABC Color](#).

Riera, who officially issued the ban in an Oct. 10 resolution, specifically called out as problematic material that stated "gender is a social construct." Under pressure from conservative groups, Riera also said in a speech on Oct. 5 that he would burn any books that spread "gender ideology."

SOMOSGAY, a Paraguayan LGBTQ advocacy organization, condemned the ban in [a statement](#), adding that the term "gender ideology" was "invented by conservative groups to keep justifying violence and discrimination against women and LGBTI people."

Critics also said Riera's resolution is in direct violation of Paraguay's commitment to international agreements on sexual health and gender discrimination.

"What is really happening here is the suppression of education about equality and discrimination, which is an international obligation of the Paraguayan state," Erika Guevara Rosas, the Americas director at Amnesty International, said in [a statement](#).

The Montevideo Consensus, which was adopted by Paraguay and other Latin American nations in 2013, requires countries to end discrimination on the basis of sexual orientation and gender identity and guarantee access to full information on sexual health services.

"Excluding education on equality from the curriculum is tantamount to state promotion of violence and discrimination, with extremely grave consequence," Guevara Rosas said.

While homosexual activity is legal in Paraguay, the country has a constitutional ban on same-sex marriage and has no legislation intended to fight discrimination on the basis of sexual orientation.

009

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Turtle Bay and Beyond

INTERNATIONAL LAW, POLICY, AND INSTITUTIONS

Parents Defeat Gender Ideology in Paraguay

By Marianna Orlandi, Ph.D. | October 19, 2017



“We respect diversity, but this does not mean we must support gender ideology,” said Paraguay Minister of Education, Enrique Riera, earlier this month. Mr. Riera’s words accompanied a resolution by his ministry, which explicitly prohibits the diffusion and the adoption of didactic materials based on gender theory or gender ideology in the country’s public schools.

This resolution came as an answer to public protests by local pro-family and pro-life NGOs. Their representatives, speaking on behalf of Paraguay’s parents, complained some didactic materials claimed, “gender is a social construct.” They asked their government for clarifications, since Article 52 of Paraguay’s Constitution establishes that “The union in matrimony of a man and a woman is one of the fundamental components in the formation of a family.”

According to Minister Riera, gender ideology made its way in the country’s public school thanks to an agreement between the former government and the LGBT group, “Somos gay” (We are gay). However, “I want to tell you that the Ministry of Education is based on Article 52 of the Constitution, on the traditional family, on traditional values, with a father, a mother, children,” Riera said. “This is also my personal position,” he added.

In another venue, the Minister acknowledged gender Ideology, “is a political issue affecting the whole world, but as Paraguayan we have a clear picture: father, mother, and children. There is no other way to say it.”

Several LGBT groups immediately reacted to the resolution, including Amnesty International. The latter claimed this decision is “a step backwards” for human rights, and “violates Paraguay’s international obligations.”

In fact, no UN treaty speaks of “gender theory.” There is no international obligation whatsoever saying States should teach children that they can choose their gender regardless of their biological sex.

Such teachings, moreover, stem from a theory (the so called “gender theory”), and not from hard science. These messages are likely to jeopardize children’s health and well-being, as they do not take into account children’s physical, mental, and emotional immaturity and their need for parental care and guidance. This guidance is particularly crucial in the areas of love, affection, and human sexuality.

Nonetheless, Amnesty International accused Paraguay’s government to be the victim of religious convictions (and of the Church), and claimed constitutional and international prohibitions of unjust discrimination to justify the promotion of gender theory.

“La Izquierda,” a national leftist newspaper, argued that gender theory should be taught in public school to combat teenage and child pregnancies. It remains unclear why a theory that predicates women can be men, and vice versa, would be useful in avoiding children’s premature sex and preventing unwanted pregnancies.

View online at: https://c-fam.org/turtle_bay/parents-defeat-gender-ideology-paraguay/

011

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Turtle Bay and Beyond is a blog covering international law, policy and institutions. Our experts - at the UN, European Institutions, and elsewhere - explore an authentic understanding of international law, sovereignty, and the dignity of the human person. We expose those who would seek to impose a radical social vision that is contrary to these principles.

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Chilliwack school trustee slammed for comments about LGBTQ youth and anti-bullying curriculum

STEPHANIE IP ([HTTPS://VANCOUVERSUN.COM/AUTHOR/PROVSTEPHANIEIP](https://vancouver.sun.com/author/provstephanieip))

Updated: October 24, 2017



Video no longer available (February 2019):
<http://vancouver.sun.com/news/local-news/chilliwack-school-trustee-slammed-for-comments-about-lgbtq-youth-and-anti-bullying-curriculum>

Local educators are calling for a longtime Chilliwack school trustee to step down after

he compared allowing children to determine their own gender to “child abuse.”

015

Barry Neufeld, who has been a school trustee for more than 20 years, took to Facebook on Monday to criticize B.C.'s LGBTQ-friendly policies and curriculum, and to call gender theory a “fad.”

“If this represents the values of Canadian society, count me out! I belong in a country like Russia, or Paraguay, which recently had the guts to stand up to these radical cultural nihilists,” he wrote.

His post — which disappeared from public view on Tuesday — was met with swift criticism from other educators, including Glen Hansman, president of the B.C. Teachers' Federation, who called for Neufeld to step down. Hansman said he felt like Neufeld was in a “time warp” when he read the comments.

“He should step down or be removed,” Hansman told Postmedia. “It's not OK. The public school system in this province and in Canada have the obligation to ensure safe and inclusive school environments for all kids regardless of race, nationality, or religion. They have to proactively address sexism and misogyny, they have to address transphobia and homophobia and racism.

“And Mr. Neufeld, I'm doubtful that Mr. Neufeld did not know that. I'm doubtful that he's not aware if he's been around as a trustee for some time.”

Neufeld's comments were posted to his personal Facebook page. In a day, the post had been shared 210 times and garnered 130 comments.

“At the risk of being labelled a bigoted homophobe, I have to say that I support traditional family values and I agree with the college of pediatricians that allowing little children to choose to change gender is nothing short of child abuse,” he wrote. “But now the B.C. Ministry of Education has embraced the LGBTQ lobby and is forcing this biologically absurd theory on children in our schools.”

The "college" referenced by Neufeld is a conservative American advocacy group that was created to protest adoption by gay couples.

016

Education Minister Rob Fleming responded Tuesday to Neufeld's comments, saying he disagreed with Neufeld's views "profoundly."

"So do teaching professionals, support staff and parent groups, quite frankly, right across the school system. Not only in his own district but across British Columbia," said Fleming.

"We have been working on an anti-bullying strategy for five years, we have a human rights code that protects transgender people in British Columbia including young people in our school systems so his views are not going to have any impact in terms of influencing the Ministry of Education and I suspect he's finding himself rather isolated in the Chilliwack School District."

According to media reports, the district was to hold an in-camera meeting on Tuesday night to discuss Neufeld's Facebook post.

Fleming stopped short of calling for Neufeld's resignation, but said he was "not a role model in the school system" and hoped that he would "one day come around" on the issue.

SOGI 1 2 3 - Learning Burst - SOGI 1 2 3 Overview



See video: SOGI 1 2 3

<http://vancouversun.com/news/local-news/chilliwack-school-trustee-slammed-for-comments-about-lgbtq-youth-and-anti-bullying-curriculum>

Gordon Swan, president of the B.C. School Trustees Association, also issued a statement Tuesday condemning the comments made by Neufeld.

"Our association strongly believes that schools need to be safe and welcoming places for all students, regardless of their sexual orientation, gender identity, race, religion or background," Swan wrote. "It is important that we all stand up and defend our students and our staff against any incidents of prejudice, bullying or discrimination."

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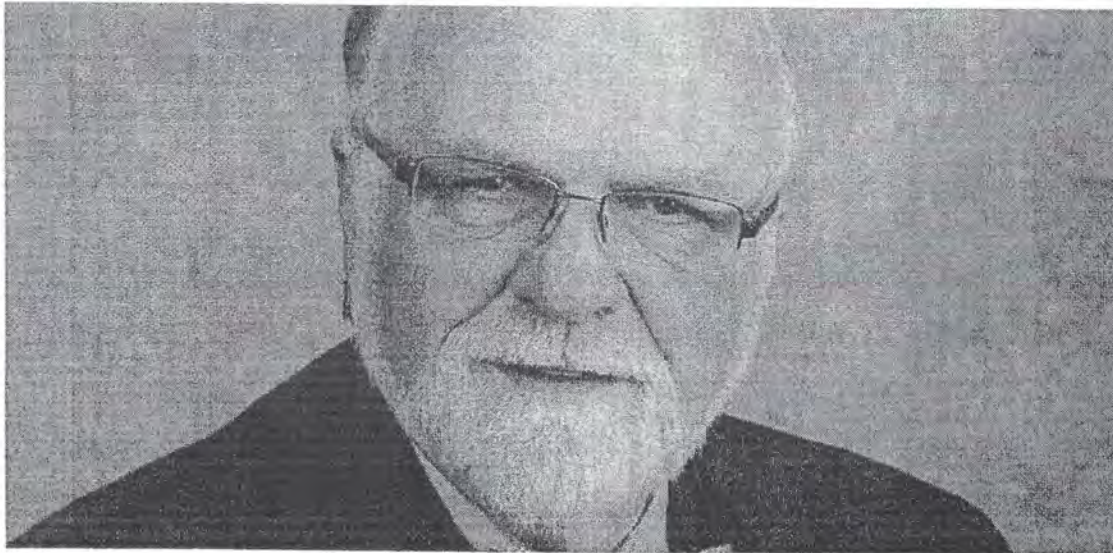
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BRITISH COLUMBIA 10/24/2017 12:51 EDT | Updated 10/24/2017 15:05 EDT

Barry Neufeld, Chilliwack School Board Trustee, Slams B.C. Gender Inclusivity Program

"At the risk of being labelled a bigoted homophobe, I have to say that I support traditional family values."

By Jessica Chin



BARRY NEUFELD/FACEBOOK

Barry Neufeld has been an elected school board trustee in Chilliwack for two decades.

The B.C. Teachers' Federation is calling for a school board trustee to step down after he slammed the province's sexual orientation and gender identity curriculum as "biologically absurd."

Chilliwack School District trustee Barry Neufeld took to Facebook Monday to say B.C.'s anti-bullying curriculum has turned into a "weapon of propaganda."

021

This Facebook post is no longer available. It may have been removed or the privacy settings of the post may have changed.

"Children are being taught that heterosexual marriage is no longer the norm," Neufeld wrote. "Teachers must not refer to 'boys and girls' they are merely students."

Neufeld, who is also a church subdeacon and a prison chaplain, said he believes allowing children to choose their gender identity is "nothing short of child abuse," which aligns with the American College of Paediatricians' (ACPeds) position.

The ACPeds is a group of socially conservative U.S. health professionals, which broke off from the American Academy of Pediatrics in 2002 to protest its support of child adoption by couples. The Southern Poverty Law Center has called ACPeds an "anti-LGBT hate group."

022

"At the risk of being labelled a bigoted homophobe, I have to say that I support traditional family values," Neufeld said.

“
I belong in a country like Russia, or Paraguay, which recently had the guts to stand up to these radical cultural nihilists.

—Barry Neufeld, Chilliwack school board trustee

Glen Hansman, president of the B.C. Teachers' Federation, said Neufeld should resign because he has violated his obligations as a school board trustee to ensure that students and staff have a safe, inclusive environment.

"We all support this work, it's important, and we're moving forward, regardless of what a few trustees think here and there," Hansman told HuffPost Canada in an interview on Tuesday.

Neufeld also said of the provincial program: "If this represents the values of Canadian society, count me out! I belong in a country like Russia, or Paraguay, which recently had the guts to stand up to these radical cultural nihilists."

Hansman added that he's sure there would be many people "who would be willing to chip in to help him buy a ticket."

Keeping students safe 'what the vast majority' expects

If a transgender student chooses to have gender-affirming surgery, the school system is obligated under the B.C. Human Rights Code and the Charter of Rights and Freedoms

023

"to respect that choice that children or youth have made," and to accommodate them, said Hansman.

"... and also to make sure that we're proactively taking steps to make sure that they're safe while in school. That is what the vast majority of the public expects."

B.C. education minister Rob Fleming told CBC News that when creating its anti-bullying strategy, the province "very much looked at" the harassment and fear that LGBTQ students face.

Fleming described Neufeld as an outlier, and said children need to understand what it is to have "a modern, diverse society, where people are treated with respect," according to News 1130.



ROB FLEMING/FACEBOOK

B.C. Education Minister Rob Fleming said the province took the experiences of LGBTQ students into account when crafting its anti-bullying program.

Other members of Chilliwack's school board have decried Neufeld's comments.

Chair Paul McManus and board superintendent Evelyn Novak told Global BC that Neufeld's "unfortunate" statements don't represent the board.

The B.C. School Trustees Association also distanced itself from Neufeld's stance.

024

"Our association strongly believes that schools need to be safe and welcoming places for ALL students, regardless of their sexual orientation, gender identity, race, religion or background," said a statement on Tuesday. "Any reports that in anyway indicate that this trustee speaks on behalf of BCSTA or represents the position of BCSTA are completely inaccurate."

Hansman said trustees with faith-based views need to figure out how they'll work in a secular public school system.

"If they're not ... able to keep their views in check or keep them private, then they probably shouldn't be serving as trustee or working in the education system anymore."

Few comments of support

Neufeld has been an elected board trustee for two decades in the traditionally conservative region, but said he likely won't seek re-election since he feels like he "doesn't belong."

While public officials condemned Neufeld, there was some support for him on his Facebook page.

"Thank you for standing up for truth," Stephanie Gray commented on his post.

"I am glad you can speak up. Parents need to see support from the district," Nancy Peirce wrote.

HuffPost Canada has reached out to Neufeld for comment.

With a file from The Canadian Press

Also On HuffPost Canada:

025

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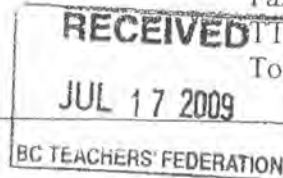
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July 15, 2009

026

COPY
Kari Simpson
22678-28th Avenue
Langley, BC V2Z 3B2

Dear Ms. Simpson:

**Re: Kari Simpson on behalf of those suffering a confused orientation and/or dysfunctional homosexuality and/or those in need of sexual re-orientation therapy and/or those suffering from a sexual identity crisis v. British Columbia Teachers' Federation -and- B.C. Ministry of Education -and- Murray Corren
(Case Number: 6937)**

I have reviewed your complaint and correspondence, including your most recent submission dated July 13, 2009.

The Tribunal's Process

In your July 13 letter you raise a question about the Tribunal's processing of your complaint and express concern that you are being required to "prove your case" at this stage of the process. While you indicate that you will seek further information by separate correspondence, I can advise you that the Tribunal undertakes a screening process for each complaint, during which complainants are given an opportunity to make submissions or provide further information on any issues that may arise. In most cases, the Tribunal does not notify the respondent of the screening process, but it may do so, when it considers that submissions from a respondent would be helpful, or, as in this case, where the respondent was aware of the complaint.

In part, the screening process aims to ensure that the Tribunal only accepts complaints that could amount to a contravention of the *Code*. A complainant is not required to prove the facts they allege; rather the Tribunal's practice is not to accept complaints unless they set out facts which, if proven, could amount to discrimination contrary to the *Code*, or if the Tribunal determines that it would not further the purposes of the *Code* to proceed.

With respect to representative complaints, the screening process is supervised by the Registrar and is generally more complex, as the Tribunal wants to ensure that the complaint can appropriately proceed on a representative basis.

027

I have decided not to accept your complaint for filing, as I have concluded, based on the information you provided, that it would not be appropriate to proceed with your representative complaint. My reasons follow.

Your complaint alleges discrimination respecting counselling services in the B.C. education system. It is filed on behalf of:

Those suffering a confused sexual orientation and/or dysfunctional homosexuality and/or those in need of sexual re-orientation therapy and/or those suffering from a sexual identity crisis.

The Representative Complaint

As I explained in my letter of June 15, your complaint raises issues respecting its representative nature and the class of persons you have identified. I asked for further submissions on a number of issues and, in particular, whether the group or class is defined, or is capable of definition, by clear parameters or characteristics.

With respect to the scope of the group or class, in your letter to the Registrar, you indicated that your complaint excludes those who "are happy being gay". In your response to me, you refer to your original complaint and to two publications that posit, among other points, that there are those who are distressed by "unwanted homosexual attractions", it is possible to diminish "unwanted homosexual attractions" and develop "heterosexual potential", efforts to change sexual orientation are not generally harmful, and there is "significantly greater medical, psychological, and relational pathology in the homosexual population than the general population."

Your complaint seems to suggest that you can divide B.C. students into three categories: those who identify as heterosexual, those who "happily" identify as gay or lesbian, and all others, who you would identify as "confused" or "dysfunctional" in relation to their sexual orientation. While it seems that you seek to represent a group of B.C. students who you believe are distressed in relation to their sexual orientation, the group you identify in your complaint is not capable of definition by clear parameters or characteristics.

You did not respond to the other issues I raised, relating to whether the complaint as framed is appropriate for a group or class complaint. This includes whether: the alleged contravention is similar for all members of the group or class; there are issues in common for all of the individuals; and proceeding with the complaint is in the interest of the group or class.

Nor did you provide information respecting whether you have notified the group or class, though your complaint says you have taken steps you identify as "media/web". You do not propose a method for keeping the members of the group or class informed of the progress of the complaint or notifying the group or class of a right to opt out. You do not address whether there is a potential conflict between the members of the group or class and yourself.

You say you have authority to represent the group or class because you are a taxpayer and citizen of Canada with "a duty to end this hideous form of discrimination and to help those being deprived by these oppressive tactics to have access to proper psychological help and

other services they are entitled to". You do not identify any other connection you have to the group or class you propose to represent or to any individuals in the group or class.

The Applicable Service

You identify the service customarily provided to the public as counselling services, as set out in a Ministry Special Education Policy Manual. You allege that the omission of "psychological help for students suffering from dysfunctional homosexuality" is discriminatory. Your complaint focuses on what you say is the need for "sexual re-orientation therapy" or "reparative therapies". You allege that the absence of counselling services aimed at "sexual re-orientation" discriminates against those who need it. However, you do not allege facts which, if proven, could demonstrate that the absence of this specific type of counselling in the B.C. educational system adversely affects students on the ground of sexual orientation.

A complaint that the counselling services provided through the Ministry of Education have an adverse impact on the ground of sexual orientation would most appropriately be brought by or on behalf of an individual student or group of students based on actual experience in the B.C. school system.

Furthermore, with respect to your complaint against the B.C. Teachers' Federation and Mr. Corren, you have not identified the service which you say they customarily provide to the public. The part of the complaint against Mr. Corren, based on an internet publication, is outside of the Tribunal's jurisdiction, as only the Canadian human rights system has jurisdiction over the internet.

Sexual Orientation

Finally, I address the issue I raised that your complaint identifies homosexuality as a dysfunction and therefore relies on an interpretation of the term "sexual orientation" that is inconsistent with the jurisprudence. This issue relates to the whole of your complaint, against all of the respondents you name. You responded to this issue by stating that the case law I cited "relied on grossly outdated information and scientifically unsupported research as it relates to homosexuality or sexual orientation generally".

Your argument appears to be based on the view expressed in the publications you provide, in particular, that there are persons who would benefit from "sexual re-orientation therapy". However, what you seek is to have the Tribunal proceed with a complaint that identifies homosexuality as a dysfunction, amounting to a disability. As outlined in my previous letter, this view is incompatible with the jurisprudence and with the purposes of the *Code*, which include promoting a climate of understanding and mutual respect where all are equal in dignity and rights. In my view, the principles set out in the case law are not undermined by the information you have provided.

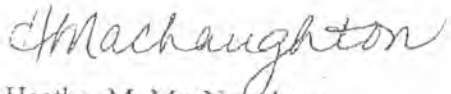
I conclude that proceeding with your complaint, as framed, would not further the purposes of the *Code*.

029

Conclusion

For all of these reasons, I have decided not to accept your representative complaint.

Yours truly,



Heather M. MacNaughton
Tribunal Chair

cc: British Columbia Teachers' Federation
B.C. Ministry of Education
Murray Corren

030

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Tribunal Case No: 17364

031

IN THE MATTER of the *Human Rights Code*,
RSBC 1996, c. 210 (as amended)

AND IN THE MATTER of a complaint before the
British Columbia Human Rights Tribunal

BETWEEN:

BRITISH COLUMBIA TEACHERS' FEDERATION/
CHILLIWACK TEACHERS' ASSOCIATION

COMPLAINANT

AND:

BARRY NEUFELD

RESPONDENT

FORM 1.3 – COMPLAINT FOR GROUP OR CLASS

Introduction

1. Trustee Barry Neufeld of the Chilliwack Board of Education (“Board of Education”), School District No. 33 (“School District”) has made and published discriminatory homophobic and transphobic statements.
2. As a trustee for the board, Trustee Neufeld has discriminated against teachers regarding their employment contrary to section 13 of the Human Rights Code (“Code”). Trustee Neufeld has also published discriminatory statements contrary to section 7 of the *Code*.

The Parties

3. Barry Neufeld is a trustee of the School District. Trustees are elected to serve as members of the Board of Education and oversee the delivery of public education in the School District. The *School Act* sets out trustees’ responsibilities.

4. The Complainant British Columbia Teachers' Federation ("BCTF") is the certified bargaining agent representing teachers employed by all public school boards. The Chilliwack Teachers' Association ("CTA") is a local of the BCTF.
5. The Complainants make this complaint on behalf of their members who are employed by the School District, including those who identify as gay, lesbian, bisexual and transgender and members who differ on their basis of gender identity or gender expression.

Facts

6. The term SOGI refers to "sexual orientation and gender identity". It is an inclusive term relevant to all individuals regardless of where they identify on the sexual orientation or gender spectrum. SOGI 1 2 3 is a collaboration involving the ARC Foundation in partnership with the BCTF, the Ministry of Education, UBC Faculty of Education and LGBTQ community organisations to share SOGI-inclusive tools and resources in three areas: policies and procedures, inclusive environments and curriculum resources for educators. There is no SOGI curriculum, but SOGI resources that align with the curriculum can be used in many different subject areas. SOGI 1 2 3 materials are available online: <https://www.sogieducation.org/> and support inclusive environments in schools as required by the *Human Rights Code*, including the grounds of sexual orientation and gender expression.
7. Teachers are required by the *Code, School Act* and associated regulations, and *Teachers' Act* and associated regulations to deliver an inclusive curriculum for all students in a safe school environment.
8. On or about October 23, 2017 Trustee Neufeld posted a discriminatory statement on his Facebook account addressing what he terms the SOGI "program". His statement included the following:

...At the risk of being labelled a bigoted homophobe, I have to say that I support traditional family values and I agree with the College of paediatricians that allowing little children choose to change gender is nothing short of child abuse. But now the BC Ministry of Education has embraced the LGBTQ lobby and is forcing this biologically absurd theory on children in our schools. Children are being taught that heterosexual marriage is no longer the norm. Teachers must not refer to "boys and girls" they are merely students. They cannot refer to mothers and father either. (Increasing numbers of children are growing up in homes with same sex parents) If this represents the values of Canadian society, count me out! I belong in a country like Russia, or Paraguay, which recently had the guts to stand up to these radical cultural nihilists...
9. Trustee Neufeld's Facebook post prompted a variety of responses which were also posted on his Facebook page.
10. The American College of Pediatricians to which Neufeld refers is a small socially conservative group founded in the United States in 2002 as a protest against the American Academy of Pediatrics

support for adoption by gay couples. The American College of Pediatricians has been listed as a hate group by the Southern Poverty Law Centre.

11. Trustee Neufeld subsequently deleted the post.

12. On October 25, 2017, Trustee Neufeld issued a news release purporting to be an apology and stating, "I want to apologise to those who felt hurt by my opinion... I am critical of an educational resource, not individuals". Trustee Neufeld went on to say, "I firmly believe that implementation of the SOGI 1 2 3 resources needs to be reviewed by engaging parents and teachers in conversation on this topic before full implementation".

13. On November 21, 2017, Trustee Neufeld was a keynote speaker at an event organised in Chilliwack by Culture Guard, an organisation that describes itself as working "to ensure that our nation's statutes and concepts of "community values" used by agencies will reflect and protect the natural family, parental rights, the sanctity of life, liberty, respect, judicial accountability and the proper rule of law..."

14. At that event, Trustee Neufeld described SOGI as "an institutionalisation of codependency encouraging and enabling dysfunctional behaviour and thinking patterns" and the "codling and encouraging what I regard as the sexual addiction of gender confusion". Trustee Neufeld stated that using SOGI 1 2 3 resources amounted to "gaslighting" and an "attack on the foundation of the child's being which is child abuse". Trustee Neufeld also stated that "rushing into the use of puberty blockers, hormone therapy and gender reassignment is child abuse".

15. A video of the speech is available online: <https://www.langleytimes.com/news/chilliwack-school-trustee-says-he-will-run-on-gender-positive-platform-next-year/>

16. On or about December 18, 2017 Trustee Neufeld posted another discriminatory statement on his Facebook account wherein he referenced his position as a school trustee stating, "My job description is that of policy maker. And the current emphasis is on inclusion. I do not want to give in to the self-serving agenda of the LGBTQ+ groups who want to be given priority as the most downtrodden of victims..." He went on to make additional discriminatory statements including the following:

But the scary thing is that it has already demonised people of faith who believe that God created humans male and female: In the image of God. Here is my prophecy to the Church. If you don't get off your duffs and push back against this insidious new teaching, the day is coming (maybe it is already here) when the government will apprehend your children and put them in homes where they will be encouraged to explore homosexuality and gender fluidity. There already is a Special group foster home for LGBTQ+ kids in Red Deer, AB.

You think that is impossible? Well the Canadian government did exactly that to Aboriginal families until a few decades ago. Determined to destroy the traditional teachings of their culture

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and re educate children into the prevailing worldview of the government. The Government have already ensured that families with traditional values will not be approved as foster homes and are refused the right to adopt children. But the government has always done a horrid job of being a parent.

17. Also in December 2017, the Chilliwack District Parent Advisory Counsel ("DPAC") asked Trustee Neufeld to step down. Trustee Neufeld responded by launched a letter writing campaign against the chair of the DPAC. His January 1, 2018 email contained an attack on the DPAC chair and on transgender people, including the following:

...Not all of these parents subscribe to the unscientific gender-fluid theory that *"what is between one's legs is not always the same as what is between one's ears."*

I am aware there are about 20 children in Chilliwack who fit this category. Some parents are taking the *"wait and see approach"* hoping that their child will grow out of this confused phase, and indeed about 80% do eventually become content with their gender assigned at birth. Other parents are taking a more proactive approach, encouraging their child to find gender appropriate activities, even though they may not be stereotypical: i.e. taking an effeminate boy to figure skating lessons, or signing up a rough and tumble girl for Karate. Only a few parents have caved in to the new trend in treatment for gender dysphoria and will support their child on the path of dressing in a different gender, taking on a new name, and heading towards hormone blockers, hormone therapy and ultimately gender reassignment surgery. These parents may have been overwhelmed by the threats of the transgender radicals: *"Do you want a dead son or a living daughter (or vice versa)."*

I do not *"hate"* transgender children: They can't help the way they feel. They should certainly NOT be bullied or teased. But I advocate for the least intrusive way of helping them: hopefully to accept the gender they were assigned at birth. Ms. Hodge is taking sides with only a handful of radical parents, and alienating the vast majority of parents who trust biology and common sense.

18. Trustee Neufeld's Facebook page was not publicly available for some time, but he subsequently made it public again prior to the Complaint being accepted for filing.

19. On January 18, 2018 the School Board passed a motion during an in-camera meeting requesting Trustee Neufeld's resignation because of the Board of Education's loss of confidence in Trustee Neufeld's ability to effectively perform the duties of a trustee. Trustee Neufeld did not resign.

20. On January 29, 2018, the BCTF/CTA filed the Complaint. Following correspondence with the Tribunal, the BCTF/CTA modified and re-filed the Complaint on April 4, 2018. On April 20, 2018 the Complaint was accepted for filing by the Tribunal.

21. At the February 13, 2018 School Board meeting, during a presentation from a representative of the Ministry of Children and Family Development, Trustee Neufeld made comments suggesting children who identify as LGBTQ are in need of protection and that the Ministry should conduct an assessment on these children. Trustee Neufeld stated:

Currently the policy of the BC Teachers' Federation is that if a child confesses to a School District employee that they have feelings of same sex attraction or they may be transgender the policy is that they will not notify the parents, but instead they will call in your Ministry to do an evaluation. So my question to you is what are your policies and protocols in determining if the child is in need of protection and number two what are your services and programs to restore harmony to this family?¹

22. Also at the School Board meeting on February 13, 2018 Trustee Neufeld again made discriminatory statements comparing supporting transgender students and using SOGI 1 2 3 resources to governments' oppression of indigenous peoples through residential schools. Trustee Neufeld read from a prepared statement as follows:

After the elections, each District gave a presentation on how they are working to improve aboriginal achievement in their district. And a common problem for each district is how to reach out to aboriginal parents and get them to support their children's education – but aboriginal parents still remember the oppression of the days of residential schools when the government tried to eradicate what they considered were superstitious values of the aboriginal traditions surrounding family and community.

I couldn't help but thinking that this kind of oppression is happening again 150 years later. The BC School Act, the Canadian Charter of human rights and international law uphold the right of parents to direct all aspects of their children's education. The Ontario Court of Appeal in a recent decision in November stated clearly the right of parents to care for their children and make decisions for their wellbeing including decisions about education is primary and the state's authority is secondary to that parental right.²

23. On March 19, 2018, Trustee Neufeld posted another discriminatory statement on his Facebook page, including stating "Not everyone is as rich as Bruce Jenner, who with plastic surgery, and tons of cosmetics manages to create a pretty convincing caricature of a woman" and "activists are using mafia and Bolshevik techniques to convince the most powerful sectors of our society to acquiesce to their demands".³

24. In or around July 2018, Trustee Neufeld also posted a discriminatory meme on his Facebook page that had a photo of a cow and a child on it and stated: "When you think injecting cattle with hormones is evil but injecting kids with hormones to change their gender is just fine".

25. On October 19, 2018, Trustee Neufeld posted another discriminatory statement on his Facebook account referring to inclusive education teaching about LGBTQ families as an "evil ideology" affecting children's mental health. Trustee Neufeld wrote:

¹ Chilliwack School District Board Meeting (13 February 2018), online: <https://www.youtube.com/watch?v=kHSEd5DpIYE> at 43:20.

² Chilliwack School District Board Meeting (13 February 2018), online: <https://www.youtube.com/watch?v=kHSEd5DpIYE> at 2:31:03.

³ Barry Neufeld, (19 March 2018) posted on Facebook.

If you haven't gone to the ELECT Kaethe JONES for School Trustee site within the last 2 days please do so. She has critically looked at the SOGI 1-2-3 primary grade lesson plans and they promote same sex marriage, question traditional marriage, teach children to question traditional gender expectations, disrespect and dishonor to parents and the values they teach. In grade 10 – 12, SOGI 1-2-3- introduces the topic of sodomy!!! Only 1 lesson out of 15 is about anti-bullying: called "Blow the Whistle on Name-calling." 10 / 15 lessons cite the Pride Education Network <http://pridenet.ca/> as a resource for the lessons. Who's agenda do you think this SOGI 1-2-3 is? Vote with your children's future health in mind. Today Kaethe talked to a parent who said a friend's children in gr. 4 and 6 were already identifying as pansexual and bisexual. It doesn't take long for this evil ideology to affect our children's minds. And of course there are other concerning issues in the school district as well. But our children's mental health is the most important...

26. After his re-election on October 20, 2018, Trustee Neufeld posted a thank you to his supporters on Facebook on October 22, 2018, which also included discriminatory statements, including, "Is heterosexual marriage no longer the norm? If not, what will replace it? Hopefully not the unscientific ideology of non-binary gender". In addition, Trustee Neufeld included a message to "persons who currently identify as Lesbian, Gay, Transgender, Queer, Two Spirited or whatever" and stated that these individuals have nothing to fear from him. He then went on to state:

...Contrary to what you have been told to believe; We actually love all students no matter their sense of self identity and we care about you. But Love must be tempered with Truth. Be patient! You will mostly likely grow out of your feelings of confusion and angst. They are fleeting and temporary. Please slow down. Don't let others label you when you are so young...

27. Also in October 2018 after his election, Trustee Neufeld made further discriminatory statements regarding transgender individuals. He emailed The Valley Voice News stating that transgender individuals had committed election fraud. The online site reported that Trustee Neufeld suggested "pro-Sogi transgender persons may have voted twice", and had emailed "Transgender people often have two sets of identification: one for the sex they were assigned at birth, and another new set when they legally changed their name and gender".⁴

28. On November 17, 2018 Trustee Neufeld posted a story on Facebook asking his followers to donate to the Fraser Valley Autism Society for Trustee Neufeld's birthday. In this post, Trustee Neufeld stated that "a large proportion of kids who present as gender Dysphoric are actually on the Autism spectrum". He went on to state that if children on the autism spectrum and other "disturbed and mentally ill children" were to learn about "this new non-binary gender ideology, I fear there will be a dramatic increase of children clamouring for social transition, puberty blockers and a lifetime of taking hormones.

⁴ "What Happened to 80 Votes?"; The Valley Voice (26 October 2018) online: <http://thevalleyvoice.ca/Voice%20Stories/October%202018/chilliwack-school-board-candidate-kaethe-jones-may-ask-for-elections-recount-audit-2018.htm>

They will become sterile, have brittle bones and when they are 18, even want to chop off perfectly good body parts! And public schools are “supporting” this?”

29. On November 20, 2018 Trustee Neufeld posted a message on Facebook similar to his November 17, 2018 Facebook story and reiterated his discriminatory statement that transgender students “are mostly Autistic, not genuinely gender dysphoric!”

30. On December 2, 2018 Trustee Neufeld shared a post by Laura-Lynn Tyler Thompson on his Facebook page that called SOGI 1-2-3 resources “transgender indoctrination”.

31. On December 9, 2018 Trustee Neufeld wrote the following discriminatory post on his Facebook page:

The elites will destroy all gay kids. They are culling them from the gene pool. Make no mistake about it. The trans agenda is eugenics. They are not on the side of LGBT+ Don’t ever think they are. Snakes are everywhere. More division and destruction of humanity.

32. Trustee Neufeld subsequently changed his Facebook settings so that his Facebook page was private. He recently made his Facebook public again.

33. On February 7, 2019, Trustee Neufeld was scheduled to speak at a “Rally-UP in support of Barry Neufeld” at the Evergreen Hall in Chilliwack organised by Culture Guard. Trustee Neufeld cancelled his participation on the day of the event, and the event continued in his absence. Prior to Trustee Neufeld’s scheduled appearance at this event, and during the relevant time period of this Complaint, Culture Guard has published numerous discriminatory pamphlets targeting LGBTQ individuals.

34. Trustee Neufeld has participated in protests against SOGI 1 2 3 at the Chilliwack School District offices, which included signs suggesting supporting transgender students and using SOGI 1 2 3 resources amounts to sexual harassment of young girls by allowing boys in the girls’ changerooms.

35. The CTA has notified its members of the complaint. An announcement regarding the union’s intention to file a complaint was made at the CTA general meeting on January 16, 2018. Members were also advised by email on January 29, 2018 of the union’s intention to file the complaint and of members’ right to opt out of the complaint. The CTA sent a further update by email to its members in November 2018. The CTA will continue to keep members informed of the progress of the complaint through its regular general meetings and email communication to members.

Facts: Retaliation

36. On October 12, 2018, Trustee Neufeld filed a notice of civil claim in the BC Supreme Court alleging that BCTF President Glen Hansman had defamed him. In January 2019, Trustee Neufeld filed an amended notice of civil claim. The defamation claim is based on the filing of the human rights

Complaint and statements made by the BCTF President with respect to the issues raised in the Complaint.

37. On or around November 3, 2018 Trustee Neufeld posted a link to his GoFundMe page on his Facebook page and stated:

Glen Hansman has refused to apologise. He stands by his defamatory remarks. The BCTF is not used to losing. But I am determined! This time, Mr. Hansman, you are going DOWN!

38. Counsel for the BCTF wrote to Trustee Neufeld's counsel regarding the post and requested that the post be removed:

This post is very concerning to the BCTF as it appears to be a threat directed at Mr. Hansman. I will be raising this at the HRT mediation, but I wanted to bring this to your attention right away given the seriousness with which the BCTF views this post. Even if Trustee Neufeld intended his threat to be with respect to the legal proceeding, it is likely his followers may perceive it as condoning and encouraging a physical attack on Mr. Hansman.⁵

39. Trustee Neufeld's counsel replied indicating that Trustee Neufeld would not be removing the post as in their view, "it does not appear that, on any reasonable construction, the facebook post could conceivably be interpreted as a threat of physical harm, or as condoning or encouraging any physical attack by Mr. Neufeld".⁶

Submission

Discrimination Regarding Employment

40. Section 13 of the *Code* provides:

13 (1) A person must not

(a) refuse to employ or refuse to continue to employ a person, or

(b) discriminate against a person regarding employment or any term or condition of employment

because of the race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, or age of that person or because that person has been convicted of a criminal or summary conviction offence that is unrelated to the employment or to the intended employment of that person.

⁵ Email from R Trask to S Gersbach and D Bell, November 3, 2018.

⁶ Email from S Gersbach to R Trask, November 5, 2018.

41. Section 13 prohibits discrimination against employees “whenever that discrimination has a sufficient nexus with the employment context”.⁷ As recently set out by the Supreme Court of Canada majority decision in *Schrenk*:

... In determining whether discriminatory conduct has such a sufficient nexus, the Tribunal must conduct a *contextual* analysis that considers all relevant circumstances. Factors which may inform this analysis include: (1) whether the respondent was integral to the complainant's workplace; (2) whether the impugned conduct occurred in the complainant's workplace; and (3) whether the complainant's work performance or work environment was negatively affected. These factors are not exhaustive, and their relative importance will depend on the circumstances...⁸

42. This analysis includes protecting workers from a discriminatory work environment. As explained by Justice Abella in her concurring decision in *Schrenk*, cases involving discrimination in the workplace are also informed by a focus on impact and, “The key is whether that harassment has ‘a determinantal effect on the complainant’s work environment’”.⁹ It would be inconsistent with this approach to conclude that a worker would be precluded from complaining about a racist work environment because there were no members of the targeted minority at the worksite.

43. Here, Trustee Neufeld made discriminatory statements about transgender individuals that negatively effected teachers’ work environment, including by calling teachers who support transgender students “child abusers” and referring to teachers work of creating an inclusive learning environment and teaching about LGBTQ families as an evil ideology¹⁰. These statements and publications had and continue to have a discriminatory effect on the work environment for all teachers and a particularly discriminatory effect on teachers who are transgender. Calling CTA members “child abusers” undermines and invalidates their sense of dignity and self-worth and creates a discriminatory work environment.

44. As noted above, Trustee Neufeld compares teachers’ work creating an inclusive school environment for transgender students as leading towards removal of children from their communities as was done to Indigenous children through the residential school system. The residential school system was a form of cultural genocide. Comparing teachers’ work supporting transgender students to the cultural genocide of the residential school system undermines and invalidates teachers’ dignity and self-worth and creates a discriminatory work environment.

⁷ *British Columbia Human Rights Tribunal v. Schrenk*, 2017 SCC 62 [*Schrenk*] at para 67.

⁸ *Schrenk* at para 67.

⁹ *Schrenk* at para 89.

¹⁰ Barry Neufeld, (19 October 2018) posted on Facebook.

45. Trustee Neufeld undermined teachers' dignity and self-worth by discounting their lived experiences, and those of family members and students who they support, by stating that "feelings of confusion and angst" regarding gender identity and sexual orientation "are fleeting and temporary".¹¹ Similarly, describing transgender individuals as confused and actually experiencing un-diagnosed autism¹² also undermines teachers' dignity and self-worth.

46. LGBTQ teachers experienced individual adverse effects with respect to their employment as a result of Trustee Neufeld's statements and publications. In addition, regardless of their sexual orientation teachers experienced individual adverse effects including undermining of their dignity and self-worth, concern and anxiety for their LGBTQ students, LGBTQ colleagues, family members, fear regarding their ability to complete their work and support their students in a non-discriminatory environment, and fear regarding their ability to voice support for the LGBTQ community within schools. These impacts are an affront to these teachers' dignity.

47. The discrimination has a sufficient nexus to the employment context and undermine the purposes of the *Code*. The purposes of the *Code*, including to promote and foster human dignity and equality, to prevent discrimination prohibited by the *Code*, and to identify and eliminate persistent patterns of inequality associated with discrimination, are furthered by broad interpretation and do not require that a person complaining of discrimination identify as a member the protected group.¹³

48. As noted above, teachers are required by the *Code*, *School Act* and associated regulations, and *Teachers' Act* and associated regulations to deliver an inclusive curriculum for all students in a safe school environment. This includes supporting LGBTQ students and working to prevent and address bullying of students. Trustee Neufeld's conduct was discriminatory towards LGBTQ teachers, but also towards all teachers based on their association with LGBTQ youth and support of LGBTQ youth. Trustee Neufeld's conduct is plainly discriminatory, and the negative consequences of the discrimination extend to teachers who want to be, and are statutorily required to be, supportive of transgender children.

Discriminatory Statements and Publications

49. Section 7 of the *Code* provides:

7 (1) A person must not publish, issue or display, or cause to be published, issued or displayed, any statement, publication, notice, sign, symbol, emblem or other representation that

¹¹ Barry Neufeld, (22 October 2018) posted on Facebook.

¹² Barry Neufeld, (17 November 2018) posted Facebook.

¹³ *North Vancouver School District No. 44 v. Jubran*, [2005] B.C.J. No. 733 [*Jabran*] at paras 36 & 55.

(a) indicates discrimination or an intention to discriminate against a person or a group or class of persons, or

(b) is likely to expose a person or a group or class of persons to hatred or contempt

because of the race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, or age of that person or that group or class of persons.

(2) Subsection (1) does not apply to a private communication, a communication intended to be private or a communication related to an activity otherwise permitted by this Code.

50. In *Whatcott*, the Supreme Court of Canada set out three main prescriptions for courts and tribunals to apply a workable approach to interpreting the word hatred. First, hate speech provisions should be applied objectively. The question to be considered is “whether a reasonable person, aware of the context and circumstances surrounding the expression, would view it as exposing the protected group to hatred”.¹⁴ Second, “hatred” or “hatred and contempt” applies to extreme manifestations of detestation and vilification. It does not include offensive expression that does not incite the level of abhorrence that risks causing discrimination or other harmful effects.¹⁵ Third, tribunals must focus their analysis on the effect of the expression.¹⁶

51. In summary, the Court explained:

... where the term “hatred” is used in the context of a prohibition of expression in human rights legislation, it should be applied objectively to determine whether a reasonable person, aware of the context and circumstances, would view the expression as likely to expose a person or persons to detestation and vilification on the basis of a prohibited ground of discrimination.¹⁷

52. When viewed objectively, taking account of the context and circumstances, Trustee Neufeld’s statements are likely to expose transgender individuals to hatred.

53. The context within which the statements were made and published includes a history of discrimination against transgender people, including the recent enumeration of gender identity and expression in the *Code*, and Trustee Neufeld’s position in the community as a school trustee.

54. Trustee Neufeld made repeated statements exposing transgender individuals, their families, and teachers who provide an inclusive classroom supportive of transgender students, to hatred. Even after he purported to offer an apology, Trustee Neufeld made further hateful statements.

¹⁴ *Saskatchewan (Human Rights Commission) v. Whatcott*, 2013 SCC 11, [2013] 1 S.C.R. 467 [*Whatcott*] at para 56.

¹⁵ *Whatcott* at para 57.

¹⁶ *Whatcott* at para 58.

¹⁷ *Whatcott* at para 59.

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55. The effect of the expression is to expose transgender people to hatred. The ensuing comments on Trustee Neufeld's Facebook page after his initial post and the November 21, 2017 Culture Guard event are specific evidence of Trustee Neufeld inciting hatred.

56. Trustee Neufeld has referred to transgender people as being part of a "biologically absurd theory". Trustee Neufeld has referred to supporting transgender children as "child abuse", first in a Facebook post and then again at a speech he made at November 21, 2017 Culture Guard event. Trustee Neufeld suggested that LGBTQ students should be considered children in need of protection by the Ministry of Children and Family Development.¹⁸ A child in need of protection is defined in the *Child, Family and Community Services Act* as a child who had been physically harmed, sexually abused, emotionally harmed, abandoned or neglected by the child's parent or by another person and the child's parent is unable or unwilling to protect the child.¹⁹

57. As noted above, Trustee Neufeld also equated teachers' work creating an inclusive school environment for transgender students with the harm that was done to Indigenous children through the residential school system.²⁰

58. Trustee Neufeld referred to those who support transgender students as being part of the "trans agenda" which he called "eugenics"²¹ teaching an "evil ideology".²² Although Trustee Neufeld claims he does not "hate" transgender children, his statements subject transgender people to hatred. Trustee Neufeld's statements paint transgender people as ill, delusional and suggests that there is a transgender agenda that will harm children and lead to the "destruction of humanity".²³

Retaliation

59. Section 43 of the Code is commonly known as the protection from retaliation provision. Section 43 stipulates:

A person must not evict, discharge, suspend, expel, intimidate, coerce, impose any pecuniary or other penalty on, deny a right or benefit to or otherwise discriminate against a person because that person complains or is named in a complaint, might complain or be named in a complaint,

¹⁸ Chilliwack School District Board Meeting (13 February 2018), online: <https://www.youtube.com/watch?v=kHSEd5DpIYE> at 43:20.

¹⁹ *Child, Family and Community Services Act*, [RSBC] c. 46, s. 13.

²⁰ Chilliwack School District Board Meeting (13 February 2018), online: <https://www.youtube.com/watch?v=kHSEd5DpIYE> at 2:31:03 and Barry Neufeld (18 December 2017) posted on Facebook.

²¹ Barry Neufeld (9 December 2018) posted on Facebook.

²² Barry Neufeld (19 October 2018) posted on Facebook.

²³ Barry Neufeld (9 December 2018) posted on Facebook.

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gives evidence, might give evidence or otherwise assists or might assist in a complaint or other proceeding under this Code.²⁴

60. The Tribunal has found that there are four elements to a complaint of retaliation:

- 1) A Complaint was filed with the Tribunal;
- 2) the Respondent was aware of the Complaint;
- 3) the Respondent engaged in or threatened to engage in retaliatory conduct against the Complainants;
- 4) the Respondent intended to engage in retaliatory conduct or can reasonably have been perceived to have engaged in that conduct, with reasonable perception being assessed from the point of view of a reasonable complainant.²⁵

61. The Code is clear that retaliation can extend to those who might give evidence or otherwise assist in a Complaint.

62. The elements required to demonstrate retaliation are present in this case.

Remedy Sought

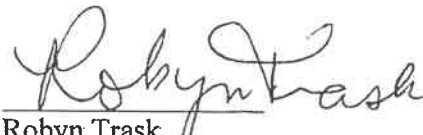
63. The Complainant seeks a declaratory order that the Respondent has breached the *Code*; and

64. An order that the Respondent cease contravening the *Code*, and refrain from committing the same or similar contraventions or encouraging or assisting others to make similar contraventions; and

65. The Complainant seeks an order for payment to a non-profit organisation that advocates for LGBTQ youth to engage in proactive work to address discrimination against LGBTQ youth in order to ameliorate the effects of the discrimination; and

66. Any other remedies the Tribunal deems appropriate.

Respectfully submitted on behalf of the BCTF/CTA,


 Robyn Trask
 Legal Counsel

5823561
 RT/kj: tfeu

²⁴ *Human Rights Code* [RSBC 1996] c. 210, s. 43.

²⁵ *Beckett and Kuan v. Owners Strata Plan NW 2603*, 2016 BCHRT 27; See also *Chiang v. British Columbia (Human Rights Tribunal)*, 2014 BCSC 1859 at para 14, citing *Becker v. Cariboo Chevrolet Pontiac Buick GMC Ltd.*, 2006 BCSC 43 at paras. 52 & 54, *Talkkariat* paras. 42-49, and *Gichuru v. Law Society of BC*, 2010 BCCA 543 at para. 41.

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This is Exhibit I referred to in the
affidavit of GLEN HANSMAN
sworn (or affirmed) before me on
APRIL 17 2019
S. H. OUN
A Commissioner for taking Affidavits
for British Columbia



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► Vancouver

Parent group to rally in support of LGBTQ kids outside of BCTF on Monday

By Tessa Vikander StarMetro Vancouver
Mon., April 16, 2018

Vancouver — A grassroots parents group is planning a counter-rally outside the BC Teachers' Federation to voice their support of LGBTQ kids and teachers, scheduled to coincide with a protest against LGBTQ-inclusive school curriculum scheduled at the same location.

The counter-rally, organized by BC Families for Inclusivity, is planned in opposition to Culture Guard's SOGI 123 Sit Out. The Sit Out rallies are set to happen on Monday, April 23, in Vancouver outside the BCTF as well as at the legislature in Victoria. According to Culture Guard organizers, the Sit Out rallies are in solidarity with sit outs planned in the United States and Australia, and also in response to last week's news that the BCTF had filed a Human Rights complaint against Chilliwack school trustee Barry Neufeld for alleged homophobic and transphobic comments.

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Families gather at a rally in support of LGBTQ youth and teachers outside the Langley school board building in 2017. (SUPPLIED)

Stacey Wakelin, a Langley parent and founding member of BC Families for Inclusivity, called Culture Guard a “fringe group” and said she hoped the counter-rally shows LGBTQ kids and teachers that they are loved and supported.

“We’re here for them,” she said, adding that she supports the LGBTQ-inclusive curriculum because “I want my kids to learn about everyone that exists out in the community.”

Under the B.C. Human Rights Code, trans people are protected from discrimination, and the province’s LGBTQ-inclusive education curriculum, called SOGI 123, teaches kids about sexual orientation and gender diversity. It has come under fire from Culture Guard, a right-wing Christian group that claims the new curriculum is “radical sex ed” that brainwashes

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“Human rights in Canada are a wonderful thing but children are sacred,” said Laura-Lynn Tyler Thompson, an activist helping organize the Culture Guard rallies. “It’s not right for a country that has a Charter of Rights and Freedoms to be infringing and imposing gender-fluid ideology onto every child, and telling a little boy he can be a little girl,” she said. 047

Glen Hansman, president of the BCTF, said that Kari Simpson, another member of Culture Guard, has been advocating against LGBTQ rights since the 1990s, and it doesn’t surprise him she’ll be rallying outside his office next week.

“Homophobia and transphobia have not gone away in society,” Hansman said.

Hansman said he thinks the Culture Guard rally is happening outside the teachers’ union because Simpson has been asked by Vancouver School Board lawyers to not set foot on public school-grounds in Vancouver, following an incident last spring where Simpson disrupted a sex-ed workshop. Simpson denied that she isn’t allowed on VSB property, and said it’s happening at the BCTF because she opposes its support for LGBTQ-inclusive curriculum.

Culture Guard is a “fringe group that occasionally rears its head,” Hansman said, and “the fact that the education system is starting to do a much better job in supporting trans youth in particular seems to be what is causing the most ire from them right now.”

Simpson told StarMetro that at the SOGI 123 Sit Out, her group will be announcing the details of two human rights complaints it is filing.

Hansman said that Simpson and Culture Guard will not sway his support for LGBTQ kids and teens.

“We have the moral and legal responsibility to make sure that all students including trans youth have safe and inclusive schools, and that’s not going to change ... that’s the job of the school system.”

Correction - April 18, 2018: This article was updated from a previous version that misattributed Laura-Lynn Thompson’s quote to Kari Simpson.

Tessa Vikander is a Vancouver-based reporter. Follow her on Twitter: @Tessavikander



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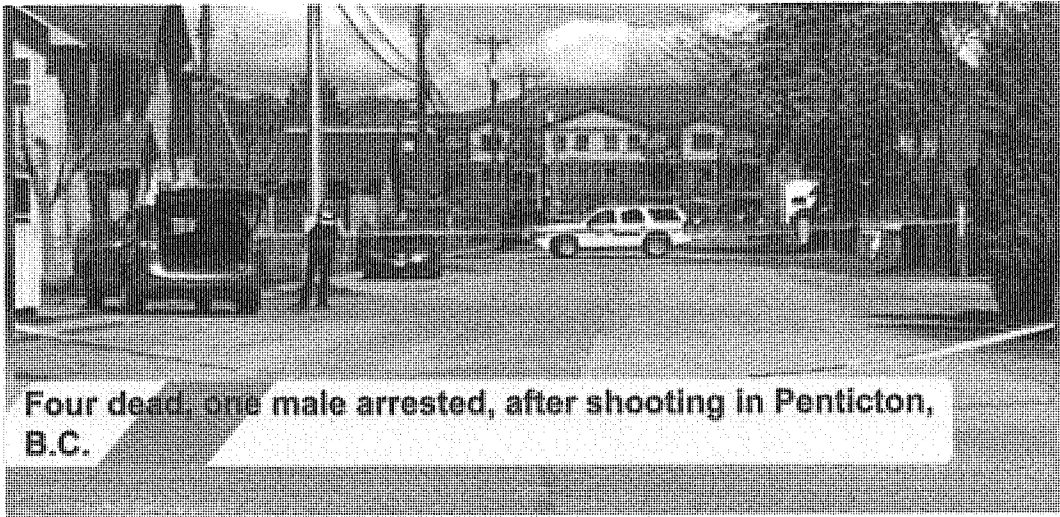


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This is Exhibit J referred to in the
affidavit of GLEN HANSMAN
sworn (or affirmed) before me on
APRIL 17 2019
Shea Durr
A Commissioner for taking Affidavits
for British Columbia

citynews1130.com

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Controversial Chilliwack trustee the subject of Human Rights Tribunal complaint

by Hana Mae Nassar and Ben Wilson

2-3 minutes



Posted Apr 12, 2018 11:15 pm PST

Last Updated Apr 22, 2018 at 10:43 am PST

Summary



BC Teachers Federation president says Barry Neufeld's comments add up to hate speech



Chilliwack trustee has made it known that he is no fan of BC's LGBTQ anti-bullying resource for teachers

CHILLIWACK (NEWS 1130) – The BC Teachers' Federation has launched a human rights complaint against Chilliwack school trustee Barry Neufeld, who has been vocal about his opposition to anti-bullying resources made available to BC teachers.

The complaint is also backed by the Chilliwack Teachers Association. 051

Neufeld came under fire after posting critical comments about the Ministry of Education's Sexual Orientation and Gender Identity (SOGI) resource last fall.

BGTF President Glen Hansman says the trustee "tip toed quite far into hate speech" and sent a disturbing message to both students and parents.

Hansman says school trustees and boards of education are responsible for ensuring student safety, and he believes that's something Neufeld failed to do.

"Whether it's a transphobic comment, or a racist one or a misogynistic one, that simply cannot stand because public schools welcome all students, regardless of their race, their culture, their sexual orientation or their gender identity."

Had Neufeld been a teacher, Hansman says the situation would have been handled differently.

"The difference in this situation is that it's a public official. He has been elected. He's making statements similar to cases the tribunal has heard before so we feel it's really important to pursue this."

He hopes Neufeld is forced to pay a fine. "We'd like the money go towards any organization that supports trans-youth."

Hansman also hopes the tribunal will clarify rules around how trustees are disciplined.

Neufeld has described the SOGI program as a "weapon of propaganda" pushed by the "LGBTQ lobby."

The complaint against Neufeld was filed at the tribunal back in January.

. 052

053

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054

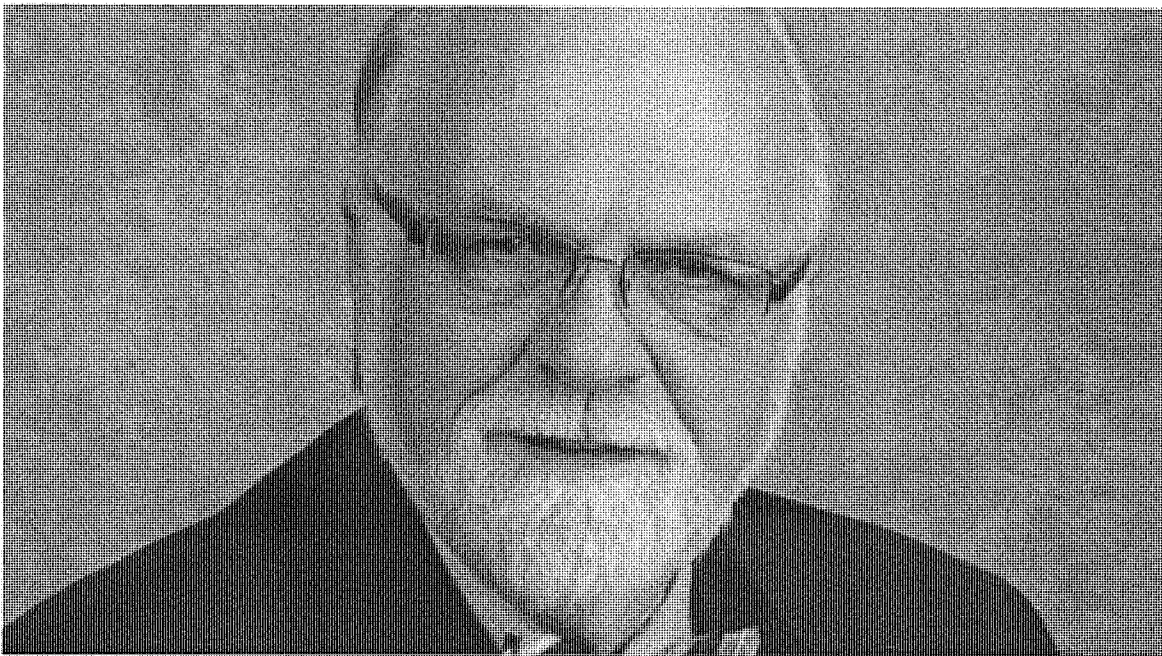
cbc.ca

Controversial Chilliwack school trustee facing human rights complaint from BCTF | CBC News

CBC News · Posted: Apr 13, 2018 5:11 PM PT | Last Updated: April 13, 2018

3-4 minutes

The B.C. Teacher's Federation has filed a human rights complaint against a Chilliwack School Board trustee whose made controversial comments about the provincial gender identity and sexual orientation curriculum.



Chilliwack trustee Barry Neufeld took to Facebook Monday to denounce B.C.'s gender education. (Chilliwack School District)

055

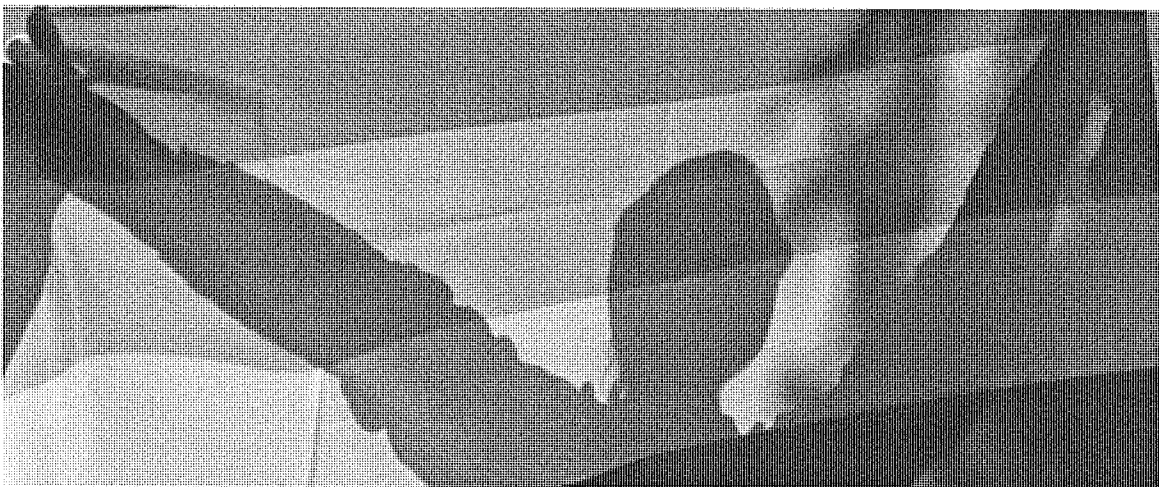
The president of the British Columbia Teachers' Federation says a Chilliwack school trustee who has made controversial LGBT comments shouldn't be "anywhere near students" and that's why the BCTF has filed a human rights complaint against him.

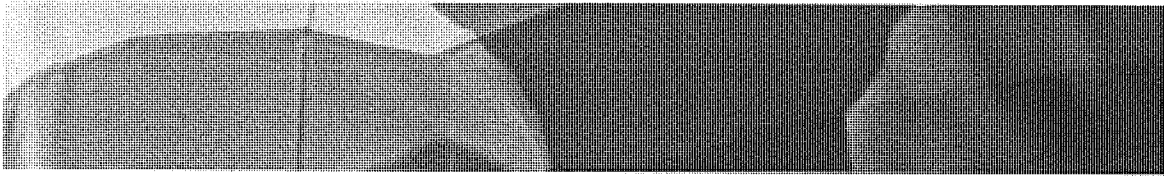
The complaint says that Barry Neufeld's alleged "hateful" public comments about trans people have created an unsafe work environment for teachers and students, as the province moves to make students of all orientations feel safer in schools.

The BCTF is the second union to file a complaint against the trustee after his public social media posts targeted transgender issues.

- Chilliwack school board asks trustee to resign over comments about transgender children
- Chilliwack school trustee sorry for causing offence with post on gender identity
- Parents deserve better communication of gender and sexuality lessons, says LGBT advocate

Neufeld denies the allegations in the complaint which alleges he's exposing trans people to "hatred." The complaint asks he be forced to pay a sum to a non-profit LGBT youth group to make amends.





Programs being introduced into B.C. schools teach children about the importance of LGBT inclusion and diverse families. (Canadian Press) 056

In the past, the trustee's comments and opinions about sexual orientation and gender identity taught in school have sparked outrage and opposition from Education Minister Rob Fleming and other trustees.

Despite calls for his resignation, he has not stepped down.

Reached on social media today, Neufeld referred CBC to his lawyer but did defend Russia's handling of LGBT issues.

"Russia was one of the first European countries to extend Human Rights to homosexuals. But they placed a boundary on it. They must not try to influence children," wrote Neufeld, adding that a friend who lives in Russia near Moscow tells him that "stories of gay bashing in Russia are Western propaganda: fake news."

Neufeld has agreed not to go into any schools until the matter is resolved.

Hansman says the law is well established and clear and Neufeld should know better.

"Schools are not, nor have they been the world's most awesomest places for LGBTQ youth. It is still not, in 2018, necessarily safe for someone to come out at school and that's probably doubly so for someone who is trans."



057



Barry Newfeld's career as Chilliwack school board trustee has been plagued by controversy in the wake of of his public comments about LGBT issues. (Barry Neufeld/Facebook)

058

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059

NEWS INSIDERS

Rallies for, against SOGI resource planned in Vancouver

BY HANA MAE NASSAR ([HTTPS://WWW.CITYNEWS1130.COM/AUTHOR/HANA-MAE-NASSAR](https://www.citynews1130.com/author/hana-mae-nassar/))

Posted Apr 22, 2018 1:00 pm PDT Last Updated Apr 23, 2018 at 6:20 am PDT



(iStock Photo)

060

SUMMARY

Two rallies being held at the same time for and against BC's sexual orientation and Gender Identity resource



Two rallies, one for and the other against SOGI 123, planned in Vancouver on Monday



VANCOUVER (NEWS 1130) – People both in support of and against the Ministry of Education's Sexual Orientation and Gender Identity (<https://news.gov.bc.ca/factsheets/sexual-orientation-and-gender-identity-sogi-in-schools>) resource will be out in full force on Monday.

Two rallies, one for and one against SOGI 123, are planned in front of the BC Teachers' Federation (<https://bctf.ca/>) office.

Those who stand for SOGI say they want to send the message that discrimination and division will not be tolerated, and also want to tell educators who work toward inclusive environments they're not alone.

BCTF President Glen Hansman (<https://twitter.com/glenhansman>) has been vocal about the SOGI debate before, and says he's encouraged to see people stand for the resource.

"When things were flaring up in the Chilliwack School District... because of the hateful comments made by Trustee Barry Neufeld (<https://www.news1130.com/2018/04/15/chilliwack-school-trustee-facing-human-rights-complaint-for-lgbtq-comments/>) there, it was really wonderful to see the parents, members of the community, grand parents and others come and say 'enough is enough,'" he says. "It's 2018, our schools have to be safe. And so to have that many members of the community come out to rally to show their support is amazing, and if that happens again in Vancouver [Monday], that's wonderful."

He stands by the idea that schools need to be a safe and inclusive space for all students. Hansman adds the BCTF has been very proactive when it comes to advocating for all students, and is happy the province has taken more steps to help protect LGBTQ members.

Kari Simpson with Culture Guard is heading up the counter rally, calling for an end to "the politicization of schools," which she believes parents who oppose SOGI 123 want. She claims it is part of a "sex activist agenda."

Hansman says those behind the Stop-SOGI 123 rally don't represent the majority.

"It's vexatious, it's annoying, for sure, but it's 2018. Canadian society has moved on," he tells NEWS 1130 (<https://www.facebook.com/NEWS1130/>). "The voices that she's representing are a very, very small minority, and they don't represent where people in our communities are at, and it's inconsistent with the laws of the land."

Hansman says schools need to be free of all forms of discrimination.

"There's no going back on the fact that schools and the public education system — like all public services — have to be proactive in ensuring that all people who are protected by the Prohibited Grounds of Discrimination under the BC Human Rights Code

(<https://www2.gov.bc.ca/gov/content/justice/human-rights/human-rights-protection>) are protected.”

062

Simpson believes pro-SOGI rally-goers are working to silence anyone who speaks in opposition to SOGI. “And that’s not Canadian, that’s not what it is to be in a free and democratic society.”

Both rallies are scheduled to begin at 11 a.m.

Editor’s note: A previous version of this article referred to activity at previous rallies that may not have occurred.

RELATED STORIES

BC's sexual orientation and gender identity education under fire again in Chilliwack
(<https://www.news1130.com/2017/11/22/bcs-sexual-orientation-gender-identity-education-fire-chilliwack/>)

Chilliwack school trustee facing human rights complaint for LGBTQ comments
(<https://www.news1130.com/2018/04/15/chilliwack-school-trustee-facing-human-rights-complaint-for-lgbtq-comments/>)

Chilliwack school trustee rejects call for him to resign
(<https://www.news1130.com/2018/01/20/chilliwack-school-trustee-rejects-call-resign/>)

BCTF

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063

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PAUL E. JAFFE
BARRISTER AND SOLICITOR

Suite 200-100 Park Royal,
West Vancouver, B.C., V7T 1A2
Telephone: (604) 230-9155
Facsimile: (604) 922-1666
Email: jaffelawfirm@gmail.com

September 19, 2018

064

Mr. Glen Hansman,
c/o British Columbia Teachers' Federation,
550 W 6th Ave #100,
Vancouver, BC, V5Z 4P2

Emailed to: ghansman@bctf.ca
presidentsoffice@bctf.ca
and Faxed to: 604-871-2290

Dear Mr. Hansman:

Re: Defamation of Barry Neufeld

I am counsel for Mr. Barry Neufeld who, as you know, is an elected school board trustee in Chilliwack, BC. This letter is to provide you with an opportunity to retract and apologize for a number of your false and defamatory public statements about him.

I trust you agree that there can be no matter of public interest which is exempt from scrutiny, debate and criticism.

Following Mr. Neufeld's first public criticism of SOGI 123 in October, 2017, rather than addressing his views on the merits, you and certain other activists embarked upon a campaign of harassment, intimidation and vilification. Your false and defamatory comments about Mr. Neufeld as reported in the media over a number of months include:

He promotes hatred.

His comments made it "unsafe" for LGBTQ students at schools.

065

He "shouldn't be anywhere near students".
He expressed "hateful comments about trans people".
He made "transphobic" comments.
He violated the BC Human Rights Code.
He is unfit to be a school board trustee because of his age.
He is a religious bigot who imposes his religious views on students.
He is transphobic, homophobic, racist and/or misogynistic.
He called teachers who support transgender students "child abusers".
He was unfit to hold public office and "should step down or be removed".
He is creating a school environment "that is discriminatory and hateful".
He "tip toed quite far into hate speech"; and
His comments compromised student safety.

As was your intent, my client has suffered damages by reason of your conduct. In addition, by calling his moral character and fitness to hold public office into question and by imputing criminal conduct to him, your defamatory statements are "actionable per se".

As freedom of thought and expression are fundamental to democracy, Mr. Neufeld believes his community deserves better than to have its elected trustees bullied into silence by those seeking to prevent debate. Furthermore, the many who share Mr. Neufeld's serious concerns about SOGI 123 deserve better than to be defamed by assertions of such vile motivation as hate, bigotry, intolerance and homophobia.

Proceedings shall be commenced against you without further notice unless we receive an unequivocal retraction and apology for your defamatory statements within 10 days from the date of this letter. It must then be published with the degree of clarity, prominence and dissemination acceptable to my client.

This letter and your response may be put into evidence in the anticipated proceedings.
Thank you for your attention to this matter.

Yours truly,



per Paul Jaffe
pj/pug

066

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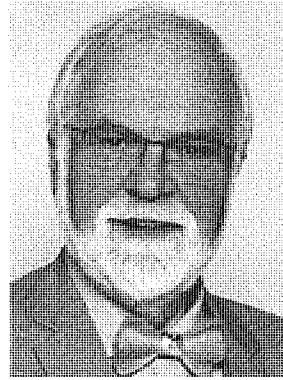
Community

Letters

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LOCAL NEWS

SD33 TRUSTEE NEUFELD SUING BCTF PRESIDENT FOR DEFAMATION



067

Lawyer cites laundry list of complaints in suit against
Glen Hansman

O VOICE STAFF—HANDOUT PHOTO
THURSDAY—SEPTEMBER—20—2018

On Wednesday, incumbent School Board Trustee Barry Neufeld told *The Voice* that he's suing BC Teacher's Federation president (BCTF) Glen Hansman for defamation of character.

Ever since Neufeld came out of the closet against SOGI, the alt-left has been gleefully gnawing away at him even though he represents a segment of the community who don't like SOGI.

When this issue first surfaced, SOGI supporters have wanted Neufeld to apologize and fall on his sword.

On Wednesday Hansman Tweeted about the



Kari Simpson case.

But Neufeld refused to back down and go back in the closet and the slurs went up one side of him and down the other, and according to Neufeld's lawyer, Paul E. Jaffe, they ended up being issued directly from the desk of the BCTF president.

Jaffe, says Hansman's remarks were off-base insinuating that his client's moral fibre and mental wellness were in question hence making him unfit to hold public office and by "imputing criminal conduct to him."

The basis for the lawsuit include Hansman's statements:

- He promotes hatred.
- His comments made it "unsafe" for LGBTQ students at schools.

- He "shouldn't be anywhere near students."
- He expressed "hateful comments about trans people."
- He made "transphobic" comments.
- He violated the BC Human Rights Code.
- He is unfit to be a school board trustee because of his age.
- He is a religious bigot who imposes his religious views on students.
- He is transphobic, homophobic, racist and/or misogynistic.
- He called teachers who support transgender students "child abusers."
- He was unfit to hold public office and "should step down or be removed."
- He is creating a school environment "that is discriminatory and hateful
- He "tip-toed quite far into hate speech"; and his comments compromised student safety.

069

"As freedom of thought and expression are fundamental to democracy, Mr. Neufeld believes his community deserves better than to have its elected trustees bullied into silence by those seeking to prevent debate," wrote Jaffe. "Furthermore, the many who share Mr. Neufeld's serious concerns about SOGI 123 deserve better than to be defamed by assertions of such vile motivation as hate, bigotry, intolerance and homophobia."



070

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071

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072

September 27, 2018

VIA EMAIL

Paul E. Jaffe
Barrister and Solicitor
#200 - 100 Park Royal
West Vancouver, BC V7T 1A2

Attention: Paul Jaffe

Dear Mr. Jaffe:

**Re: Your Letter of September 19, 2018 to Glen Hansman
President of the BC Teachers' Federation**

We are, as you know, counsel to Glen Hansman, President of the British Columbia Teachers' Federation.

We write further to our recent exchange of emails and our letter of September 24, 2018, which was sent in response to your September 19, 2018 letter to our client demanding an apology from Mr. Hansman for comments he made about your client, Richard Neufeld and his actions and comments regarding SOGI 123.

In our letter, we sought further and better particulars of the statements your client claims were made by Mr. Hansman so that we could determine whether, or in what context, Mr. Hansman might have made the comments, and so that we could advise Mr. Hansman whether an apology would be appropriate. To date, those particulars have not been provided in any meaningful way.

Since that exchange, we have learned that you or your client provided your letter to an online newspaper, The Valley Voice News(<thevalleyvoice.ca>, which republished large parts of the letter, including the list of allegedly defamatory statements which you claim were made by Mr. Hansman.

The Valley Voice News also reported to its readers that, on Wednesday, September 19, 2018, "Incumbent School Board Trustee Barry Neufeld told *The Voice* that he's suing BC Teachers' Federation president (BCTF) Glen Hansman for defamation of character."

In other words, as you were delivering a letter demanding an apology as a way to avoid litigation, your client was publicly declaring his intention to proceed with that litigation, and assisting a third party in republishing the words that he claims damage his reputation.

921191.089/letters/0004

Page 2

Letter to Glen Hansman
September 27, 2018

073

Attention: Paul Jaffe

In light of these steps taken by your client, we are led to the view that your client's demand for an apology was insincere at best, and most likely a political ploy.

Mr. Hansman will not be issuing an apology, and is prepared to defend the views, comments and opinions he expressed about Mr. Neufeld's conduct and statements concerning SOGI 123 and concerning those persons and communities whose interests and vulnerabilities are addressed by SOGI 123.

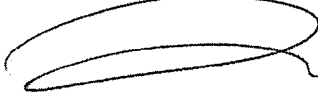
For the record, we are advised that the summary of Mr. Hansman's comments you provided in your letter is not entirely accurate; for example, Mr. Hansman did not suggest that Mr. Neufeld is unfit to be a school trustee because of his age. There may be other errors; however, without the particulars we sought in our earlier letter, we cannot determine what they may be, so we will wait until we have your pleadings before we address that issue.

We have instructions from Mr. Hansman to accept service on his behalf.

We look forward to receiving and responding to a Notice of Civil Claim that fully and properly particularizes Mr. Neufeld's claims against our client.

Yours truly,

TAYLOR VEINOTTE SULLIVAN



Christopher M. Dafoe

CMD/ht

cc: Client