

POLYAMOROUS TRIOS IN FAMILY LAW AND CANADIAN SCHOOLS WHAT IS NORMAL FOR STUDENTS IN TODAY'S CLASSROOM?

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Abstract

Culturally significant norms and acceptance play a role in what is considered 'normal' activities compared to pathology. Recent reports of domestic slavery have occurred in West Vancouver elite homes in British Columbia paralleling earlier accounts in Hong Kong where documented cases of international domestic servants have been mistreated. Confusing messages are portrayed to children with conflicting movies and stereotypes regarding sexual health and healthy work relationships. Agiliga (2013) contemplated if Black women could use BDSM as a way to regain sexual agency; while literature records poly relationships as evident in First People's culture (TallBear, 2020) and Maori Indigenous story telling (Hutchings & Aspin, 2007). Religion is also a consideration for the acceptance of polygamy (Foster, 2010) and marital discipline (Deshotels et al. 2019); despite a 2014 court ruling in Britain, that "singled out spanking as an unacceptable BDSM activity" (Khan, 2020, p. 367) for unwedded couples. Khan (2020) notes that Family Law is a "sticky area". In one comparison, Khan (2020) notes "The judge justified the branding of his (the husband's) initials into his wife's buttocks 'because the participants were a wedded couple and the incident took place in the sanctified space of the 'marital home' (p. 366).

This qualitative study asked stakeholders in the field of education to respond to questions regarding surveillance in schools on personal devices while at school and while using school electronic resources. Participants were asked questions related to their understanding of bring your own device (BYOD) policies at school and away from school as well as their understanding of inappropriate behaviour as it is defined by their school and school board. Various stakeholders responded to the questions from an accountability and personal responsibility perspective, noting a typology of "reporter" for each stakeholder group, noting students seldom reported on each other. Participants were further asked to reflect on their personal knowledge of privacy and personal devices through a background survey that asked stakeholders to select one or more options from a provided list (brand new, don't know anything, still learning, feel comfortable using it in education settings, have questions, know a little, have more to learn, am an expert, help other people, other). Data collected during the study indicated surveillance is attributed to five themes: well-being, assessment, policy, security, punitive, with the majority of responses attributed to policy, security and punitive and one participant relating the use of surveillance for monitoring well-being and useful for student assessment.

Keywords: *Polyamorous families, religion, family law, sexual health in schools.*

1. Introduction

Recent media coverage in Canada has portrayed various examples of polyamorous related Family Law and Bondage Discipline, Dominant Submissive, Sadism and Masochism (BDSM) criminal court decisions depicting a growing trend that is fast becoming prevalent in today's classrooms. In 2021, the British Columbia Supreme Court ordered all three members of a polyamorous 'triad' should be registered as parents of the two-and-a-half-year-old boy they are raising together as a family. The decision noted a 'gap' in provincial law which did not leave room for "anyone but a birth mother and a 'presumed' biological father" on the birth certificate. Further stating legislature did not foresee this possibility nor contemplate polyamorous families. Interestingly, the court order anonymized the parties.

2. Theoretical framework

Culturally significant norms and acceptance play a role in what is considered 'normal' activities compared to pathology (Brown, 2010; Campi, 2021; De Neef, 2019; El Feki et al., 2014; Goh, 2019; Kleinplatz, & Moser, 2014; McBride, 2020; Totten, 2016; Trammell, 2020; van Beerschoten, 2014;

Vipond, 2019; Weinberg, 2006; Weismantel, 2014; Weiss, 2008). Students in schools may attend school with different concepts of acceptable behaviour, beliefs about other cultures, and various understandings of what a healthy relationship is based on the family home environment (Sandnabba, 2002). Agiliga (2013) contemplated if Black women could use BDSM as a way to regain sexual agency; while literature records poly relationships as evident in First People's culture (TallBear, 2020) and Maori Indigenous story telling (Hutchings & Aspin, 2007). Colonized countries have been observed for the past quarter century for crimes related to domestic workers. Attempts to reduce Filipina domestic workers to a less threatening, gender-neutral (or masculine) image is representative of general anxieties about the sexuality of foreign domestic workers in Hong Kong, and the threat that they are thought to pose to Chinese women employers in particular, the Chinese family in general, and Hong Kong society at large as it makes the transition from British colony to Special Administrative Region of the People's Republic of China- (Constable, 1997, p. 539).

Privileged homes are just as likely as unprivileged to expose students to harm and growing cultural acceptance of 'normal' BDSM is increasingly becoming an aspect of both Family Law and sexual health in Canada. Canadian Recent reports of domestic slavery have occurred in West Vancouver elite homes in British Columbia paralleling earlier accounts of Filipina domestic workers in Hong Kong (Constable, 1997) where documented cases of international domestic servants have been mistreated, "Filipina domestic workers in Hong Kong are viewed as sexually threatening and thus in need of strict discipline" (p. 539).

Religion is also a consideration (Asad, 1987) for informing students beliefs regarding the normality of sex. Dylewski and Prokop (2019) document the religious influence in their book the history of prostitution "In antiquity, prostitution was connected with a secular rite" (Sanger, 2015 as cited on, p. 1). Further religious themes and family cultures may decipher a student's understanding, acceptance, or abhorrence of polygamy (Foster, 2010; Goodyear, 1984) and marital discipline (Carmack et al., 2015; Deshotels et al. 2019). "A remarkable feature of monastic discipline is that it explicitly aims to create, through a programme of communal living, the will to obey" (Asad, 1987, p. 159).

Family structures may also play a role in a student's understanding of normalacy, and sexual relationships as is the case in the varying differences for sexual assault and acceptable behaviour as interpreted by the courts. For some children with parents married and in open relationships, healthy relationships may represent a diferent perspective than a child that comes from a single parent or divorced home (Brown, 2010; Dylewski & Prokop, 2019). A 2014 court ruling in Britain, "singled out spanking as an unacceptable BDSM activity" (Khan, 2020, p. 367) for unwedded couples. Khan (2020) notes that Family Law is a "sticky area". In one comparison, Khan (2020) notes "The judge justified the branding of his (the husband's) initials into his wife's buttocks 'because the participants were a wedded couple and the incident took place in the sanctified space of the 'marital home' (p. 366).

Popular culture present in film and romance novels may contrast newspaper reports detailing teenagers who are exposed to BDSM or sexual trios by parents and mothers involving their children in sexual trysts. Painting a bleak picture for schools to account for cultural norms and family dynamics.

Confusing messages are also portrayed to children on social media (Albury, 2018) and pop culture with conflicting movies and stereotypes regarding sexual health and healthy work relationships (Bartsch et al., 2016). Sroczynski (2017) remarks "Fifty Shades of Grey is a great step back as it reiterates traditionalist stereotypes concerning sexuality and gender roles" (p. 98).

Confusing messages are also provided by medical professionals (Sheppard, 2019) and noted by Herbitter et al. (2021) "The aim of this narrative review is to integrate the published literature on mental health provider bias against the less recognized groups who may be marginalized due to their sexual identities or sexual and relationship practices" (abstract). The potential for bias (Madill & Zhao, 2021; Ortmann, & Sprott, 2012; Oddie, 2020; Sheela, 2008) against less recognized and marginalized groups in the wake of recent reforms for Ontario teachers to be certified for sexual abuse prevention and tasked with surveillance of students lends itself to the considerations for bias amongst various stakeholders within the education field. With this consideration for bias comes a responsibility for safeguards against marginalized and vulnerable populations for inaccurate portrayals and subjective observations or interpretations.

3. Methodology

This qualitative study asked stakeholders in the field of education to respond to questions regarding surveillance in schools on personal devices while at school and while using school electronic resources. Participants were asked questions related to their understanding of bring your own device (BYOD) policies at school and away from school as well as their understanding of inappropriate behaviour as it is defined by their school and school board. Various stakeholders responded to the

questions from an accountability and personal responsibility perspective, noting a typology of “reporter” for each stakeholder group, noting students seldom reported on each other. Participants were further asked to reflect on their personal knowledge of privacy and personal devices through a background survey that asked stakeholders to select one or more options from a provided list (brand new, don’t know anything, still learning, feel comfortable using it in education settings, have questions, know a little, have more to learn, am an expert, help other people, other).

4. Findings

Data collected during the study indicated surveillance is attributed to five themes: well-being, assessment, policy, security, punitive, with the majority of responses attributed to policy, security and punitive and one participant relating the use of surveillance for monitoring well-being and useful for student assessment. Four key findings from the study are of particular relevance for this paper (1) A person’s understanding of the term vulnerable or marginalized dictates their assumptions (2) Understanding or appropriate or inappropriate is potentially a personality trait (3) The teachers in the study are assumed to conduct the majority of surveillance on a day-to-day basis of students while at school on a device (4) Life experiences of stakeholders, regardless of role, may be a key factor in the voice of the stakeholder and the acceptance, promotion or regulation of a policy (5) Teachers conducting surveillance may be unaware of the potential consequences for a student in breach of a technology policy, as it may be outside of their scope to determine punishment or record frequencies of severity or violations.

The potential for bias, lack of voice and assumptions against less recognized and marginalized groups when conducting surveillance of students creates a need for safeguards against marginalized and vulnerable populations for inaccurate portrayals and subjective observations or interpretations. Additionally, student engagement and concealment of identity based on intentional or unintentional and subjective portrayals of “appropriate” may cause teachers to become vulnerable for both acting and refraining from acting. Considerations related to the potential for medical bias towards specific activities raises considerations related to educational stakeholders bias as well and suggests a potential gap or need for conversations and open dialogues about how best to support students well-being, while encouraging transparency in schools.

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