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Legal Briefs

Good News for Youth School Groups

by Susan Murray and Beth Robinson

Last month we discussed legal remedies for gay, lesbian, bisexual, or questioning youth who are harassed at school. One of the most effective ways to prevent homophobia in schools in the first place is to organize and educate. By the same token, support from peers can be vital to a glbtq teenager. For these reasons, students at high schools across the country have formed effective glbtq support groups and gay-straight alliances.

For students interested in forming such an organization but fearful that the school will not support you, the good news is that the law is on your side. First of all, Vermont's anti-discrimination laws, which we've discussed at length in past columns, prohibit discrimination against such groups. In addition, a federal law, the Equal Access Act, protects students' rights to form clubs and organizations and to meet on school premises.

The Equal Access Act, passed primarily to protect the rights of religious student groups, applies to any public high school that receives federal money. The law provides that if a school allows any student clubs or organizations to meet on school premises after hours, the school must provide the same access to any student group.

For example, if the school allowed students to form a chess club or service organization, it would be required to provide the same opportunities to a gay-straight alliance. However, if the only student organizations at the school are related to school courses, such as a French club or a school band, the school might not have the same obligation.

If you are thinking about forming a student group to deal with glbtq issues, you should keep a few things in mind. First, the law only applies to

voluntary, *student-initiated* groups. Although you are free to seek guidance and support from teachers or people outside the school, the impetus for the group, and the organizational work, has to come from students.

Second, along the same line, you should be careful to limit the participation of non-school persons. Non-school persons are free to come in as guest speakers, and you may seek guidance from outside people, but they cannot "direct, conduct, control or regularly attend" the organization's activities.

Third, the school obviously retains its authority to maintain order and discipline. Although the school cannot use this authority to prohibit gay-straight alliance groups or glbtq support groups, simply because school officials believe that such groups are, by definition, disruptive, the school can prevent any student group from doing things that interfere with the orderly conduct of educational activities.

If you have any further questions about your legal rights in connection with student groups dealing with glbtq issues, feel free to contact us. ▼

Susan Murray and Beth Robinson are attorneys at Langrock Sperry & Wool in Middlebury, Vermont, whose practices include employment issues, family matters, estate planning, personal injury and worker's compensation cases, and general civil litigation. This column features timely information about legal issues of interest to our community. We hope to provide information about important laws and court cases that may affect our rights, as well as practical nuts and bolts advice for protecting ourselves and our families. If you'd like to see us cover a particular topic, please feel free to write OITM or call us at 388-6356.

On the Other Hand

Taking on a Bisexual Identity: The Benefits and the Price We Pay

by Kim Ward

A tension exists between the desire to proudly claim a bisexual identity and build a strong bisexual community and the desire to lessen society's divisive emphasis on labels and categories.

Society forces everyone, consciously or unconsciously, to buy into a sexual identity package—deal somewhere along the way, often as teenagers or young adults. When we take on a label, we take on a set of beliefs about ourselves and our world. Identity gives us a framework to think about who we are. For example, bisexual identity makes us think about gender socializing, how our attractions differ from others and what lifestyles fit our taste.

Identity is also important because it creates community; people gather around commonalities, lesbian/gay, religious, even rock and roll. People find safety in community as well as similarity, recognition, and inclusion. We have power, voice, can make ourselves heard and felt in the larger world. We belong, a new and wonderful experience for many of us who have felt out of place in mainstream culture and in the gay/lesbian world. We can be openly ourselves, fully ourselves, no secrets, no editing, no guilt. We stop feeling like impostors, we become visible.

But identity creates an us-and-them belief system that is limiting and inadequate. To preserve itself, the community imposes rules. As a community is based on certain fixed aspects of ourselves, those aspects must remain fixed, or else the community loses its cohesion, its definition. To belong, one must give up the freedom to be paradoxical, to overlap labels, cross borders, scramble definitions. When was the last time you felt you fit in completely? In the womb?

Why do we identify based on sexuality? What about all the other important choices we've made? Many bisexuals feel that we cannot commit ourselves to one choice, one identity. The linking of

one's choice of pleasures to some inherent individual identity is threatening in that it attempts to reduce a lifetime of erotic experiences, social preferences and gender decisions to a static label. Our sexuality will probably remain fluid throughout our lives.

Sexual identity does not predict sexual attraction nor behavior. Two people living an entirely different life can call themselves bisexual. There are as many definitions of bisexuality as there are bisexuals. Rationally speaking, there is no identity that is inherent — not female, not black, not Catholic, not bisexual. The only thing we are when we are born is human; the rest of it is imposed. What it means to be female at a particular point in history is different from what it means to be female at another point.

If our goal is to rid ourselves of every rigid construct of gender and sexual identity, our vision for the future will be without Kinsey scales, bell curves, or identity packages. Bisexual will hold no meaning. Instead, we will simply be ourselves — humans with stories to tell about whom we have known, whom we know, and whom we dream of knowing. We will take pride in our complexity.

Tim used to ask, "Are you queer?" Then he switched to "Do you like boys?" Now his favorite pick up line is "Do you like me?" He has gone from the political to the historical attraction to the very personal. In the end, it is really about being able to love a person for his or her unique qualities and about the mysterious pull between warm human bodies. I would like to believe that we can all love people for who they are, and that gender roles are just sex toys — fun things to play with.

We first have to create a bisexual community, but then we need to move beyond that safety. We have to look at the world as a bigger picture and let go of our identity and join everyone. We cannot live in little boxes. Many people already choose not to label themselves. They feel labels are for cans of food. We are all human. ▼