

The Rights of Families to Racist-Free Educational Opportunities

The information in this section is borrowed from a pamphlet created by the BC Office of the Human Rights Commissioner and FNEHC. It is not intended as legal advice and should not be relied upon for that purpose.

Racism takes a toll on any First Nations person, including you and your children.

Parents and students have rights under the Human Rights Code. Schools have a responsibility to respect, protect, and fulfill the human rights of the students in their schools, including when they are on school property during the school day, on school field trips (including when they are away from school and outside of school time), and on school buses.

Also, “Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination” (United Nations Declarations on the Rights of Indigenous Peoples, 14.2). The provincial government passed the Declaration on the Rights of Indigenous Peoples Act (Declaration Act) into law in November 2019.

These human rights mean that your child has the right to learn in a setting and in a way that is free from discrimination, racism, and hate speech.

What Does This Mean?

- ▶ **Discrimination** – Means when someone treats you unfairly because of who you are, leading to unequal opportunities or harmful treatment. Types of discrimination:
 - **Interpersonal Discrimination:** involves one person's actions (or lack of action) toward another person.
 - **Systemic Discrimination:** when rules, policies, laws, or ways of doing things create a disadvantage or obstacle for another group of people.
- ▶ **Racism** - Any action or words that treat someone unfairly or differently based on their race, ethnicity, or ancestry.
- ▶ **Hate Speech** - Words or actions that promote hatred or violence against a certain group of people based on their race, ethnicity, or other characteristics. Hate speech is illegal and can be reported directly to the police.

What can discrimination, racism or hate speech sound or look like in a school?

Examples might include students, teachers, or other adults in the school:

- ▶ Calling a student names because of their heritage, race, or background.
- ▶ Bullying or harassing students.
- ▶ Mocking students for the way they speak or look.
- ▶ Denying or minimizing the impact of Canada's residential schools.
- ▶ Ridiculing First Nations' cultural practices or artifacts.
- ▶ Dismissing or not taking seriously complaints of racism.
- ▶ Blaming First Nations or other Indigenous peoples for changes in school programs or requirements.
- ▶ Blaming First Nations or other Indigenous peoples for problems in society, like crime.
- ▶ Making mean or incorrect comments about perceived advantages that First Nations people receive (e.g. housing, taxes, etc.).
- ▶ Making students feel uncomfortable because of stereotyping.
- ▶ Calling First Nations people cheats, criminals, or any other negative terms meant to provoke a strong reaction.
- ▶ Excluding students from extra-curricular activities because of their identity.
- ▶ *Automatically* placing students in non-academic courses or in a non-graduation program just because of their identity.
- ▶ Using classroom resources that demean or devalue First Nations cultures, peoples or histories.

If you or your child has experienced discrimination, racism, or hate speech, what can you do?

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If your child experiences discrimination, racism, or hate speech, the first step may be ensuring that your child feels supported.

- ▶ If children and youth experience racism, they can internalize it in ways that are harmful to their mental health and developing identities.
- ▶ Asking your child how they feel and letting them know that they are supported is important.
- ▶ It may be a good idea to reassure your child that a racist experience was not their fault, and remind them about their strengths and what makes them proud of their identity.

If you experience discrimination, racism, or hate speech, you may need support from family, friends, or community members. You may be able to access support from education staff in your community. A provincial helpline for dealing with racist incidents is also available.

Racist Incident Helpline: People in BC who witness or experience a racist incident can call a helpline to receive trauma-informed, culturally appropriate support. Open 9:00am – 5:00pm weekdays, or leave a message for a call back outside these hours (if non-emergency). (Toll-free) 1 833 457-5463 (1 833 HLP-LINE) <https://racistincidenthelpline.ca/>

You can also report the incident by following the steps outlined in the Section of this Toolkit: What To Do If You Have a Concern.

The following organizations offer resources to support a human rights complaints.

Human Rights Clinic (<https://bchrc.net/>): Provides free services to help file a complaint to the Human Rights Tribunal. The Clinic can help you decide if a complaint is covered by BC's Human Rights Code, learn about the how to make a complaint with the Tribunal, and see if someone qualifies for free legal services to help.

Indigenous Community Legal Clinic (<https://allard.ubc.ca/community-clinics/indigenous-community-legal-clinic>). Provides free legal representation for Indigenous people who wish to file a human rights complaint, cannot afford a lawyer, and qualify for legal assistance.

More information is available.

- ▶ **Understanding Racism:** Developed by the National Collaborating Centre for Indigenous Health, this document focuses on Indigenous-specific racism in Canada, beginning with an exploration of the concept of race, its history and contexts, and describing the various forms of racism within societies. <https://www.nccih.ca/docs/determinants/FS-Racism1-Understanding-Racism-EN.pdf>
- ▶ **Indigenous Experiences with Racism and Its Impacts:** Developed by the National Collaborating Centre for Indigenous Health, this document provides a brief overview of forms of racism, how it intersects with other forms of discrimination, and how it is manifested. <https://www.nccih.ca/docs/determinants/FS-Racism2-Racism-Impacts-EN.pdf>
- ▶ **Micro-Aggressions:** Some statements, actions, or interactions may not meet the definition of discrimination, racism, or hate speech, yet still have negative impacts on people. Micro-aggressions refer to indirect, subtle, or unintentional discrimination against members of a marginalized group. What Are Micro-Aggressions? Video https://www.youtube.com/watch?v=ho_WW7M5E3A
- ▶ Educators in BC are expected to follow *9 Professional Standards for BC Educators*. If you have concerns about an educator in BC, you can contact the BC Ministry of Education Teacher Regulation Branch for support.

Examples of Professional Standards for BC Educators:

Standard 1: Educators value the success of all students. Educators care for students and act in their best interests.

Standard 5: Educators implement effective planning, instruction, assessment, and reporting practices to create respectful, inclusive environments for student learning and development.

Standard 9: Educators respect and value the history of First Nations, Inuit and Métis in Canada and the impact of the past on the present and the future. Educators contribute towards truth, reconciliation, and healing. Educators foster a deeper understanding of ways of knowing and being, histories, and cultures of First Nations, Inuit, and Métis.

A video is available that shares voices of students and others about the importance and impact of Standard 9. Professional Standard 9 – Truth and Reconciliation, Moving Forward Together Video. <https://www.youtube.com/watch?v=w4sBNxiA7YI>