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Racial Bullying in Schools

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Editors' Note: This is the second in our series of posts on equity, diversity and inclusion issues to mark [Equity, Diversity, and Inclusion Week](#) at the University of Calgary. For more on the Faculty of Law's commitment to taking action on EDI issues, see [here](#).

Studies show a majority of students have witnessed or experienced racism at school, with implications for both students and teachers.

A majority of students in Canada have either witnessed or experienced racism at their schools, according to a 2021 [survey](#) by the Angus Reid Institute in partnership with the University of British Columbia (ARI/UBC Survey). In this context, racism likely means [racial discrimination](#) as opposed to systemic racism.

The ARI/UBC Survey said 58% of respondents had seen kids insulted, bullied, or excluded based on their race or ethnicity, and 14% had experienced bullying themselves. Visible minority students were three times as likely to say they had been bullied.

The ARI/UBC Survey also reported that “half (54%) say kids name call or use insults based on racial or ethnic background at their school, while smaller proportions say kids are made to feel unwelcome (38%) or are bullied (42%) based on their racial or ethnic background.”

Students who experienced or witnessed racism at their school said teachers usually tried to discourage the behaviour and talked to the bullies about it. The school usually suspended or punished the bully for their racist (discrimination based on race) behavior. However, three-in-ten

victims of bullying said teachers or school staff either ignored racist behaviour (racial discrimination) or were unaware of it (ARI/UBC Survey).

What is Bullying?

According to the [Government of Canada](#):

Bullying is characterized by acts of intentional harm, repeated over-time, in a relationship where an imbalance of power exists. It includes physical actions (punching, kicking, biting), verbal actions (threats, name calling, insults, racial or sexual comments), and social exclusion (spreading rumours, ignoring, gossiping, excluding) ... Boys tend to be more likely to bully and be bullied, usually in the form of a physical attack and exhibition of aggressive behaviour. Alternatively, girls appear to be more prone to indirect bullying in the form of social isolation, slandering and the spreading of rumours.

In Alberta, the *Education Act*, [SA 2012, cE-0.3](#), is the legal framework for education. It sets out that students must learn in a welcoming, caring, respectful and safe environment. The *Education Act* defines bullying as:

repeated and hostile or demeaning behaviour by an individual in the school community where the behaviour is intended to cause harm, fear or distress to one or more other individuals in the school community, including psychological harm or harm to an individual's reputation (at section 1(1)(d)).

[Bullying](#) is a form of harassment, which as a [form of discrimination](#) can include unwanted physical contact, attention, demands, jokes, or insults. [Racial harassment](#) is “harassment on the ground of race, which may also be associated with the grounds of colour, ancestry, where a person was born, a person's religious belief, ethnic origin or even a person's language.”

The *Alberta Human Rights Act*, [RSA 2000, cA-25.5](#), prohibits harassment as a form of discrimination if it is based on one or more protected grounds and in some protected areas under the *Act*. Protected grounds include race, religious beliefs, colour, ancestry, place of origin. Protected areas include services, goods, and facilities such as schools, hospitals, restaurants, etc.

Consequences of Bullying

When bullying occurs, it can hurt everyone involved. [Victims](#) may develop physical and mental conditions and may stop attending schools and social gatherings. Bullies can develop anti-social

and criminal behaviors. Aggressive and isolating behaviours can affect both victims and bullies even when they reach adulthood.

[Stanton and Beran](#) stated:

A substantial body of research has shown that bullying is associated with a number of long-term negative consequences. Targeted children are likely to be at risk for internalizing disorders, such as depression, anxiety, diminished self-esteem, social withdrawal, suicide ideation, and suicide attempts. With the increased interest in this field and with a more comprehensive understanding of the negative consequences associated with bullying, a number of countries have proposed amendments to legislation recognizing bullying as a criminal offence. These laws have been introduced with the intention of preventing and better managing incidents of bullying, particularly when individuals are aware that bullying is illegal and punishable under law.

If certain racial slurs, actions or jokes make some students uncomfortable in school or scared to attend school, then bullying has poisoned the [school environment](#).

What Responsibilities do Schools Have?

Schools and school boards must take serious steps to deal with bullying.

Section 33 of Alberta's *Education Act* requires school boards to have a policy showing how they will provide students a welcoming, caring, respectful, and safe learning environment. This policy must include a code of conduct that addresses bullying behaviour. School boards must share this code of conduct with all staff, students and parents, and review it once a year.

In *Jubran v Board of Trustees*, [2002 BCHRT 10 \(CanLII\)](#), the British Columbia Human Rights Tribunal stated:

It is the statutory responsibilities of school boards as well as the compelling state interest in the education of young people ..., and the school board's obligation to maintain a non-discriminatory school environment for students ... which gives rise to the School Board's duty respecting student conduct under the *Code*. (at para 115)

As a matter of legislation and case authority, there is a legitimate state interest in the education of the young, that students are especially vulnerable, that the School Board may make rules establishing a code of conduct for students attending those schools as part of its responsibility to manage those schools ... the School Board has the duty to provide students with an educational environment that does not expose them to discriminatory harassment. (at para 116)

According to Legalline, an [employee of a school](#) must inform the principal immediately if they know a student may be the victim of bullying. The principal must investigate the situation. The bully must be suspended or even expelled if they have previously been suspended for bullying or if their continuing presence can put other students' safety at risk.

Conclusion

Racial bullying is unacceptable under any circumstances and students have the right to an education free of bullying. Racial bullying can prompt students to not complete schoolwork, skip classes, or drop out of school.

Schools must offer students a safe learning environment. Students need to also know that schools do not tolerate bullying and such behaviors will have consequences. Schools should have a bullying prevention policy and should inform [teachers and school staff](#) on how to address bullying and harassment in schools.

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