1. Preamble

1.1 The procedures that follow outline legal responsibilities and expectations regarding racial, religious and ethnocultural harassment. Definitions and general principles regarding racial, religious and ethnocultural harassment and guidelines and expectations for formal and informal inquiries involving racial, religious and ethnocultural harassment are also given.

2. Principle

2.1 The Waterloo Region District School Board recognizes the role of the school in promoting positive race and ethnic relations in the community.

2.2 Therefore, The Waterloo Region District School Board shall endeavour to provide for each student an educational environment, free from discrimination, which actively fosters respect for the racial, ethnic, religious and cultural plurality of our society, and where evident, shall not tolerate such discrimination, and shall pro-actively demonstrate its commitment to these principles with the policy statements and procedures relating to staff development, curriculum, employment practices, assessment and placement, and responses to discriminatory incidents.

3. Policy

3.1 The Waterloo Region District School Board shall not tolerate expressions of racial, religious or ethnocultural discrimination in any form by its students, staff or trustees.

4. Purpose

4.1 The prime objective of this document is educational and preventative. It is hoped that it will not only help educate employees, trustees and students in the Board about the issue of racial, religious and ethnocultural harassment, but also empower individuals to confront such harassment.

5. Legal Responsibilities

5.1 The Ontario Human Rights Code states: (Legal Reference)
5.1.1 Every person has right to equal treatment with respect to services, goods and facilities, without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or handicap. 1981, c.53, s. 1; 1986, c.64, s. 18(1).

5.1.1.1 Every person has a right to equal treatment with respect to employment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, family status or handicap. 1981, c.53, s. 4(1); 1986 c. 64, s. 18(5).

5.1.1.2 Every person who is an employee has a right to freedom from harassment in the workplace by the employer or agent of the employer or by another employee because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, age, record of offences, marital status, family status or handicap. 1981, c.53, s. 4(2).

6. Procedural Guidelines

6.1 Investigations of race, religious and ethnocultural harassment should be guided by the General Principles outlined below. In addition, Guidelines for Informal Process and Formal Inquiry Process are provided.

NOTE: All timelines included in this procedure are guides to facilitate the resolution of alleged incidents.

7. Definitions

7.1 Harassment is a form of discrimination. It is humiliating and degrading to individuals and groups. Harassment is not a private matter.

7.2 Harassment can take a variety of subtle and overt forms that involve comments or conduct that are known, or ought reasonably to be known, to be unwelcome (Ref. Ontario Human Rights Code Sect. 9 [1] [f]).

7.3 Harassment can and may include the following:
7.3.1 Verbal abuse or threats;
7.3.2 Unwelcome remarks, name calling, slurs, jokes, gestures, innuendos or taunting about a person’s ethnic or national origin, religion or attire;
7.3.3 Graffiti, i.e. degrading or insulting words, messages, slogans;
7.3.4 The displaying of racist derogatory or offensive materials and symbols;
7.3.5 The composition and/or distribution of derogatory materials;
7.3.6 Practical jokes which cause awkwardness or embarrassment;
7.3.7 Fighting or physical assault;
7.3.8 Threatening or terrorizing;
7.3.9 Vandalism;
7.3.10 Intimidation;
7.3.11 Condescension or paternalism which undermines self-respect;
7.3.12 Exclusions or avoidance because of race or ethnicity;
7.3.13 Witnessing but not attempting to prevent or report any of the above;
7.3.14 Discriminatory treatment as a result of absenteeism due to observance of religious holidays;
7.3.15 Discriminatory treatment.

7.4 Racial harassment constitutes unwelcome and demeaning comments or conduct directed at individuals or a group because of their race or colour.
7.5 Religious harassment is defined as harassment on the basis of an individual’s adherence to a particular system of faith or worship.

7.6 Ethnocultural harassment is defined as harassment on the basis of an individual’s ancestry, place of origin, ethnic or national origin, citizenship, religion or any expression thereof (e.g. attire).

8. Who is involved?

8.1 Potentially, any staff, student, trustee, visitor and/or volunteer may be involved in an incident. In any such incident there are four groups of people involved and the following terms will be used to identify these groups:

8.1.1 The complainant - refers to the person(s) who make(s) a complaint regarding an incident;
8.1.2 The respondent - refers to the person(s) alleged to have created an incident, leading to a complaint;
8.1.3 The onlooker - an individual who witnessed the incident;
8.1.4 The third party - any individual who is made aware of the incident.

9. General Principles

9.1 All complaints of alleged racial, religious or ethnocultural harassment that occur within a school setting must be directed to the principal. If the complaint involves the principal, it is to be addressed to the complainant’s supervisor at the next level. Complaints of alleged racial, religious or ethnocultural harassment in other Board work settings must be directed to the person to whom the person reports.

9.2 Complaints of racial, religious or ethnocultural harassment may be lodged orally or in writing and in the language in which the complainant feels most comfortable. An interpreter must be provided for complainants who wish to lodge an oral complaint of racial, religious or ethnocultural harassment in a language other than English, as well as throughout the resolution process, if required.

9.3 Persons receiving complaints of racial, religious or ethnocultural harassment are expected to treat such complaints in confidence. Both the complainant and the person against whom the allegation is made must be protected against unsubstantiated claims and accusations.

9.4 According to the Ontario Human Rights Code, the respondent has the right to know the nature of the allegation but not the name of the complainant. Under certain circumstances, however, she/he has the right to know the name of the complainant [see (e) below].

9.5 The principal/supervisor may at any time during the investigation of an alleged racial, religious or ethnocultural incident contact Human Resources for advice and consultation with respect to the process to be followed.

9.6 The complainant who seeks a resolution of a complaint through the informal or formal inquiry process must be prepared to be identified to the respondent and to those involved in the resolution of the complaint.

9.7 Teachers, when making an adverse report about another federation member, are required to furnish that member with a written statement of the report no later than three (3) days after making the report (Teaching Profession Act s.18 (1) (b)). However, it should be noted that the legislation in the Ontario Human Rights code, supersedes this Act.

9.8 In the case of a complaint of alleged racial, religious or ethnocultural harassment involving students or staff under 18 years of age, the parent(s)/guardian(s) must be informed of the
complaint. If the complaint involves students 18 years or over, students may decide whether or not they wish their parents to be informed of the complaint. However, such students should be encouraged to inform their parent(s)/guardian(s) of the complaint.

9.9 Both the complainant and the respondent may seek confidential advice or counseling from the Manager of Employee Assistance and/or from their federations and associations at any stage of the process.

9.10 In the informal and formal inquiries of alleged racial, religious or ethnocultural harassment involving Board employees, the employees must be made aware that they are entitled to ask for, and receive, representation from their federation or association.

9.11 Any time limits outlined in this document may be extended as circumstances might reasonably require, or as agreed upon by the parties concerned.

9.12 A complaint of alleged racial, religious or ethnocultural harassment may be lodged with the Ontario Human Rights Commission, subject to provisions set out in the Code, at any time during the investigation. However, the case will no longer be pursued by the Board when a parallel complaint is before the Ontario Human Rights Commission.

9.13 All files pertaining to an investigation and resolution of complaint of alleged racial, religious or ethnocultural harassment must be kept in a filing system in accordance with the legislation in the Municipal Freedom of Information and Protection of Privacy Act 1989.

9.14 Complaints of alleged racial, religious or ethnocultural harassment may be lodged by on-lookers or by third parties.

10. Informal and Formal Inquiry Processes

10.1 Administrative Procedure 3740 - Complaint Procedure: Harassment provides a guide for complainants and supervisors responding to incidents of harassment.

11. Glossary of Terms

11.1 Advocate: An advocate is someone who may be selected to offer emotional support and witness the investigative process by either the complainant or the respondent.

11.2 Composition of derogatory material: the composition of any written or printed material containing views that are biased and hateful.

11.3 Discrimination: the denial of equal treatment, civil liberties, or opportunity to individuals or groups with respect to education, accommodation, health care, employment, or access to services, goods, or facilities. Discrimination may occur on many bases: race, nationality, gender, age, religious, political, or ethnic affiliation; marital or family status; sexual orientation; physical, developmental, or mental handicap.

11.4 Distribution of derogatory material: the distribution of any written or printed material containing views that are biased and hateful.

11.5 Ethnic group: a group of people who share a cultural heritage, which often includes national affiliation, language, and religion. Everyone belongs to an ethnic group, members of the dominant group as well as those of minority groups. Individuals who are members of the same ethnic group can experience and express their culture in a variety of ways.

11.6 Equity: equality of opportunity, access, and outcome; recourse to principles of justice to correct or supplement law; a system of justice supplementing or prevailing over common and statute
law. A program designed to remove barriers to equality by identifying and eliminating discriminatory policies and practices, remedying the effects of past discrimination.

11.7 **Fighting or physical assault with racial overtones:** engaging in or inciting physical contact that may inflict physical harm on a member of a specific group. Such action may be spontaneous or premeditated.

11.8 **Graffiti:** degrading or insulting words, messages, slogans, pictures, etc. written on or in school property.

11.9 **Name Calling:** the use of names or titles that are meant to demean or degrade.

11.10 **Other Board Work Settings:** any properties or premises owned or under contract with the Waterloo Region District School Board.

11.11 **Prejudice:** negative prejudgment of a person or group. This judgment is always made without adequate evidence and often based on unreliable, distorted stereotypes.

11.12 **Race:** a social category that differentiates people by physical characteristics, such as colour of skin and eyes, hair type, stature and facial features. "Race" is a social and political construct, not a biological one. It relies on self-definition and definition by others. Race is of social and political consequence when people use it to justify differences in power and in access to employment, housing, education and so forth.

11.13 **Racism:** a set of beliefs, assumptions and actions based on an ideology of inherent superiority of one racial or ethnic group over another. Racism is evident in individual thought and behaviour patterns as well as in organizational or institutional structures and programs.

11.14 **School Setting:** the school premises, and on out-of-school activities that are part of the school program, including traveling on a bus that is owned or under contract to a board.

11.15 **Slurs or insults:** statements that are meant to demean or degrade.

11.16 **Stereotype:** to attribute the supposed characteristics of a whole group to all its individual members. Stereotyping exaggerates the uniformity within a group and the differences between groups.

11.17 **Supervisor:** in a school refers to the principal. In other work settings it refers to the person to whom one reports.

11.18 **Teasing or jokes:** demeaning stories, jokes and comments. While humour may be intended, hurt may be the result. Even if no members of the target group are present when the comments are made or the joke is told, negative stereotypes are perpetuated.

11.19 **The Board:** the Waterloo Region District School Board.

11.20 **Threatening and terrorizing with racial overtones:** an event or series of events meant to intimidate or suggest harm to body or property. It also includes the solicitation of money or something of value from any person in return for protection or in connection with a threat to inflict harm.

11.21 **Vandalism with racial overtones:** destruction or mutilation of school and/or personal property.