

**AN ACT
TO PREVENT
AND STOP
BULLYING AND VIOLENCE
IN SCHOOLS**



CFLGBT

AN ACT TO PREVENT AND STOP BULLYING AND VIOLENCE IN SCHOOLS

LGBTQ

=

lesbian,
gay, bisexual,
transsexual and
questioning

ABOUT BILL 56

On June 12, 2012, Québec's National Assembly unanimously passed *An Act to prevent and stop bullying and violence in schools* (Bill 56). The problems associated with these phenomena in schools are listed and outlined, specifying that bullying is unacceptable and must be stopped. The Act is associated with *The Government Strategy Against Bullying and Violence in the Schools* presented by the Ministère de l'Éducation, du Loisir et du Sport in February 2012.

The importance of prevention is recognized in the Bill, and schools must now adopt and implement an **anti-bullying plan**, as well as a code of conduct and measures to ensure student safety. It puts an emphasis on prevention measures to put an end to all forms of bullying and violence, in particular those motivated by racism or homophobia or targeting sexual orientation, sexual identity, a handicap or a physical characteristic. The definition of bullying explicitly mentions acts that cause the victim distress, including psychological bullying.

CHANGES TO THE EDUCATION ACT

The new legislation modifies the *Education Act* and the *Act respecting private education*, at both the elementary and secondary levels.

It brings a number of changes to Québec schools, including the creation of local teams devoted to coordinating measures to prevent and deal with bullying in schools. School principals must support initiatives by student groups to prevent and stop bullying. The legislation highlights the importance of fostering collaboration between schools and other actors in the community.

Two new definitions have been added to s. 13 of the *Education Act*:

| BULLYING | VIOLENCE |
|--|---|
| <i>Any repeated direct or indirect behaviour, comment, act or gesture, whether deliberate or not, including in cyberspace, which occurs in a context where there is a power imbalance between the persons concerned and which causes distress and injures, hurts, oppresses, intimidates or ostracizes</i> | <i>Any intentional demonstration of verbal, written, physical, psychological or sexual force which causes distress and injures, hurts or oppresses a person by attacking their psychological or physical integrity or well-being, or their rights or property</i> |
| Keywords: <ul style="list-style-type: none">○ Repeated behaviour○ Power imbalance○ Mention of cyberbullying○ Victim's distress | Keywords: <ul style="list-style-type: none">○ Intentional nature of the act○ Various forms of violence○ Victim's distress |

The Act is based on five key elements:

- **The anti-bullying and anti-violence plan (s. 75.1)**
- **The rules of conduct, which must meet prescribed minimum requirements, and the dissemination of the rules (s. 76)**
- **The designation of a school staff member to coordinate an anti-bullying and anti-violence team (s. 96.12)**
- **Agreements between the school board and the police force as well as with an institution or another body in the health and social services network (s. 214.1 and 214.2)**
- **Accountability to the to the Minister: school boards must provide an annual report on incidents of bullying, as set out in the *Education Act* (s. 220 and 220.2)**

SHARED RESPONSIBILITIES¹

The legislation created new obligations and responsibilities for everyone involved with the schools: the students, the student committee, the principal and school staff, the parents, the governing board, the school boards and the Student Ombudsman. School administrators and schools are accountable for their actions or lack thereof. Everyone is responsible for putting stop to bullying.

It is best to read the entire table below in order to gain an overview of the responsibilities for all the different people involved in the school and to see how they work together.

| PERSON/PEOPLE INVOLVED | RESPONSIBILITIES |
|------------------------|---|
| Students | <ul style="list-style-type: none"> ○ Conduct themselves in a civil and respectful manner toward their peers and school board personnel (s. 18.1) ○ Contribute to creating a healthy and secure learning environment (s. 18.1) ○ Take part in civics and anti-bullying and anti-violence activities held by their school (s. 18.1) ○ Take action in order to prevent any further act of bullying or violence if they are the perpetrators of such an act (s. 75.2) |
| Student committee | <ul style="list-style-type: none"> ○ Encourage the students to conduct themselves in a civil and respectful manner toward each other and the school staff (s. 96.6) <ul style="list-style-type: none"> • This provision applies to schools that have a school committee. (s. 96.5, par. 3) |

PERSON/PEOPLE INVOLVED

RESPONSIBILITIES

School principal

- On the recommendation of the team established under section 96.12, support any group of students wishing to conduct activities conducive to preventing and stopping bullying and violence (s. 96.7.1)
 - This provision applies regardless of whether the school has a student committee (s. 96.5)
 - In the fight against homophobia, this provision supports the creation of groups such as a Gay-Straight Alliance.
- Every year, in collaboration with the school staff, present the rules of conduct and safety measures to the students during a civics session (s. 76)
- See to it that all school staff members are informed of:
 - the school's rules of conduct and safety measures
 - the anti-bullying and anti-violence measures
 - the procedure to be followed when an act of bullying or violence is observed (s. 96.21)
- Propose an anti-bullying and anti-violence plan, and any updated version of the plan, to the governing board (s. 75.1)
- Distribute to the parents a document in clear and accessible language explaining the anti-bullying and anti-violence plan (s. 75.1)
- Coordinate the development, the (annual) review and, if necessary, the updating of the anti-bullying and anti-violence plan (s. 96.13)
- See to the implementation of the anti-bullying and anti-violence plan (s. 96.12)
- Set up an anti-bullying and anti-violence team (s. 96.12)
- Designate a school staff member to coordinate the team's work (s. 96.12)
- Receive and promptly deal with all reports or complaints concerning bullying or violence (s. 96.12)
- Take action to deal with a student who is a victim of bullying or violence and with his or her parents, as well as with the perpetrator and his or her parents (s. 75.2)

| PERSON/PEOPLE INVOLVED | RESPONSIBILITIES |
|---------------------------------|--|
| School principal (continued) | <ul style="list-style-type: none"> ○ Promptly communicate with the parents of the students directly involved in an act concerning bullying or violence, after . . . <ul style="list-style-type: none"> • receiving a complaint • considering the best interests of each of the students directly involved (e.g. for fear of revealing a student’s sexual orientation to his or her parents) • . . . to inform them of the measures in the anti-bullying and anti-violence plan. (s. 96.12) ○ Inform parents of their right to request assistance from the person specifically designated by the school board for that purpose (s. 96.12) ○ For each complaint received, send the director general of the school board a summary report on the nature of the incident and the follow-up measures taken (s. 96.12) ○ The principal may suspend a student if, in the principal’s opinion, such a disciplinary sanction is necessary to put an end to acts of bullying or violence (96.27) |
| School staff | <ul style="list-style-type: none"> ○ Collaborate in implementing the anti-bullying and anti-violence plan (s. 75.3) ○ See to it that no student in the school is a victim of bullying or violence (s. 75.3) |
| Parents | <ul style="list-style-type: none"> ○ As per the plan, collaborate in preventing and stopping bullying and violence and in creating a healthy and secure learning environment (s. 75.1) ○ Undertake to prevent any further act of bullying or violence if their child is the perpetrator of such an act (s. 75.2) ○ Receive: <ul style="list-style-type: none"> • the document explaining the anti-bullying and anti-violence plan (s. 75.1) • the rules of conduct and safety measures at the beginning of the school year (s. 76) • the governing board’s annual evaluation of the results achieved by the school with respect to preventing and dealing with bullying and violence (s. 83.1) |

| PERSON/PEOPLE INVOLVED | RESPONSIBILITIES |
|------------------------|--|
| Governing board | <ul style="list-style-type: none"> ○ Approve the anti-bullying and anti-violence plan, and any updated version of the plan (s. 75.1) ○ See to it that the wording of the document explaining the anti-bullying and anti-violence plan is clear and accessible (s. 75.1) ○ Make sure that the document explaining the anti-bullying and anti-violence plan includes prevention measures to put an end to all forms of bullying and violence, in particular those motivated by racism or homophobia or targeting sexual orientation, sexual identity, a handicap or a physical characteristic (s. 75.1.2) ○ Each year, evaluate the results achieved by the school with respect to preventing and dealing with bullying and violence (s. 83.1) ○ Produce a document reporting on the evaluation and distribute it to the parents, school staff and Student Ombudsman (s. 83.1) |
| School board | <ul style="list-style-type: none"> ○ See to it that each of its schools provides a healthy and secure learning environment that allows every student to develop his or her full potential, free from any form of bullying or violence (s. 210.1) ○ Support the principals of its schools in their efforts to prevent and stop bullying and violence (s. 210.1) ○ Designate one person to provide assistance to parents (complaint, referral, request for help) (s. 96.12) <ul style="list-style-type: none"> • The individual must be neutral, cannot be a member of the school staff and cannot be otherwise involved in studying the complaint. ○ Send a copy of the decision to the Student Ombudsman if it proves necessary to expel the student in order to put an end to acts of bullying or violence (s. 242) ○ Enter into an agreement with each competent authority in respect of a police force in its territory (s. 214.1) <ul style="list-style-type: none"> • Please see: <i>Frame of Reference – Police Presence in Educational Institutions</i> • Send a copy of the agreement to the school principals and the Student Ombudsman (s. 214.2) ○ Enter into an agreement with an institution or another body in the health and social services network (even a community organization) for the provision of services to students after an act of bullying or violence is reported (s. 214.2) <ul style="list-style-type: none"> • Send a copy of the agreement to the school principals and the Student Ombudsman (s. 214.2) |

| PERSON/PEOPLE INVOLVED | RESPONSIBILITIES |
|-----------------------------|--|
| School board (continued) | <ul style="list-style-type: none"> ○ In the contract regarding student transportation, require the carrier to: <ul style="list-style-type: none"> • prevent and stop any form of bullying or violence during the transportation of students • inform the principal of the school concerned of any act of bullying or violence that occurs during transportation • make sure, in collaboration with the school board, that the driver completes proper anti-bullying and anti-violence training as soon as possible (s. 297) ○ In the annual report, state separately for each school: <ul style="list-style-type: none"> • the nature of the complaints reported to the director general of the school board by the principal under section 96.12 • the measures taken • the proportion of those measures for which a complaint was filed with the Student Ombudsman |
| Student Ombudsman | <ul style="list-style-type: none"> ○ Deal with complaints filed regarding an act of bullying or violence when a complainant is dissatisfied with the handling of a complaint or with the outcome after the previous steps established by the school board for registering a complaint have been followed, or to avoid prejudice. (s. 220.2) ○ The report must separately list complaint referrals concerning acts of bullying or violence. It may include any recommendation the Student Ombudsman considers appropriate with respect to measures required to prevent and stop bullying and violence ○ The report must separately list complaint referrals concerning acts of bullying or violence. (s. 220.2) <ul style="list-style-type: none"> • May include in its annual report any recommendation it considers appropriate with respect to measures required to prevent and stop bullying and violence (s. 220.2) ○ Receive: <ul style="list-style-type: none"> • The document produced by the governing board evaluating the results achieved by the school with respect to preventing and dealing with bullying and violence (s. 83.1) • The agreements between the school board and each competent authority in respect of a police force in its territory (s. 214.1), and an institution or another body in the health and social services network or a community organization (s. 214.2) • The school board's decision to expel a student if it proves necessary to in order to put an end to acts of bullying or violence (s. 242) |

END NOTES

- 1 Information taken from a presentation by Danielle Marquis, Coordinator, Violence in Schools initiative, for the Ministère de l'Éducation, du Loisir et du Sport, during the symposium "Agir contre l'homophobie et l'intimidation" (taking action against homophobia and bullying) held in April 2013 in Boucherville.

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