



Department: Superintendent of Schools
Section: RCH

The Race Relations, Cross Cultural Understanding and Human Rights (RCH) Policy and Administrative Procedures are directives that traverse all levels, departments, and sites in the AVRSB.

The Superintendent of Schools and Directors of the Board's departments shall ensure equitable practices are followed in the operation of their respective departments, within the Regional Office and within each of the schools.

The Director of Human Resources shall ensure equitable hiring and supervisory practices are established.

The Superintendent of Schools shall ensure school and regional administrators provide opportunity for input from employees, students, school and community organizations regarding the elimination of discrimination in the regional and the areas served by each school.

Specifically

1.0 Understanding of and Respect for Ethnicity and Cultures

The Board will provide opportunities for students to develop an understanding and respect for diversity and an appreciation of their own background as well as the background of others.

- 1.1 Schools are encouraged to sponsor positive and proactive programs, activities and/or events to increase understanding and respect for ethnicity and cultures in the classroom and throughout the school community.
- 1.2 A fair, objective process must be followed for addressing RCH concerns or objections which may be raised by staff, students, parents/guardians or members of the community.
- 1.3 Emphasis shall be given to the creation of educational programs and services, and teaching and learning environments reflective of the diverse Canadian society, in presenting a broader spectrum of human representation.
- 1.4 Honoring Diversity

Special programming celebrations should include the illustration of a range of different cultural practices, beliefs and festivities, instead of being centered around any particular religion/faith.
- 1.5 Reaffirming Cultural Identity

The school should reflect Canada's cultural diversity. In addition, each child and staff member, so far as possible, should find in the classroom/ school practices and materials, representations of their culture or heritage. For example, First Nations or African Canadians should find themselves and their cultural heritage

appropriately represented in pictures displayed in the classroom, hallways, books and other materials available as resources.

Recognizing education is an ongoing process and the need to be informed and aware of cultural and religious practices, one must be cautious of unintentionally trivializing symbols of beliefs that are intrinsic to religion and culture. It is incumbent upon school staff to develop an understanding of the symbols of which they may speak or demonstrate.

1.6 Religion in the School Environment

It is important to note that Freedom of Religion in *the Canadian Charter of Rights and Freedoms* has been interpreted to also include freedom *from* religion.

Students may express their own religious beliefs in the form of reports, homework and artwork, and such expressions are constitutionally protected. Teachers may not reject or correct the content of such submissions simply because they include a religious symbol or address religious themes. However, these must adhere to the limitations of promoting hate, etc., against groups as outlined in the Human Rights Act.

Staff and volunteers must be cognizant of the fine line between students exercising their right to express themselves on religious subjects and the rights of other student listeners to be free of unwelcome religious persuasion in the school environment.

Teachers must be mindful of the power of authority entrenched in their roles. While teachers may teach *about* religion in an appropriate context, they may not insert their own beliefs and practices into the regular curriculum.

Staff and volunteers, when acting in the capacity of the Board, are not to encourage or solicit student religious or anti-religious activity.

In the school context, there will be no distribution of religious or other ideological literature or materials as a means of indoctrination, promotion or recruitment. This does not preclude the use of literature and resources in an educational context to achieve curriculum outcomes.

Students and staff may wear their religious/cultural attire, such as yarmulkes, head scarves and crucifixes, provided it is in keeping with *the Human Rights Act*, and does not compromise safety.

2.0 Equitable Instruction and Learning Resources

2.1 The Board will implement learning resources, programs and teaching methods which promote positive attitudes, self-esteem, respect and an appreciation of all people.

2.2 As per Section 138 (b) of *the Nova Scotia Education Act*. School Boards shall include in learning materials information respecting the history, language, heritage, culture, traditions and the contribution to society of the Mi'kmaq

- 2.3 As per Section 140 (b) of *the Nova Scotia Education Act*. School Boards shall include in learning materials information respecting the history, heritage, culture, traditions and the contribution to society of African people
- 2.4 Instructional practices and learning resources move toward the eradication of bias and stereotyping from all curricula, textbooks, audiovisual and other resource materials. The bias and stereotyping might be based on, but not limited to, race, nationality, gender, sexual orientation, age, religion, political or ethnic affiliation, and association with identified groups, marital or family status, socio-economic status, physical or mental disabilities.

3.0 Assessment for Student Placement

- 3.1 Assessment and programming practices will be administered without bias, stereotyping, prejudice or discrimination as per the *Nova Scotia Racial Equity Policy*.
- 3.2 Student programming recommendations shall be based on educational assessment in accordance with provincial and regional student services policies and procedures. Students from identified groups (in particular from Mi'kmaq peoples, African Canadians, racially visible peoples, women, and persons with disabilities) may require particular consideration with respect to:
- assessment procedures
 - placement/course selection
 - testing/evaluation
 - interviewing
 - counselling
 - integration procedures
 - career options
 - materials
 - monitoring
 - parental/guardian contact

4.0 Harassment and Discrimination

The Board has obligations under *the Nova Scotia Human Rights Act*, *the Canadian Charter of Rights and Freedoms* and *the United Nations Declaration of Human Rights*.

The Board is committed to an environment that values diversity and where all persons are treated with respect and dignity. It is the right of all students and staff to learn and work in an environment free from harassment, sexual harassment and discrimination.

The Board will not tolerate any harassment or discrimination which may be based on, but not limited to, race, nationality, gender, sexual orientation, age, religion, political or ethnic affiliation, association with identified groups, marital or family status, socio-economic status, physical or mental disabilities.

The Board shall:

- 4.1 Ensure there is a provision of appropriate counselling services to all respondents of harassment.
- 4.2 Ensure there are appropriate professional development opportunities to help eliminate all forms of harassment.
- 4.3 Ensure all complaints of harassment have an immediate and significant response without fear of reprisal.

- 4.4 Ensure a balance of proactive or preventative measures and reactive measures.
- 4.5 Failure to report previous behaviour neither negates the validity of any complaint, nor implies that the offensive behaviour was accepted or condoned.
- 4.6 Complaints of harassment and reports on these complaints will be kept in strict confidence, except as required to investigate and respond to the complaints.
- 4.7 All parties are to be informed of the resolution.
- 4.8 Ensure all incidents of harassment and discrimination are reported to the Coordinator of RCH as per the appropriate RCH incident reporting form.
- 4.9 The following are the procedures for recording and reporting of RCH incidents involving students:
 - 4.9.1 Use the electronic RCH Incidents Involving Students - Reporting Form (Appendix D), to record all RCH-related incidents involving students (such as racial name-calling, sexual orientation slurs, gender harassment, etc.), including those between students and staff.
 - 4.9.2 This electronic form is to be filled out and the investigation is to be conducted by the Principal or designate.
 - 4.9.3 All students and staff involved in the incident are to complete the RCH Incident - Individual Supplementary Report. This form must be included with the RCH Incidents Involving Students - Reporting Form.
 - 4.9.4 The RCH Incident - Individual Supplementary Report Form is to be submitted with the RCH Incidents Involving Students – Reporting Form. This form is the account of the individual only, and should not be influenced by a parent/guardian, staff, or any other party. This does not preclude another party assisting by taking a dictation of the account by the very young student or student with limited writing skills.
 - 4.9.5 Attach any additional pertinent documents (school report forms, extended account of the event, etc.).
 - 4.9.6 It is the duty of the Principal or designate to notify the parent(s)/ guardian(s) of the complainant and respondent(s) once the incident has been reported.
 - 4.9.7 The RCH School Advisor (see Appendix B) is to be apprised of the details of the incident (not a requirement for incidents involving staff).
 - 4.9.8 Parents/Guardians of the complainant are to be informed of disciplinary, educational and proactive measures taken.
 - 4.9.9 The respondent is to be counselled (guidance counsellor, principal, vice principal, RCH School Advisor, etc.) or, if necessary, referred for external counselling.
 - 4.9.10 The complainant is to be provided opportunity for counselling (guidance counsellor, Student Support Worker, RCH School Advisor, external agency, etc.).
 - 4.9.11 All responses include a relevant educational measure.
 - 4.9.12 Except for repeat or severe offences, disciplinary action for students in grades primary to 3 should exclude suspension.

- 4.9.13 Responses to RCH Incidents have three components: disciplinary (a consequence); educational; and proactive. While factors such as age and severity of the offence should influence the selection of a consequence, they do not eliminate the necessity of consequences. In addition, an educational component does not replace the need for a consequence.
 - 4.9.14 All completed forms are confidential and submitted electronically.
 - 4.9.15 Forms are to be submitted to the Coordinator of RCH within five (5) school days from the date of the incident or from the date in which the incident was first reported.
 - 4.9.16 The Board must comply with the obligations under the *Nova Scotia Freedom of Information & Protection of Privacy Act* (FOIPOP).
- 4.10 RCH Incidents Involving Employees/Volunteers - Reporting Form (Appendix E) must be used as follows when recording and reporting RCH incidents involving employees/volunteers:
- 4.10.1 Use the RCH Incidents Involving Employees/Volunteers – Reporting Form (Appendix E) to record all RCH-related incidents involving employees/volunteers. The purpose of this reporting form is to allow the Board to document and track the frequency of, the nature of, and the resolution of RCH incidents involving employees/volunteers within the Board. The names of the individuals involved are not provided on the report.
 - 4.10.2 All Board employees or volunteers observing or experiencing any form of RCH incident by students, employees, or school community members while on school board property or at school/board sanctioned events is required to report the incident immediately. Employees must report the incident to their immediate supervisor or designate. Students, volunteers, and community members must report the incident to the school principal or the principal of the event.
 - 4.10.3 The RCH Incidents Involving Employees/Volunteers – Reporting Form (Appendix E) is completed. If the incident is resolved to the satisfaction of the parties, then no further action may be required. The supervisor will fully document the nature of the incident and the outcome. The completed form is submitted to the Coordinator of RCH. The Coordinator of RCH provides a copy of the form to the appropriate Human Resources Coordinator
 - 4.10.4 If the incident is determined to require intervention by the Human Resources Department, then the appropriate Coordinator of Human Resources will contact the supervisor to acquire additional information.
 - 4.10.5 If the incident is not resolved, then the matter shall be referred to the Director of Human Resources and the Coordinator of RCH for further action. The Director of Human Resources and the Coordinator of RCH may refer the incident to the Superintendent of Schools.
 - 4.10.6 The resolution of RCH incidents may include appropriate support and counselling to both the complainant and the respondent, as well as an opportunity to debrief.

4.10.7 If the employee or supervisor believes that the incident is harassment, then the incident should be dealt with in compliance with the Board's Respectful Workplace (BP 305.27) policy and procedure.

4.11 Sexual Harassment

Sexual harassment is an illegal practice under the *Nova Scotia Human Rights Act*. It is a form of discrimination directed at any person. It is an expression of power, authority, intimidation and/or control and is usually coercive in nature. Sexual harassment includes gender-based and sexual orientation-based forms of harassment.

Sexual harassment includes comments, gestures or physical conduct of a sexual nature where an individual knows, or ought reasonably to have known, that it is unwelcome and personally offensive. Failure to report previous behaviour neither negates the validity of any complaint, nor implies that the offensive behaviour was accepted or condoned.

Sexual Harassment includes, but is not limited to:

- 4.11.1 Inappropriate or derogatory comments or expressions, "humour" or behaviour based upon gender and/or sexual orientation.
- 4.11.2 Inappropriate, lewd or sexually offensive written, graphic or behavioural displays.
- 4.11.3 Inappropriate, lewd or sexually offensive slogans or graphics displayed on clothing.
- 4.11.4 Inappropriate physical touching or leering that could be construed to be a sexual advance.
- 4.11.5 Inappropriate personal, telephone or electronic communications regarding an individual's sexual behaviour or communicating sexual advances.
- 4.11.6 Unsolicited and/or unwanted requests to engage in sexual activity.
- 4.11.7 Gender-based insults, sexist or homophobic remarks.
- 4.11.8 A reprisal or threat of reprisal against an individual for rejecting a sexual solicitation or advance.

4.12 Racial Harassment/Discrimination

Racial harassment/discrimination is illegal under the *Nova Scotia Human Rights Act*. It is an expression of power, which may be direct or indirect in nature.

Racial harassment/discrimination includes, but is not limited to:

- 4.12.1 Inappropriate or derogatory comments or expressions (including racial slurs or name-calling), "humour" (jokes, etc.), gestures, or behaviour based upon race, ethnicity, religion, or culture.
- 4.12.2 Inappropriate, abusive, or offensive written or pictorial material, including graffiti.

- 4.12.3 Inappropriate, or offensive slogans or graphics displayed on clothing.
- 4.12.4 Inappropriate electronic communications of a racial nature.
- 4.12.5 Actions and/or assumptions based on stereotypes that result in alienation, social isolation, or discriminatory practices.

4.13 Sexual Orientation Harassment

As noted in above, sexual harassment includes gender-based and sexual orientation-based forms of harassment. Sexual Orientation Harassment may involve heterosexism or homophobia. It is also important to note that this may be based upon gender or sexual orientation, as well as *perceived* gender or sexual orientation.

Sexual Orientation Harassment includes, but is not limited to:

- 4.13.1 Inappropriate or derogatory comments or expressions, “humour” or behaviour based upon gender and/or sexual orientation.
- 4.13.2 Inappropriate, derogatory or offensive written, graphic or behavioural displays.
- 4.13.3 Inappropriate, derogatory or offensive slogans or graphics displayed on clothing.
- 4.13.4 Gender-based insults or homophobic remarks or gestures.
- 4.13.5 Inappropriate personal, telephone or electronic communications regarding an individual’s sexual behaviour, gender, or sexual orientation.

4.14 Hate Propaganda and Hate Crimes

The *Criminal Code of Canada* (Sections 318 and 319) 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. Hate propaganda directed at individuals not covered by the *Criminal Code of Canada*, such as those distinguished by gender, mental or physical challenge, will not be tolerated.

Hate Propaganda and Hate Crimes include but are not limited to:

- 4.14.1 Use, display, or promotion of historically recognized symbols or gestures.
- 4.14.2 Distribution or promotion of supremacist materials or ideology.
- 4.14.3 Inappropriate, derogatory or offensive slogans or graphics displayed on clothing.
- 4.14.4 Personal, telephone or electronic communications as a means of engaging in any of the above.
- 4.14.5 The willful promotion of hatred against any identifiable group.
- 4.14.6 Anyone who advocates or promotes genocide.

5.0 Employment Equity

- 5.1 The Board intends that the contractual arrangements and/or terms and conditions of employment for all employees will be the legal basis for employment.
- 5.2 The Board recognizes the necessity of having informed and committed leadership with regard to RCH and will ensure that candidates for employment demonstrate a commitment to RCH.
- 5.3 The principles of the *Canadian Charter of Rights and Freedoms* and the *Nova Scotia Human Rights Act*, and the Board policy on Race Relations, Cross Cultural Understanding and Human Rights will be important considerations for employment.
- 5.4 The Board is committed to equitable distribution, wages, and benefits for Aboriginal peoples, people of African descent, racially visible minorities, women, and persons with disabilities throughout the school board region.
- 5.5 The Board agrees that there shall be no discrimination with respect to employees which is prohibited by the *Nova Scotia Human Rights Act*, the *Nova Scotia Trade Union Act* or the *Nova Scotia Act Respecting Collective Bargaining for Teachers*.
- 5.6 Where an accommodation of the terms and conditions of employment are required because of the special needs of an employee pursuant to the *Nova Scotia Human Rights Act*, the employer and representatives of the bargaining units shall consult to seek an appropriate accommodation. Such an accommodation may be implemented notwithstanding any other provisions of the Board's Collective Agreements and Terms and Conditions of Employment policies.
- 5.7 All Board employees shall be provided the opportunity to complete an Employment Equity Employee Self-identification Survey (Appendix F).
- 5.8 The Employment Equity practice includes:
 - 5.8.1 working towards a qualified labour pool which reflects the diversity in society, (labour pool comprising potential candidates for employment positions with the Board who reflect the racial, ethnic, ability/disability and gender composition of the region).
 - 5.8.2 giving serious consideration to applicants from the following groups: Aboriginal peoples, people of African descent, people of racialized groups, women, and persons with disabilities.
 - 5.8.3 utilizing members of local cultural groups in professional development activities where applicable. This should not be limited to activities which are specifically related to diversity.
 - 5.8.4 establishing an environment supportive of the principles of Employment Equity which would attract and retain members of designated groups and encourage all employees to self-identify.

- 5.8.5 developing and implementing programs to sensitize board members, employees, students and communities to the particular employment-related needs and experiences of Aboriginal peoples, people of African descent, people of racialized groups, women, persons with disabilities, and other diverse communities throughout the school board region.
- 5.8.6 analyzing the representation and distribution of designated groups within the Board employee groups in order to identify areas of under-representation.
- 5.8.7 analyzing employment systems to identify any adverse impact on designated groups.
- 5.8.9 developing an on-going action plan that includes effective measures to correct identified imbalances and inequalities. The action plan must contain quantitative and qualitative objectives, activities, time frames and monitoring mechanisms.
- 5.8.10 identifying and working towards objectives (which can be quantified numerically) related to the representation and distribution of designated groups, as defined by the Director of Human Resources and the Coordinator of RCH.
- 5.8.11 reviewing all curricula to ensure that they reflect contemporary gender roles and roles of Aboriginal peoples, people of African descent, people of racialized groups, women, and persons with disabilities.
- 5.8.12 identifying and supporting, in an active and planned manner, persons from designated groups seeking employment with the Board.
- 5.8.13 providing access to professional development opportunities for designated groups to ensure members of these groups have access to positions of leadership.
- 5.8.14 providing mentorship opportunities in order to develop the potential of targeted employees interested in seeking leadership roles.
- 5.18.5 monitor, evaluate and report annually on the number of new hires under the Employment Equity practice to the Human Resources and RCH Committees.

6.0 Monitoring Implementation of RCH Policy

It is necessary to monitor the effectiveness of the RCH policy and to provide necessary information for the implementation of initiatives.

- 6.1 The Coordinator of RCH, under the direction of the Superintendent of Schools, will collaborate with all Departments to ensure the application and degree of success of its Race Relations, Cross Cultural Understanding and Human Rights policy.
- 6.2 Monitoring data is confidential and its access limited to authorized personnel. In addition, FOIPOP requirements will be strictly followed.
- 6.4 Student self-identification is encouraged.

- 6.6 Research carried out in other areas of the Board should be disaggregated to provide RCH-related information to inform all planning, practices, and policies. All general research should be mindful of possible RCH-associated aspects.

7.0 Staff, Board Members and Student Training

- 7.1 Professional Development (PD) for Board members and employees in the areas of RCH shall be provided on an ongoing basis.
- 7.1.1 All administrators, school and Regional Office staff are to engage in a minimum of one RCH-related PD session in any given 24-month period.
 - 7.1.2 All bus drivers and custodial staff are to engage in a minimum of one RCH-related PD session in any given 36-month period.
 - 7.1.3 All Board members are to engage in a minimum of one RCH-related PD session in any given 36-month period.
- 7.2 Employees and students shall be made aware of their responsibility in the areas of Race Relations, Cross Cultural Understanding and Human Rights.
- 7.3 Within the limits of the Board's budget and resources, staff and student RCH training may be provided support and financial assistance.
- 7.4 In organizing professional development activities, members of local cultural groups shall be utilized where applicable. This should not be limited to activities which are specifically related to diversity.

8.0 School and Community Relations

- 8.1 Staff will work towards the development of strong partnerships with parents/guardians, students, and residents of the area which it serves, as well as other public institutions engaged in education through open communication of information and professional development in order to enhance race relations, cross cultural understanding, and human rights.
- 8.2 Staff and the Board will work towards increasing liaison with other school boards, communities, parent/guardian groups and government agencies committed to the improvement of race relations, cross cultural understanding and human rights.

9.0 Student Guidance and Support

- 9.1 Data will be used to prioritize the needs of designated groups in the region. Implementation of initiatives and/or strategies will be determined based on this data and budget/resource availability.
- 9.3 Implement appropriate communication procedures to ensure ongoing consultation with designated groups.

- 9.4 Guidance personnel shall provide information to students and staff on available special programs, scholarships\bursaries, and other initiatives specific to designated groups.

Monitoring:

- Superintendent of Schools is responsible for the implementation, monitoring and revision of this administrative procedure.
- This administrative procedure will be monitored annually.

Superintendent Approved: June 2/99

Ref: BP 102.1; Appendices A, B, C, D, E, F, G; BP/AP 305.27, *the Nova Scotia Provincial Code of Conduct, the Nova Scotia Education Act, the Canadian Charter of Rights and Freedoms, the United Nations Declaration of Human Rights, the Criminal Code of Canada, the Nova Scotia Trade Union Act, the Nova Scotia Act Respecting Collective Bargaining for Teachers*

Monitoring Date: Annually

Revised: April/10; May/11; January 25/13; March 22/13; August 19/15; May 11/16