

March 19, 2013

Most Rev. Gary M. Gordon
Catholic Episcopal Corporation of Whitehorse
5119 – 5th Avenue
Whitehorse, Yukon
Y1A 1L5

Dear Bishop Gordon,

Re: Follow-Up to Our Meeting of March 5, 2013

I am writing to thank you again for our meeting of March 5, 2013 and to follow-up about the issues we discussed at that meeting, in particular the application of the Episcopal Corporation's policy entitled 'One Heart – Living With Hope, Ministering by Love, Teaching in Truth' in the Catholic separate schools in Yukon.

As we discussed and agreed, the most important issue to keep at the forefront of any and all discussions about this matter is that students feel safe, welcome, and protected at all schools in the Yukon.

I would like to begin by reiterating the mutual commitments that have existed in the Yukon for over fifty years between the government and the Episcopal Corporation on behalf of the Catholic residents of the Yukon, namely:

- That the promises, principles, and conditions set out in our April 30, 1962 agreement remain part of the Yukon Education's policies and are respected and continued under the provisions of the *Education Act*.
- That the Yukon government is responsible for operating and maintaining separate schools for children of Catholic parents in the Yukon.
- That these publicly supported separate schools should have the same rights and responsibilities as non-separate publicly supported schools, should receive the same measure of financial support from the government, and should observe all statutory and other lawful requirements.

- That the Episcopal Corporation is responsible for instructing the students of the Catholic separate schools in the Roman Catholic religion and morality, and for this purpose the Episcopal Corporation provides all necessary religious materials.
- This responsibility has been enshrined in the *Separate School Regulation* enacted under the *Education Act*, which provides that the Episcopal Corporation is responsible for the religious instruction and training of students at the Catholic separate schools and for developing the curriculum and instructional materials for this religious instruction.
- That the Episcopal Corporation and the government agree that the Catholic separate schools must be operated, maintained, and governed in accordance with all laws that are in force in the Yukon.

For the purposes of our ongoing discussions, I believe that our mutual commitments and our rights and responsibilities can be summarized in two basic principles.

First, the provisions of both our 1962 Agreement and the *Education Act* clearly provide that the Yukon government (and in particular the Minister of Education) is responsible for funding, operating and managing the Catholic separate schools in the Yukon. The operation and management of these schools must in all respects be carried out in accordance with all laws in force in the Yukon.

Second, and equally as clearly, the Episcopal Corporation is responsible for instructing students of the Catholic separate schools in the Catholic religion and morality, and this includes developing and providing curriculum and other religious instructional materials for this purpose. The religious instruction of students of the Catholic separate schools must also be carried out in accordance with all laws in force in the Yukon.

As part of my responsibilities as Minister of Education, I must establish and communicate goals and objectives for the Yukon education system. The *Education Act* specifically requires me to promote the recognition of equality among all Yukon people in a way that is consistent with both the *Canadian Charter of Rights and Freedoms* and the *Human Rights Act*.

Yukon Education has undertaken a number of initiatives to help meet this objective, not the least of which has been the development of policies such as the *Safe and Caring Schools Policy* and the *Sexual Orientation and Gender Identity Policy*. These policies have been enacted under the authority of the *Education Act* and as such they apply to all publicly supported schools in the Yukon, including the Catholic separate schools.

Both of these policies recognize that caring, respectful, and safe school environments are essential for students to be able to learn and achieve healthy personal and social development. Based on our discussions, I think that we both agree that this is the issue that is of prime importance.

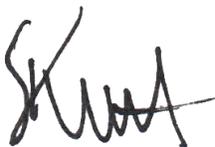
Yukon Education officials have indicated throughout discussions with the Episcopal Corporation on this issue that there are significant outstanding concerns relating to the application of the Episcopal Corporation's policy in the Catholic separate schools. While I believe that there is commonality between Yukon Education's policies and the Episcopal Corporation's policy in terms of ensuring safety and support for students, in several respects the Episcopal Corporation's policy is inconsistent with and does not meet all of the requirements of Yukon Education's policies and likely other laws in force in the Yukon such as the *Human Rights Act*, the *Canadian Charter of Rights and Freedoms*, and other case law on equality rights.

Given the requirements of our 1962 Agreement and the *Education Act*, those parts of the Episcopal Corporation's policy that are inconsistent with and do not meet the requirements of existing laws and policies cannot have application in any publicly supported schools in the Yukon. This also includes religious instructional material in the Catholic separate schools.

I recognize that any school-based policy and religious instruction that is developed and implemented for the Catholic separate schools can and should respect broader Catholic values and use language acceptable for those schools, however it must first and foremost respect and meet the requirements of Yukon Education's policies and the laws of the Yukon. I have directed the Deputy Minister of Yukon Education to make the necessary staff available to work collaboratively with your school community to help achieve these ends, which I hope can be accomplished in a manner that is acceptable to all concerned.

I look forward to continue working with you to ensure the success of Yukon students.

Yours truly,

A handwritten signature in black ink, appearing to read 'SKent', with a stylized flourish at the end.

Scott Kent
Minister of Education