



**TRI-COUNTY REGIONAL SCHOOL BOARD
POLICY and PROCEDURES**

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No. 840 RACE RELATIONS, CROSS CULTURAL UNDERSTANDING AND HUMAN RIGHTS	May 27, 1997	June 19, 2007	1 of 37

It is the policy of the Tri-County Regional School Board that all persons in or on school board property or otherwise under the umbrella of the board be treated with dignity and respect.

Race Relations, Cross Cultural Understanding and Human Rights (RCH)

Statement of Principles

The Tri-County Regional School Board recognizes its responsibility to provide equity of access and opportunity for all students and staff to learn, work and develop in an environment that is affirming, respectful and inclusive. The Tri-County Regional School Board has obligations under the Nova Scotia Human Rights Act, the Canadian Human Rights Act, the Canadian Charter of Rights and Freedoms, and the United Nations Declaration of Human Rights. The Board opposes any form of harassment/discrimination by any member of its education community, or anyone associated with the board in any capacity.

The Tri-County Regional School Board recognizes the demands and reality of living in a diverse and pluralistic society. The Board recognizes the importance of ensuring students of all origins and social contexts have the opportunity to experience schooling that is based on the belief in the inherent dignity and fundamental rights and freedoms of the individual, that promotes understanding and harmony between the members of the school community, that encourages social responsibility and that challenges prejudice and discrimination, whether based on fact or perception of: race, appearance, age, belief system, values, ability/disability, illness, family status/structures, sex, gender, sexual orientation, ethnic, national or aboriginal origin, culture, language(s) spoken, and socio-economic status, or any other prohibited grounds as included in the Canadian Human Rights Act 2002 and/or the NS Human Rights Act 1991.

Race Relations, Cross Cultural Understanding and Human Rights (RCH)

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Glossary of Terms

Aboriginal Peoples	The descendent of the original inhabitants of North America. Aboriginal People include First Nations, Inuit and Metis peoples of Canada. These are separate peoples with distinct heritages, languages, cultural practices and spiritual beliefs. Mi'kmaq are the predominant First Nations People of Nova Scotia, New Brunswick, Prince Edward Island, part of Gaspé, Quebec and Maine, USA.
Affirmative Action	A program that aims to provide positive remedies for discrimination within the educational environment and the workplace. Affirmative actions involve systemic planning and positive action to remedy the effects of discrimination. Its objective is to ameliorate the conditions of disadvantaged individuals or groups of individuals.
Anti-Racism Education	An approach to education designed to challenge and combat racism in all forms and denounce social, economic and educational inequities to which ethno cultural groups are subject. Its primary aims are to promote among staff, volunteers, board members and students critical thinking about racism and its origins and an understanding of how racism prevents access to equitable outcomes for learners.
Assessment	A process that incorporates a variety of strategies for collecting data about student learning. The data may include incidental and direct observation, the use of standardized testing administered under structured conditions, and anecdotal reports.
Anti-Semitism	Hostility toward or prejudice against Jews or Judaism. Discrimination against Jews.
Bias	An opinion, preference, prejudice or inclination formed without reasonable justification, which influences the ability of an individual or group to evaluate a particular situation or resource objectively or accurately.
Bullying/Harassment	<p>Bullying and Harassment both involve behaviour which harms, intimidates, threatens, victimizes, undermines, offends, degrades or humiliates. Both may involve a single incident or a series of incidents. The inappropriate behaviour, direct or indirect, by one or more persons undermines an individual's right to dignity through intimidation (misuse of power).</p> <p>Bullying vs. Harassment – by definition, harassment and discrimination have a basis (race, religion, sex, gender, sexual orientation, etc.). Any incident that is based on one of the prohibited grounds should be called harassment or, if an education/employment opportunity is denied, discrimination. If there is no identifiable basis, it is bullying or intimidation.</p>

Community Partnerships	Relationships between institutions and community groups where all the members are equal partners, where the experiences of community members are equally recognized, respected, and valued, and where all community members share in the decision-making process of the institution.
Critical Literacy	The awareness of language is an integral part of social relations. It is a way of thinking that involves questioning assumptions; investigating how forms of language construct and are constructed by particular social, historical, cultural, political, and economic contexts; and examining power relations embedded in language and communication.
Culture	The totality of ideas, beliefs, values, knowledge, perspectives, language, and way of life of a people who share a background based on history, experience, geography, or other factors. Expressions of culture include foods, celebrations, music, visual arts, laws, institutions, customs, and rituals.
Discrimination	An action or behaviour that leads to adverse treatment of an individual or group whether based on fact or perception of: race, appearance, age, belief system, values, ability/disability, illness, family status/structures, sex, gender, sexual orientation, ethnic, national or aboriginal origin, culture, language(s) spoken, and socio-economic status. Discrimination excludes or restricts access, opportunity and benefits in such areas as accommodation, education, employment, facilities and health care.
Diversity	Encompasses all the ways in which human beings are both similar and different. It means understanding and accepting the uniqueness of all individuals as well as respecting their differences. It is ultimately about acceptance and respect for difference.
Educational Equity	Refers most broadly to a condition of fairness with respect to educational opportunities, access, and outcomes for all people.
Employment Equity	A strategy designed to remove systemic barriers to equality of opportunity in employment by identifying and eliminating discriminatory policies and practices, redressing the effects of historic and <i>continued</i> discrimination, and affirming appropriate representation of designated groups.
Equity	Refers to fairness and principles of justice used to correct or supplement the law.
Ethnic	An adjective used to describe groups that share a common language, race, religion, or national origin.
Gender	As distinct from sex (which is biological), gender usually refers to social, cultural and psychological dimensions which are then attributed to the biological sexes. If sex is female and male; then gender is a range of feminine and masculine characteristics.

Harassment/ Bullying	<p>Harassment and Bullying both involve behaviour which harms, intimidates, threatens, victimizes, undermines, offends, degrades or humiliates. Both may involve a single incident or a series of incidents. The inappropriate behaviour, direct or indirect, by one or more persons undermines an individual's right to dignity through intimidation (misuse of power).</p> <p>Harassment vs. Bullying – by definition, harassment and discrimination have a basis (race, religion, sex, gender, sexual orientation, etc.). If there is no identifiable basis, it is bullying or intimidation. Any incident that is based on one of the prohibited grounds should be called harassment or, if an education/employment opportunity is denied, discrimination.</p>
Hate Crime	<p>Hate crime is communication of statements in a public place that incites hatred against an identifiable group in such a way that there will likely be a breach of the peace. It is a criminal offence committed against a person or property, the motive for which is based in whole or in part upon the victim's race, religion, nationality, ethnic origin, gender, disability or sexual orientation. (Criminal Code, Section 318 & 319). Hate Crime and Propaganda. See Appendix "E".</p>
Hate Propaganda	<p>"Hate propaganda" means any writing, sign or visible representation based in whole or part on the fact that the person(s) is identifiable on the basis of a prohibited ground of discrimination according to the Canadian Human Rights Act. The distribution of hate propaganda may lead to a conviction under the Criminal Code of Canada, Sections 318 and 319. Hate Crime and Propaganda. See Appendix "E".</p>
Homophobia	<p>The irrational fear or hatred of, aversion to, and/or discrimination against someone because of their sexual orientation, which can manifest itself in negative verbal language, prejudicial thinking, or violence directed at the person. Homophobic acts range in severity from the use of words and gestures to demean individuals up to life – threatening physical assaults.</p>
Institutional Racism	<p>The notions of racial superiority by social institutions through their policies, practices, procedures and organizational culture and values, either consciously or unconsciously. Institutional racism results in the unequal treatment of, or discrimination against, individuals or groups with non-dominant identities.</p>
Intersex	<p>An intersexual or intersex person is one who is born with genitalia and/or secondary sex characteristics determined as neither exclusively male nor female, or which combine features of the male and female sexes.</p>
Multicultural Education	<p>Includes curriculum and pedagogy that recognizes and values the experiences and contributions of all cultural groups. In Canada, multicultural education seeks the inclusion of all racial and cultural groups that have contributed to the creation of a vibrant multiracial, multicultural, multilinguistic, pluralistic Canada.</p>

Oppression	An unjust and systematic exercise of power against an identified group of people where the laws, attitudes toward and treatment (including portrayal) of this group all reinforce this discriminatory situation.
Prejudice	A negative or hostile attitude toward a person or a group without just or sufficient knowledge and based on negative stereotypes. The repetition of the negative beliefs, attitudes or feelings about a person or a group results in acts of discrimination and oppression.
Prohibited Grounds	Those characteristics actual or perceived upon which an individual can not be discriminated against as outlined in the Canadian Human Rights Act 2002 and/or Nova Scotia Human Rights Act 1991. See Appendix F.
Race	Race is a classification of humankind into groups of people of common ancestry, distinguished by physical characteristics such as skin colour, shape of eyes, hair texture, or facial features.
Racism	Prejudice or discrimination stemming from beliefs in superiority and in the ability to exert power over a person or a group because of a different racial, cultural, or ethnic background.
Sex	Sex is a biological distinction based on genitalia. It may include male, female or intersex individuals.
Sexism	Prejudice or discrimination stemming from an institutional, cultural and individual set of practices and beliefs that assign differential value to people according to their sex.
Sexual Harassment	<p>Is unwanted, uninvited sexual attention that is known or ought reasonably to be known as unwelcome. It may involve remarks, gestures, or actions of a sexual nature that make a person feel unsafe or uncomfortable. It creates an intimidating, hostile or offensive learning environment. It may include (but is not limited to):</p> <ul style="list-style-type: none">• Unwanted, unwelcome physical contact like touching, grabbing or patting• Rude jokes, demeaning nicknames or suggestive remarks of a sexual nature• Cat calls, berating or embarrassing whistles• Insulting remarks about sexual orientation• Sexually insulting remarks about race, sex, gender, ability or class• Bragging about sexual prowess for others to hear• Threats or intimidating behaviour• Stalking• Display of sexually offensive pictures, graffiti or other materials
Sexual Orientation	The capacity to develop intimate emotional and/or sexual relationships with people of the same sex, the opposite sex, or both sexes.

Stereotypes	The result of attributing unfounded characteristics of a whole group of people to all its members. Stereotyping exaggerates the uniformity within a group and the differences among the groups.
Systemic Discrimination	Includes entrenched policies, practices, and procedures that are part of the normal operation of systems and have an exclusionary impact on various groups of people with shared identities, such as race, age, disability, sex and/or gender.
Volunteers	Is a person who performs or offers to perform a service out of his or her own free will, often without payment.

2.0 Curriculum

The Tri-County Regional School Board will develop and support curricular and co-curricular programs that are affirming, inclusive and responsive to our diverse student population.

Procedure:

- 2.1 The board shall strive to ensure that all curricular, textbook, audio-visual and other learning resources are reflective of this policy.
- 2.2 The Board is committed to promoting critical literacy among the members of the school community. Staff shall encourage their students to question and counter assumptions and resources that are suggestive of cultural and racial bias and stereotyping.
- 2.3 The Board will encourage and support teachers to expand the curriculum with historic and accurate learning resources reflective of various world views that provide students with opportunities to demonstrate respect for themselves, other individuals, and groups while helping them develop skills that foster co-operation and teamwork, responsible citizenship, respect for human rights, social justice, and building healthy inclusive relationships. Such enhancement of the curriculum will provide staff and students opportunities in becoming culturally proficient.
- 2.4 The Board will encourage and support teachers to include curricular educational opportunities for students to develop positive attitudes with respect for diversity.

3.0 Assessment and Programming

The Tri-County Regional School Board advances and supports assessment and programming for students that affirms equity for all learners.

Procedure:

- 3.1 The Board shall ensure that all assessments and evaluation practices are developed with awareness of the needs of all students and in accordance with the guidelines articulated in The Student Evaluation Standards: How to Improve Evaluations of Students.
- 3.2 In order to ensure that the Assessment procedures are adapted to meet the particular needs of Aboriginal, racially visible and culturally/linguistically diverse learners, the Board shall ensure that all materials used in assessment, testing, evaluation, interviewing and counselling be consistent with the principles of the Tri-County Regional School Board RCH Policy and the Department of Education Racial Equity Policy.
- 3.3 The Board shall ensure a system of meaningful communication with students, parents/guardians and staff concerning assessment results and program planning.
- 3.4 The Board shall ensure that parents/guardians and students have access to program outcomes and to student learning.
- 3.5 The Board shall ensure that all parents/guardians are informed of their right to appeal and of the appeal process related to assessment and placement. (TCRSB Policy Assessment 702.3)

4.0 Instructional Practices

The Tri-County Regional School Board advances and supports instructional practices that affirm equity for all learners.

Procedure:

- 4.1 The Board in collaboration with the Department of Education shall develop and support classroom instructional practices that affirm the cultural backgrounds, experiences, perspectives, learning styles, and needs of all learners. These must be applied with respect and regard to dignity and without bias or discrimination.
- 4.2 The Board shall encourage teachers to collaborate with learners, parents and others, where appropriate, to develop instructional practices that help all learners to achieve their potential, and that are respectful of their identity and heritage.
- 4.3 The Board shall develop and implement professional development to enhance the teacher's ability to utilize the principles contained in this policy in their instruction and student evaluation practices of all learners. The Board shall provide professional development training on the use of the Department of Education's Bias Evaluation Instrument.

5.0 Respect and Affirmation of Learners' First Language

The Tri-County Regional School Board respects and values a learner's first language.

Procedure:

- 5.1 The Board shall develop and support English Language Programs and French as a Second Language Programs and services that value a learner's first language and enable the learner to build on prior linguistic knowledge to enhance the learner's proficiency in both languages.
- 5.2 The Board shall develop and support professional development training for teachers to implement instructional practices that address the needs of English Second Language Learners (ESL) while valuing the student's first language.

6.0 Counselling and Learner Development

The Tri-County Regional School Board supports counselling, guidance, and career and personal planning that address a learner's culture, heritage, identity, experiences, perspectives, background, learning needs and aspirations.

Procedure:

- 6.1 The Board promotes guidance and counselling programs that reflect support and advance equity for all learners.
- 6.2 The Board shall ensure that in-service training, professional activities, and acquisition of resources to support direction, delivery and evaluation of guidance and counselling programs which reflect and advance equity.
- 6.3 The Board supports guidance and counselling processes that enable parents, learners, and community groups to identify needs for counselling and guidance that are reflections of the community's diversity.
- 6.4 The Board recognizes that the role of the school counsellor is to develop, coordinate and implement a school guidance program that assists all students (directly and indirectly) with social and personal growth, as well as educational and career development. It is in the mandate of a school counsellor to act as an advocate for all students.
- 6.5 The Board encourages educators to be sensitive to diversity issues when consulting with parents regarding their child's current educational achievement, progress and future career plans/opportunities.

7.0 Learning Environment

The Tri-County Regional School Board is committed to providing a learning environment that advances equity for all learners.

Procedure:

- 7.1 The Board shall ensure that programs and services for all learners provide safe and supportive learning environments and respect for the rights of all learners.
- 7.2 The Board shall encourage schools to promote equity, respect, and diversity, through on going experiences, activities and events. This includes reception and orientation processes that contribute to student feelings of welcome and belonging in the school community.
- 7.3 The Board shall ensure that procedures described in section 10.0 Harassment / Discrimination / Bullying: Racial, Ethnic, Human Rights, Homophobic, Sexual and 11.0 Hate Crime and Propaganda are followed.
- 7.4 The Board will implement mandatory training at all levels to enhance the skill of school board members, office staff and school personnel to create environments that advance equity.
- 7.5 The Board encourages the formation of student support groups to promote positive safe and inclusive learning environments (as described in the Statement of Principles).

8.0 Community Relations

The Tri-County Regional School Board is committed to fostering harmonious race relations, cross cultural understanding and human rights initiatives and policies through constructive and open dialogue with its employees, parents/guardians, school organizations, community members, students and outside agencies.

Procedure:

- 8.1 The Board and its employees shall demonstrate non-discriminatory attitudes and practices in the treatment of students, parents/guardians and members of the community.
- 8.2 The Board shall engage in outreach and consultation processes with appropriate partners.
- 8.3 The Board shall facilitate the bringing forward for consideration strategies from members of all communities to permit better access to schools and school based services.
- 8.4 The Board shall encourage staff and board members to make ongoing use of community agencies as resources to expand their knowledge of diverse populations.
- 8.5 The Board shall encourage school administrators to communicate and share with members of the school community the methods they use to promote community involvement in school.

9.0 Professional Development

The Tri-County Regional School Board will encourage all of its staff to participate in Professional Development activities that will provide them with the understanding, sensitivity and skills necessary to enable students to respect, include and affirm all members of the diverse school community.

Procedure:

- 9.1 The Board shall make professional development in the area of Race Relations, Cross Cultural Understanding and Human Rights a high priority.
- 9.2 The Board shall encourage staff to pursue studies in the field of Race Relations, Cross Cultural Understanding and Human Rights.
- 9.3 The Board encourages staff to attend conferences, workshops and seminars relating to the area of Race Relations, Cross Cultural Understanding and Human Rights.
- 9.4 The Board shall support administrators in their efforts to update its staff in the curriculum issues pertaining to Race Relations, Cross Cultural Understanding and Human Rights.
- 9.5 The Board shall provide in-service programs for Administrators and RCH Advisors to address Harassment/Discrimination/Bullying: Racial, Ethnic, Human Rights, Homophobic, Sexual.
- 9.6 The Board shall provide appropriate materials to staff to inform and enhance the aims of the policy.

* References to Professional Development has been made in the following sections of this policy.

4.0	Instructional Practices
5.0	Respect and Affirmation of Learners' First Language
6.0	Counselling and Learner Development
7.0	Learning Environment
10.0	Harassment/Discrimination/Bullying: Racial, Ethnic, Human Rights, Homophobic, Sexual
Appendix "A"	Roles and Responsibilities

**10.0 Harassment/Discrimination/Bullying:
Racial, Ethnic, Human Rights, Homophobic, Sexual**

The Tri-County Regional School Board supports the rights of all employees, students and volunteers to function in an environment which respects the dignity and rights of all persons.

Preamble

The Tri-County Regional School Board has obligations under the Nova Scotia Human Rights Act, the Canadian Human Rights Act, the Canadian Charter of Rights and Freedoms, and the United Nations Declaration of Human Rights.

Possible criminal offences may involve but are not limited to physical/sexual assault, stalking, hate crime and propaganda (see section **11.0 Hate Crimes and Propaganda**), weapons possession, and threat against one's life & liberty.

If the complaint involves a possible criminal offence, and the complainant is less than sixteen (16) years of age, the matter **MUST** be referred to Family and Children Services.

TCRSB Policy 703.14 Child Abuse and Neglect must be followed in cases of suspected child abuse and neglect of students under 16 years of age.

If the complaint involves a possible criminal offence, and the student is sixteen (16) years of age or over, the RCMP **MUST** be notified immediately.

Procedures

10.1 The Tri-County Regional School Board shall provide:

- i. A policy that specifically outlines and defines the concept of racial, ethnic, human rights homophobic and sexual misconduct and the consequences for such behaviour.
- ii. Professional development opportunities for all employees of the Tri-County Regional School Board and school board members to enhance their understanding of the impact of Harassment/Discrimination/Bullying: Racial, Ethnic, Human Rights, Homophobic, Sexual incidents on student success in education.

10.2 The Tri-County Regional School Board shall assist schools in:

- i. Developing programs that create an environment which fosters an understanding of human differences and promotes social harmony.

- ii. Creating opportunities for capacity building in dealing with incidents of Harassment/Discrimination/Bullying: Racial, Ethnic, Human Rights, Homophobic, Sexual incidents
- iii. Turning Harassment/Discrimination/Bullying: Racial, Ethnic, Human Rights, Homophobic, Sexual incidents into learning opportunities for all involved through appropriate training for school administrators, guidance counsellors, school RCH Advisors and staffs.

10.3 The Principal or Designate Shall:

Principals are responsible for responding to the emotional and safety needs of the victim(s) at this time.

Principal's (or Designate) Responsibilities when incident involves students only:

- i. The principal will make it clear to all staff members, students, volunteers, and support persons that all Racial, Ethnic, Human Rights, Homophobic, Sexual incidents must be reported to the office as soon as they occur. Should an incident occur during an extra curricular or other school sponsored activity outside the regular school day, it must be reported by the individual responsible for the activity immediately or at the commencement of the next school day.
- ii. All incidents of bullying will be recorded and addressed according to Board Policy 700.1 Discipline. Where it is determined that the incidents of bullying are repeated, these guidelines are to be strictly followed.
- iii. The principal is responsible, when racial, ethnic, human rights, homophobic, sexual incidents occurs, to contain the situation by immediately sequestering the students involved and separating the victim(s) from the instigator(s).
- iv. The principal will reassure each victim that the school is investigating the incident, and will support each victim.
- v. The principal will separately interview each victim of the incident. The principal will record the statement of each victim and review the statement with the individual. (Appendix "B" Statement of Victim)
- vi. The principal will notify the parent(s)/guardian(s) of the victim(s) as soon as contact can be made, of the incident and that an investigation is underway. The principal will discuss with each victim and his/her parent(s)/guardians(s) the option of continuing with the remainder of the school day, going home or going to some secure area of the school.
- vii. The principal will inform each victim that he/she may access the services/support of the school counsellor, RCH Advisor, or any other school employee.
- viii. The principal will inform the victim's(s') teacher(s) of the incident and that the victim(s) may need to be accommodated academically and supported emotionally.

- ix. The principal will separately interview each alleged instigator. The principal will record the statement of each alleged instigator and review the statement with the individual. (Appendix “B” Statement of Alleged Instigator)
- x. The principal will notify the parent(s)/guardian(s) of the alleged instigator(s) as soon as contact can be made, of the incident and that an investigation is underway.
- xi. The principal will inform each alleged instigator that they may access the services/supports of the school counsellor, RCH Advisor, or any other school employee.
- xii. The principal will separately interview each witness. The principal will record the statement of each witness and review the statement with the individual. (Appendix “B” Statement of Witness)
- xiii. The principal will inform each witness that they may access the services/supports of the school counsellor, RCH Advisor, or any other school employee.
- xiv. The principal will report the incident first by phone or email to the RCH Coordinator within twenty-four (24) hours of the reported incident.
- xv. In situations where the instigator(s) has accepted responsibility for causing the incident, the principal will inform the parent or guardian their child has admitted their responsibility and inform the parents of the appropriate consequences as indicated in this policy. (Appendix “C” Examples of Harassment/Bullying/Discrimination and the Range of Possible Action/Consequences)
- xvi. In the case where a person refuses to accept responsibility for the situation, the principal will complete an investigation particularly centering on witnesses. If there is sufficient proof of responsibility, appropriate disciplinary and follow up measures will be instituted.
- xvii. In a situation where no witnesses can be found, and the alleged instigator(s) refuse(s) to accept responsibility, the incident shall be recorded as an “unconfirmed incident.” The complainant(s) will be provided with support and assured the situation will be closely monitored.
- xviii. The principal will inform each victim and parent(s)/guardian(s) that a consequence for the instigator has been given, according to board policy.
- xix. In the case where a suspension results as a consequence, upon returning to school the instigator with his/her parent(s)/guardian(s) will meet with the principal according to Board Policy 703.3 Suspension of Students.
- xx. The RCH Advisor and principal will develop an appropriate learning exercise designed to increase the instigator’s awareness of issues related to the incident and to develop a positive understanding of racial, cross-cultural and human rights issues. The RCH Advisor will provide guidance and support to the instigator throughout the completion of the exercise. Once the exercise has been completed, the instigator, RCH advisor and principal will meet for debriefing.

- xxi. Within three (3) school days of the incident, the original Incident Report (Appendix B) is to be sent to the RCH Coordinator in an envelope marked “Confidential.” The principal is to keep a copy of the Incident Report in the RCH Incident Report File kept in a secure location.
- xxii. False allegations are very damaging. Complaints which are found to be malicious will render the complainant liable to disciplinary action. The falsely accused individual will be provided with support and assured the situation will be closely monitored.

Principal’s (or Designate) Responsibilities when incident involves adults and students:

- i. Principal is to follow the policy guidelines as outlined above in regards to the students.
- ii. Simultaneously, in regards to the adult(s), the principal is to contact the Director of Human Resources and the Superintendent of Schools that an allegation has been made. The Director of Human Resources will serve as or appoint an investigator as per policy.

Principal’s (or Designate) Responsibilities when incident involves adults only:

- i. Refer to Policy 800.01 - Dignity in the Workplace

10.4 The RCH Advisor Shall:

RCH Advisor’s Responsibilities when incident involves students:

- i. The RCH Advisor and principal will develop an appropriate learning exercise designed to increase the student’s awareness of issues related to the incident and to develop a positive understanding of racial, cross-cultural and human rights issues. The RCH Advisor will provide guidance and support to the instigator throughout the completion of the exercise. Once the exercise has been completed, the instigator, RCH advisor and principal will meet for debriefing.

10.5 The School Guidance Counsellor Shall:

School Guidance Counsellor’s Responsibilities when incident involves students:

- i. Make available individual and small group counselling.

10.6 The School Staff Shall:

Teachers and Other School Employees Responsibilities when incident involves students:

- i. Intervene immediately and report any Harassment/Discrimination/Bullying: Racial, Ethnic, Human Rights, Homophobic, Sexual incidents to the school principal.
- ii. Support victims of such incidents.

11.0 Hate Crime and Propaganda

The Tri-County Regional School Board has obligations under the *Criminal Code of Canada* (Sections 318, and 319), which labels criminal any direction of hate propaganda toward an identifiable group. *In this section, "identifiable group" means any section of the public distinguished by colour, race, religion, ethnic origin, or sexual orientation. [Criminal Code of Canada].* Section 318 (4). Tri-County Regional School Board is also committed to ensuring that hate propaganda directed at individuals not covered by the *Criminal Code of Canada* is not acceptable.

Criminal Code:

1. In the case where hate propaganda is found, or where employees witness the distribution of hate propaganda which falls under the definitions of the *Criminal Code*, a report will be made immediately to the school principal, who **will contact the RCMP**.
2. If the material is removable, it should be collected and held for the RCMP, having as few people as possible handle it. If it is not removable, the area should be secured and the material left for the RCMP.
3. After consultation with the RCMP, hate propaganda or other evidence found shall be documented / photographed, and secured. The documentation shall be for school records, and may be used in a criminal investigation.
4. In the case where RCMP are involved, employees who witness the distribution of hate propaganda, or who find it on the school site, must fully cooperate with investigating officers.
5. All incidents shall be recorded by the principal and a copy of the report placed in the RCH Incident Report File kept in a secure location. A copy of the report must be forwarded within forty-eight (48) hours to the Superintendent of Schools and the original sent to the Coordinator of Race Relations, Cross Cultural Understanding and Human Rights. (Appendix "D" Hate Crime/Hate Propaganda Form)
6. The report shall include a description of the type of hate propaganda including the method of communication [*"communicating" includes communicating by telephone, broadcasting or other audible or visible means; (Criminal Code of Canada, Section 319)*] and actions taken.
7. Schools shall treat hate crime as a serious and severely disruptive behaviour. Refer to Appendix "C" Examples of Harassment/Discrimination/Bullying and Range of Possible Action/Consequences.

Non-Criminal Code: (i.e. for gender, mental or physical challenge)

1. In the case where hate propaganda is found, or where employees witness the distribution of hate propaganda for identifiable groups that do not fall under the definitions of the Criminal Code (persons of a specific gender; persons with a mental or physical challenge), a report shall be made immediately to the school principal, who shall investigate.
2. All incidents shall be recorded by the principal and a copy of the report placed in the RCH Incident report file kept in a secure location. A copy of the report must be forwarded within forty-eight (48) hours to the Superintendent of Schools and the original sent to the Coordinator of Race Relations, Cross Cultural Understanding and Human Rights. (Appendix "D" Hate Crime/Hate Propaganda Form)
3. The report shall include a description of the type of hate propaganda including the method of communication [*"communicating" includes communicating by telephone, broadcasting or other audible or visible means; (Criminal Code of Canada, Section 319)*] and actions taken.
4. Schools shall treat hate propaganda as a serious and severely disruptive behaviour. Refer to Appendix "C" Examples of Harassment/Discrimination/Bullying and Range of Possible Action/Consequences.

Appendices

Appendix “A”

Roles and Responsibilities

1. Superintendent or Director

- investigate, in accordance to due process, cases involving board staff, and take appropriate disciplinary action.

2. RCH Coordinator

- With respect to Harassment/Discrimination/Bullying: Racial, Ethnic, Human Rights, Homophobic, Sexual Incidents, upon contact from the principal, the Director of Programs and Student Services or the Superintendent, the RCH Coordinator shall support the principal, staff and the students of the school in the following ways:
 - Assist principals in arranging follow-up counselling for victims and instigators of Harassment/Discrimination/Bullying: Racial, Ethnic, Human Rights, Homophobic, Sexual Incidents.
 - Assist principals in providing appropriate learning experience for instigators of Harassment/Discrimination/Bullying: Racial, Ethnic, Human Rights, Homophobic, Sexual Incidents.
 - Ensure that every reported incident is documented and maintained on file.
- Consultation with students will take place with prior parental knowledge and consent.

3. Principal

- Inform all students and staff at the opening of school and at such times during the year as necessary of the Board’s Race Relations, Cross Cultural Understanding and Human Rights policy.
- Inform parents/guardians at the opening of school of the Race Relations, Cross Cultural Understanding and Human Rights policy on the board’s website.
- Ensure that there is at least one RCH Advisor appointed from the teaching staff.
- Facilitate the staff in developing practices that reflect the principles of the TCRSB Race Relations, Cross Cultural Understanding and Human Rights policy and the Racial Equity Policy.

- Investigate all incidents of Harassment/Discrimination/Bullying: Racial, Ethnic, Human Rights, Homophobic, Sexual incident following Appendix “B” Guidelines for Investigating.
- Participate in training sessions organized by the RCH Coordinator that provide instruction in awareness and skills related to RCH issues, principles and policies.
- Take a pro-active role in eliminating all forms of harassment, bullying and discrimination by developing guidelines with staff to assist students and staff in identifying, responding to and preventing Harassment/Discrimination/Bullying: Racial, Ethnic, Human Rights, Homophobic, Sexual incidents.

4. RCH Advisor

- Be familiar with the RCH Policy and the provincial Racial Equity Policy
- Participate in training sessions organized by the RCH Coordinator that provide instruction in awareness and skills related to RCH issues, principles and policies.
- Assist the school in developing practices that reflect the TCRSB policy and the provincial Racial Equity Policy.
- Assist principals in arranging follow-up counselling for victims and instigators of Harassment/Discrimination/Bullying: Racial, Ethnic, Human Rights, Homophobic, Sexual Incidents.
- Assist principals in developing and delivering an appropriate learning experience for the instigator(s) of a Harassment/Discrimination/Bullying: Racial, Ethnic, Human Rights, Homophobic, Sexual Incident.

5. Guidance Counsellor

- Develop, coordinate and implement a school guidance program that assists all students (Directly and indirectly) with social and personal growth, as well as educational and career development.
- Act as an advocate for all students.
- Make available individual and group counselling when a Harassment/Discrimination/Bullying: Racial, Ethnic, Human Rights, Homophobic, Sexual Incident occurs.
- Assist administration and the RCH advisor in developing an educational learning experience for the instigator(s) involved in an Harassment/Discrimination/ Bullying: Racial, Ethnic, Human Rights, Homophobic, Sexual Incident

6. Teachers and Other School Employees

- Play a proactive role in demonstrating and promoting positive race relations, cross-cultural understanding, human rights, and equity education.
- Actively utilize curriculum in all of its forms to model positive race relations, cross-cultural understanding, human rights, and equity education.
- Ensure that all pedagogical practices promote positive race relations, cross-cultural, human rights, and equity understanding.
- Intervene immediately and report any incident of Harassment/Discrimination/Bullying: Racial, Ethnic, Human Rights, Homophobic, Sexual to the principal.
- Support the victims of such incidents.

APPENDIX “B”

**TRI-COUNTY REGIONAL SCHOOL BOARD
HARASSMENT/DISCRIMINATION/BULLYING:
RACIAL, ETHNIC, HUMAN RIGHTS, HOMOPHOBIC, SEXUAL
INCIDENT REPORT FORM
(TO BE COMPLETED BY PRINCIPAL OR DESIGNATE)
CONFIDENTIAL**

School _____
Name of Victim _____
 Student _____ Staff _____
 Address _____
 Phone _____
 Date/Time/Place of the incident _____
 Contact with parent/guardian Yes No

Statement of Victim

Name of Alleged Instigator _____
 Student _____ Staff _____
 Address _____
 Phone _____

Description of incident (Including Students/Staff or other individuals involved.)

1. What happened? How often has this happened? _____
2. Where did this behaviour happen? Any other place? _____
3. Who was involved in the behaviour? How long have you known the person(s)? How do you know the person(s)? _____
4. Did anyone else see this happen? _____
5. What did you do in return, if anything? _____
6. How did the instigator respond to your reaction? _____
7. Have you told anyone else about this situation? If so, what did he or she say or do? _____
8. How did you feel when this behaviour occurred? _____
9. How has this affected you? _____
10. When you decided to tell, what did you hope would happen if anything? _____
11. Is there anything you wish to add? _____

This statement has been reviewed with the victim Yes No
 Signature of reporting/recording individual(s) _____ Date: _____

School _____
Name of Alleged Instigator _____
 Student _____ Staff _____
 Address _____
 Phone _____
 Date/Time/Place of the incident _____
 Contact with parent/guardian Yes No

Statement of Alleged Instigator

Name of Victim _____
 Student _____ Staff _____
 Address _____
 Phone _____

Description of incident

1. What happened? Has this happened before?

2. Where did this behaviour happen? Any other place?

3. Who was involved in the behaviour? How long have you known the person(s)? How do you know the person(s)?

4. Did anyone else see this happen?

5. Did you do anything in return?

6. Is there anything you wish to add?

This statement has been reviewed with the alleged instigator Yes No

Signature of reporting/recording individual(s) _____ Date: _____

School _____
Name of Victim _____
Name of Alleged Instigator _____
Student _____ Staff _____
Address _____
Phone _____
Date/Time/Place of the incident _____
Contact with parent/guardian Yes No

Statement of Witness

Name of Witness _____
Student _____ Staff _____
Address _____
Phone _____

Description of incident

1. What happened? Have you witnessed this before?

2. Where did this behaviour happen? Any other place?

3. Who was involved in the behaviour? How long have you known the person(s)? How do you know the person(s)?

4. Did anyone else see this happen?

5. Did you do anything in response?

6. Is there anything you wish to add?

This statement has been reviewed with the witness Yes No

Signature of reporting/recording individual(s) _____ Date: _____

Immediate Action Taken

.....
.....
.....
Description of Expected Follow-up (For example: learning experience, counselling, suspension, retribution, etc.)

.....
Date of contact with student complainant's parent(s)/guardian(s) and a brief summary of conversation.

.....
Date of contact with alleged student instigator parent(s)/guardian(s) and a brief summary of conversation

Principal Signature

Date:

RCH Advisor Signature

Date:

DO NOT FAX

Please report the incident first by phone or email to the RCH Coordinator within 24 hours. Then forward the original document to the RCH Coordinator within three (3) days of the incident in an envelope marked "**Confidential.**"

Principal keeps a copy of the report in the RCH Incident Report File.

Copies:

Principal (Copy)

RCH Coordinator (Original)

Appendix “C”

Examples of Harassment/Discrimination/Bullying and Range of Possible Action/Consequences

Category	Description of Severely Disruptive Behaviour	Pro-active Strategies to Achieve Desired Behaviour	Range of Possible Actions/Consequences
Bullying	Intentional, hurtful, behaviours (physical, verbal, psychological) repeatedly used by one or more individuals who exercise power to intimidate, threaten harm, and/or victimize another person/victim who is perceived as relatively weaker; bullying behaviours can be direct and open, or indirect and subtle; use of email or Internet to harass and/or intimidate other.	<ul style="list-style-type: none"> • Participate in developing school-wide comprehensive approach to establish anti-bullying strategies within the context of the school code of conduct. • Review school-generated data on incidents. • Involve students, parents, and other teachers in providing educational programs and opportunities for promoting awareness about various forms of bullying. • Develop consensus among stakeholders about bullying and other unacceptable behaviours. • Provide opportunities for ongoing instruction and discussion about bullying and everyone’s role and responsibility to report and intervene in ways to reduce bullying behaviours. 	<ul style="list-style-type: none"> • Ensuring that victim(s) receive(s) support and school takes measures to ensure safety for victim(s) • Identifying specific behaviour(s) that constitute bullying and are in violation of school code of conduct • Conference with student and parent/guardian • Suspension in accordance with the Education Act • Reporting of incidents of criminal behaviour to police, as appropriate (consider developmental level of student)

Category	Description of Severely Disruptive Behaviour	Pro-active Strategies to Achieve Desired Behaviour	Range of Possible Actions/Consequences
Racial Misconduct	Racial misconduct includes using racial slurs, engaging in racial/ethnic name-calling, or inciting others to use racist language or engage in racist behaviours.	<ul style="list-style-type: none"> • Review school board's RCH Policy and recommended practices. • Provide frequent opportunities for instruction and discussion regarding respect and diversity. • Involve Board Race Relations Coordinator in developing preventative and proactive strategies. 	<ul style="list-style-type: none"> • Conference with student and parent/guardian • Participation in awareness and sensitivity training, appropriate to student's age • Involvement of RCH Advisor and/or RCH Coordinator • Suspension in accordance with the Education Act • Involvement of police as warranted, depending on age of student
Discriminatory Misconduct	Discriminatory misconduct includes any unlawful discrimination based on race/ethnic origin, religion, creed, gender, sexual orientation, physical/mental disability family status, source of income, or political belief		

Category	Description of Severely Disruptive Behaviour	Pro-active Strategies to Achieve Desired Behaviour	Range of Possible Actions/Consequences
Sexual harassment	Sexual harassment is any objectionable, coercive, or irritating comment, communication, action, or attention of a sexual nature that is directed to a person or persons by someone who knows, or ought reasonably to know, that such actions are unwelcome; action or communication with a sexual connotation or component that creates an intimidating, demeaning, or offensive work or school environment, even if it is directed to no person in particular;	<ul style="list-style-type: none"> • Review school board Protection of Students Policy regarding sexual harassment. • Provide instruction and opportunities for discussion regarding examples of sexual harassment and/or assault. • Invite guest speakers to present information about human rights and other legislation regarding sexual harassment and assault. • Involve student council and school advisory council in addressing the issue. 	<ul style="list-style-type: none"> • Conference with student and parent/guardian • Participation in awareness and sensitivity training regarding sexual harassment • Suspension in accordance with the Education Act • Reporting of sexual assault incidents to child welfare authorities and police in accordance with the Children and Family Services Act
Sexual Assault	Sexual assault is any sexual touching or contact without the consent and as defined by the Criminal Code of Canada		

Category	Description of Severely Disruptive Behaviour	Pro-active Strategies to Achieve Desired Behaviour	Range of Possible Actions/Consequences
Sexual Misconduct, sexual abuse, or physical abuse	Sexual misconduct includes any behaviour of a sexual nature or connotation that is deemed inappropriate and unacceptable at school or during any school-related activity; sexual abuse or physical abuse refer to forms of child abuse as defined by the Nova Scotia Children and Family Services Act	<ul style="list-style-type: none"> • Review Protection of Students Policy • Be informed about school protocols for reporting suspected sexual or physical abuse to child welfare authorities and/or police in accordance with the Children and Family Services Act. • Promote awareness of student rights and responsibilities, regarding self and others, through the school code of conduct. 	<ul style="list-style-type: none"> • Reporting of any information regarding possible child abuse, sexual or physical, to the child welfare authorities in accordance with the Children and Family Service Act • Report to police, as appropriate • Conference with student and parent/guardian • Suspension in accordance with the Education Act
Verbal Abuse	Using, or inciting others to use, language that is demeaning, threatening, or intimidating to another person	<ul style="list-style-type: none"> • Establish clear guidelines and expectations in the school code of conduct regarding use of language, threats, verbal abuse. • Provide instruction and opportunities for discussion regarding forms of verbal abuse. • Involve guidance counsellor in teaching strategies regarding socially appropriate responses. 	<ul style="list-style-type: none"> • Letter of apology • Instruction regarding behavioural expectations • Counselling/anger management • Suspension in accordance with the Education Act

Appendix "D"

Tri-County Regional School Board Hate Crime/Propaganda Incident Report Form

Report

Name of Person Completing Report: _____

Name of Person(s) Reporting: _____

School: _____

Date of incident: _____

Hate Crime/Propaganda

(a) A description of the type of hate crime/propaganda _____

(b) Actions taken _____

(c) Name(s) of witness(s) _____

Statement:

What: _____

Where: _____

When: _____

Who: _____

(d) Name of person(s) to whom complaint was first reported: _____

(e) Evidence Collected: _____

Signature of Principal/Supervisor: _____ Date: _____

Copies to:

Superintendent of Schools (copy)

Coordinator of RCH (original)

Principal (copy to be placed in the RCH Incident Report File)

Appendix “E”

Criminal Code of Canada: Hate Provisions - Summary

"Hate" is defined as a crime under two parts of Canada's Criminal Code: sections 318 and 319. To convict anyone under the Code, very specific proof is required: both of the criminal act itself, and of the intention or motivation to commit the crime. It isn't enough that someone has said something hateful or untrue; the courts will only find someone guilty if they contravened the Code exactly, and if they did it deliberately.

In most cases, hate propaganda communicated through the Internet is an offence under the Criminal Code. Amendments to the Code, made under the Anti-Terrorism Act in December 2001, further clarify measures and offences regarding Internet hate crimes.

Section 318: Advocating Genocide

The criminal act of "advocating genocide" is defined as supporting or arguing for the killing of members of an "identifiable group" — persons distinguished by their colour, race, religion or ethnic origin. The intention or motivation would be the destruction of members of the targeted group. Any person who promotes genocide is guilty of an indictable offence, and liable to imprisonment for a term not exceeding five years.

Defining Genocide

Section 318 defines genocide as any acts committed with intent to destroy an identifiable group —such as killing members of the group, or deliberately inflicting conditions of life calculated to bring about the group's physical destruction.

Section 319(1): Public Incitement of Hatred

The crime of "publicly inciting hatred" has four main elements. To contravene the Code, a person must:

- communicate statements,
- in a public place,
- incite hatred against an identifiable group,
- in such a way that there will likely be a breach of the peace.

Under section 319, "communicating" includes communicating by telephone, broadcasting or other audible or visible means; a "public place" is one to which the public has access by right or invitation, express or implied; and "statements" means words (spoken, written or recorded), gestures, and signs or other visible representations.

All the above elements must be proven for a court to find an accused guilty of either:

- an indictable offence, for which the punishment is imprisonment for a term not exceeding two years; or
- an offence punishable on summary conviction.

Section 319(2) defines the additional offence of communicating statements, other than in private conversation, that wilfully promote hatred against an identifiable group.

Section 319(3) identifies acceptable defences. Indicates that no person shall be convicted of an offence if the statements in question:

- are established to be true
- were relevant to any subject of public interest, the discussion of which was for the public benefit, and if on reasonable grounds it was believed to be true
- were expressed in good faith, it was attempted to establish by argument and opinion on a religious subject
- were expressed in good faith, it was intended to point out, for the purpose of removal, matters tending to produce feelings of hatred toward an identifiable group in Canada

Warrants of Seizure

Section 320 of the Criminal Code provides for the seizure and forfeiture of physical hate propaganda material kept on any premises for distribution or sale.

Section 320.1 added under the Anti-Terrorism bill in 2001, allows the courts to order publicly available hate propaganda to be deleted from computer systems, such as a Web site. The individuals responsible for posting the offensive material are given the opportunity to convince the court that it does not constitute hate propaganda. This provision applies to any hate propaganda located on a Canadian computer system, regardless where the owner of the material is located.

Additional Hate Provisions

The courts may define the motivations of hate, bias or prejudice as aggravating factors when sentencing an offender for other offences, such as assault, damage to property, threatening, or harassment. The result is usually a more severe punishment (section 718.2(a)(i)).

Full Text: [Criminal Code](#)

Appendix “F”

Canadian Human Rights Act 2002

Prohibited grounds of discrimination

3. (1) For all purposes of this Act, the prohibited grounds of discrimination are race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability and conviction for which a pardon has been granted.

Nova Scotia Human Rights Act 1991

Prohibition of Discrimination

No person shall discriminate against an individual or class of individuals on account of

- (h) age;
- (i) race;
- (j) colour;
- (k) religion;
- (l) creed;
- (m) sex;
- (n) sexual orientation;
- (o) physical disability or mental disability;
- (p) an irrational fear of contracting an illness or disease;
- (q) ethnic, national or aboriginal origin;
- (r) family status;
- (s) marital status;
- (t) source of income;
- (u) political belief, affiliation or activity;
- (v) that individuals association with another individual or class of individuals having characteristics referred to in clauses (h) to (u).