# THE POLITICS AND LABYRINTH OF ONTARIO'S ANTI-BULLYING MEASURES INVOLVING INDIGENOUS YOUTH

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Critical reflection on the term "bullying" does not occur in mainstream society. In 2012, the Ontario Anti-Bullying Framework came into effect under the Education Act. The underlying message of the framework is that so-called bullying behaviour is not tolerated; thus, the buy-in message for Ontarians is that all students are protected in school. But this is not always the case for Indigenous students. The idea of ensuring equitable treatment for Indigenous youth in school around safety and the anti-bullying framework is complicated by the fact that provincial education laws establish and regulate these protocols in school (i.e., board prevention and intervention plans), whereas federal education legislation does not [ISC (Indigenous Services Canada)], 2018a). While Ontario's Indigenous-led education institutions must have their curricula inspected and approved by the Ontario Ministry of Education (OME), they do not follow provincial education laws. Rather, their first course of action for anti-bullying practices involves internal policies, if any. If there are none, and the principal is not able to work out the issues between the students involved, the student's next course of action may be a Canadian Human Rights Code complaint or a Canadian Charter of Rights and Freedoms complaint.

In this paper, the Ontario Anti-Bullying Framework is critiqued in the context of the concept of bullying and the implementation of the notion of "safe schools." Examining anti-bullying laws and policies must also include critical discussion about racism in the education system and the prevalence of contemporary colonialism in education through the larger institutional structure. The objective of this paper is to highlight the broader social context that Indigenous Peoples in Canada face in relation to their education through educator perceptions and understanding of the anti-bullying framework.

## Broader Challenges of Equitable Access to Education for Canadian Indigenous Peoples

Indigenous Peoples in Canada have lived a unique and devastating experience of systemic oppression that must be acknowledged in order to study the impact of anti-bullying frameworks and other initia-

tives to create so-called "safe-schools." The Canadian government has acknowledged its role in exacerbating some of the problems faced by Indigenous peoples (former Prime Minister Stephen Harper apologized on June 11, 2008, for the various abuses Indigenous people have suffered [Harper, 2008]). Since then, the Canadian state has been attempting to correct past policies by proactively promoting Indigenous ways of being, aiming to shift the economic disadvantage Indigenous people face (i.e., promoting Indigenous culture as a whole, promoting Indigenous education, and implementing restorative justice programs, direct employment programs, job placement, and welfare to work programs) (Kolahdooz et al., 2015; Browne et al., 2016). However, Indigenous Peoples are still not provided with equitable access to education.

Indigenous Peoples are dealing with historical trauma and compounding issues on-reserve, such as lateral violence, political differences between band and community members, and low education levels (Nokiiwin Tribal Council, n.d.; Native Women's Association of Canada, 2011; Curtis et al., 2015; Kolahdooz et al., 2015; Browne et al., 2016). It is important to start by confronting a myth about Indigenous youth and education: many colonial assumptions persist that Indigenous youth do not want to obtain an education (Shankar et al., 2013). But the problem is not that Indigenous youth do not want to participate in education, it is that the education they are expected to engage with disregards Indigenous cultural views (Battiste, 2013; Shankar et al., 2013), such as *mino-bimaadiziwin* and *g'minoomaadozimin*, thus neglecting their well-being.

*Mino-bimaadiziwin* is the Indigenous concept belonging to Anishinaabe culture that means to live the good life. According to this concept, the education of Indigenous people must be designed to teach all to thrive in today's world with the attitudes, skills, knowledge, and intention to be Indigenous, rooted in relationship with the total environment (Seven Generations Education Institute, 2018-2019). George Coochie, a retired Ontario Provincial Police officer, is one of the founders of the Mino-Bimaadiziwin Training Camp. It is hosted annually by the Lakehead District School Board for Indigenous youth from Thunder Bay, Ontario, and surrounding areas to learn about Anishinaabe culture and history. Students are taught through the blanket exercise created by KAIROS Canada, for example; in this learning activity, students stand on blankets that represent the lands inhabited by Indigenous people that eventually became Canada. The blankets "tell the story of how the land mass of North America was populated by Indigenous people, and then slowly, because of population crashes and them being forced onto reserves, you can see how much land was lost because of settler encroachment" (Rice, 2016, para. 3). George Coohie stated that it helps Indigenous youth prepare for school: "I know a lot of times the teachers will […] when it's a question about First Nations, they always ask the Native kids in the class and when I was going to school, I knew nothing

about it and I was kind of embarrassed about it, so here we are talking about the strength of our community, our families, and why it is so important for Indigenous youth to be proud of who they are" (Fiddler, 2016, 0:53). In the training camp, they learn about healthy relationships and the importance of drumming (Fiddler, 2016). The concept of mino-bimaadiziwin guides and helps Indigenous youth engage with their traditional teachings and connecting these teachings into their everyday life.

G'*minoomaadozimin* is the Indigenous concept created by Nokiiwin Tribal Council in Thunder Bay, Ontario, that means "We are living well." This concept reflects the idea of safety but aims at enhancing health and safety in all the spaces of lived experience: "not just in the workplace […] It originates from self, so we have to look at self, family, the home, our community. If we are well in those areas, then it will go into our workplace" (Garrick, 2017, para. 2). G'*minoomaadozimin* is about shifting attitudes and behaviours within Nokiiwin communities and beyond (Nokiiwin Tribal Council, 2019).

For Indigenous Peoples, it is important to feel spiritually, emotionally, and mentally connected to their Indigenous identity (Firestone et al., 2015). Wilson (2007) acknowledges that Indigenous youth may not want to attend school with teachers who do not value or understand Indigenous traditions. Specific educational context is critical when creating, adapting, and implementing policies and programs that provide Indigenous youth equitable opportunity to obtain an education.

The Canadian education system is moving towards increasing acceptance of Indigenous culture in their schools (OME, 2019); however, the question of whether Indigenous youth will be provided with equitable access to education remains. The challenges of providing Indigenous youth with such access are magnified by jurisdictional issues.

**School in the Indigenous Context – Provincial and Federal Jurisdiction**

Promoting educational equity for Indigenous peoples is complicated by the fact that they are stuck in "educational purgatory" (Wilson, 2007). Indigenous education is "bound and restricted by political fighting that leaves it underfunded, unregulated and unsupported" (Wilson, 2007, p. 248). In part, this is because there is a jurisdictional overlap in Canadian legislation, leading to service and accountability gaps. Indigenous students' education is controlled under the Indian Act, while that of all other students is mandated under provincial laws, such as Ontario's Education Act. The problem remains then, that equitable treatment for Indigenous youth in school is based on a strategy of school safety and complying with the anti-bullying framework. Compliance for Indigenous youth remains complicated since provincial education

laws establish and regulate these protocols in school, whereas federal education legislation does not (ISC, 2018a). In Ontario, Indigenous students have the choice to attend public, Catholic, or Indigenous-only high schools. The public and Catholic schools are part of the provincial education system; the Indigenous-only high schools are part of the federal system but are still required to meet OME standards (Northern Nishnawbe Education Council, 2014).

The choice of where Indigenous youth attend high school depends on parents, band funding, and distance away from home (ISC, 2018a). Families who send their children to high school off-reserve need to apply for enrollment, regardless of which system they want to be part of (ISC, 2018a). In Ontario, there are tripartite education agreements between Indigenous bands, the OME, and Indigenous Affairs and Northern Development Canada establishing that students fall under provincial legislation when they attend a provincial, public, or Catholic school off-reserve (ISC, 2018b). These agreements are created acknowledging that an Indigenous student will attend an off-reserve secondary school that follows the mandate of Ontario's Education Act. The student's band will pay the provincial school a tuition fee. To be eligible, the student must live on a reserve as defined under the Indian Act (Plan for Care and Opportunity Act [Budget Measures], 2018; Education Act, 1990). Under the Education Act, an Indigenous student is afforded the same quality of education as other non-Indigenous students.

**School Boards – Ontario First Nation, Métis, and Inuit Education Policy Framework**

The Government of Ontario created the Ontario First Nation, Métis, and Inuit Education Policy Framework to navigate circumstances of inequity in education (OME, 2007). In 2007, the OME identified [Indigenous] education as one of its key priorities, with a focus on meeting two primary challenges by 2016—to improve achievement among First Nations, Métis, and Inuit students and to close the gap between [Indigenous] and non-[Indigenous] students in the areas of literacy and numeracy, retention of students in school, graduation rates, and advancement to postsecondary studies. (p. 5)

The overriding issues were a lack of awareness and understanding among educators/schools of Indigenous learning styles, cultures, histories, and perspectives (OME, 2007). This framework has been implemented in the public and Catholic school boards "to improve the academic achievement of the estimated 50,312 [Indigenous] students who attend provincially funded elementary and secondary schools in Ontario" (OME, 2007, p. 5). The OME now mandates the inclusion of First Nation, Métis, and Inuit culture in the education curriculum in policy; however, it is unclear if the inclusion of culture in the classroom

is mandated for every subject. For example, rather than offering only traditional English courses studying European and British authors such as Shakespeare, there are courses that focus on Indigenous-Canadian authors (Brean, 2017). There are also courses that focus on land-based education, in an alternative learning classroom (Scully, 2012). Although there have been Ontario First Nation, Métis, and Inuit Education Policy Framework reports published in 2009, 2013, and 2018 crediting the OME for its efforts in understanding Indigenous culture and how it can be incorporated into the education system, there is still not a full recognition that Indigenous communities may adopt an educational framework different from the Western perspective. It is notable that, while there is some mention of so-called bullying in the progress reports, the focus is not on improvements required from an educator perspective; rather it is on how Indigenous families can assist their child(ren) with understanding "the bullying problem" (OME, 2018a). The intersections of this mandate with newly implemented anti-bullying legislation require further consideration.

Since many Indigenous students wanting secondary education are forced to move off-reserve to attend provincially funded high schools or federally funded Indigenous-only high schools, Indigenous students are therefore funneled into an environment where they are more likely to face discrimination, harassment, violence, and racism. Within a school environment, they may face these behaviours for several reasons (e.g., lack of family/social support or inability to afford "cool clothing"); situations in which they face these behaviours may be characterized dismissively as "bullying." One of the most important factors in ensuring Indigenous students' equitable access to education within this context of complex jurisdictional issues, historical discrimination, and socio-economic and geographic barriers is the requirement to keep Indigenous students safe while they are attending school, oftentimes at great distances from their home communities. This leads to the consideration of Ontario's Anti-Bullying Framework.

**Creation and Implementation of Ontario's Anti-Bullying Framework**

Ontario's Anti-Bullying Framework is part of a larger longitudinal legislative strategy to curb the perceived problem of violence in schools. The first stage in the creation of the modern legal framework to combat violence in Ontario schools was the introduction of then-Premier Mike Harris's Conservative government's Safe Schools Act (2000), subtitled where it appears as chapter 12, Section 3, Part XIII of the Education Act "an act to increase respect and responsibility, to set standards for safe learning and safe teaching in schools and to amend the Teaching Profession Act" (hereinafter referred to as the Safe Schools Act, 2000), which governed the behaviour of all persons in school (as per Section 3,

301.[1]). The Safe Schools Act, 2000, amended Ontario's Education Act such that "mandatory suspension of a pupil" became a consequence for certain negative behaviours (Section 3, 306, Safe Schools Act, 2000).

A general clause was implemented that provided school principals with the ability to determine the length of a suspension (see Section 3, 306[9], "Factors Affecting Duration of Suspension"). The language introduced into the Education Act through the Safe Schools Act, 2000, allowed school principals the authority, in consultation with other educational personnel, to decide whether standard suspensions and expulsions are necessary in the circumstances. As such, the Safe Schools Act, 2000, provided school boards with power to allow their principals to impose disciplinary actions in school (Safe Schools Act, 2000; Bhattacharjee, 2003). Any pupil, parent, guardians of pupils, and others who may be present in schools under the jurisdiction of the respective school board were required to be aware of this policy.

Under the Dalton McGuinty government, Ontario's Education Act was further amended by the Accepting Schools Act, subtitled "an Act to amend the Education Act with respect to bullying and others matters, on September 1, 2012" (hereinafter referred to as the Accepting Schools Act). McGuinty's Liberal government amended the Education Act by, among other measures, adding bullying to the list of issues that lead to suspension as a disciplinary response. The legislation was developed with guidance and advice provided by the Promoting Relationships and Eliminating Violence Network (PrevNET) and the Accepting Schools Expert Panel. Part of the reasoning for the amendment to include negative behaviour defined as bullying in the disciplinary framework of the Act stemmed from the publicized suicides of two Ontario youths: Jamie Hubley and Mitchell Wilson (Howlett, 2011). The suicides of these youths were the push for Premier McGuinty to show government efforts to maintain safety in schools:

> We [the Ontario government] are determined to take the next step to ensure that in our schools we send a very clear, strong, and direct message: we will not tolerate bullying of any kind, at any time, for any reason. (The Canadian Press, 2011)

McGuinty hoped the anti-bullying framework would prevent further tragedies and make schools safer for all youth (The Canadian Press, 2011).

The Accepting Schools Act (Bill 13) received royal assent on June 19, 2012, coming into effect on September 1, 2012 (Legislative Assembly of Ontario, 2012). The Accepting Schools Act amended Ontario's Education Act with respect to bullying and other matters. It also amended section 1(1) of the Education Act to include a definition of bullying. The definition of "bullying" in the legislation is broad and ambiguous. The Accepting Schools Act defines bullying as aggressive and typically repeated behaviour by a pupil where:

a) the behaviour is intended by the pupil to have the effect of, or the pupil ought to know that the behaviour would be likely to have the effect of,

i. causing harm, fear, or distress to another individual, including physical, psychological, social, or academic harm, harm to the individual's reputation or harm to the individual's property, or

ii. creating a negative environment at a school for another individual, and

b) the behaviour occurs in a context where there is a real or perceived power imbalance between the pupil and the individual based on factors such as size, strength, age, intelligence, peer group power, economic status, social status, religion, ethnic origin, sexual orientation, family circumstances, gender, gender identity, gender expression, race, disability or the receipt of special education; ("intimidation"). (Education Act, 1990, 1[1.1])

Since this Act was implemented, schools have had the authority to discipline students for behaviour believed to be bullying. The personnel providing the evidence to discipline students are educators, who bring issues to the school principal, who then informs parents and, if warranted, the police. When the Accepting Schools Act was debated, it was agreed that parents and students "have a responsibility to work together […] to make sure that our children are celebrated for their differences and not bullied because of them" (Legislative Assembly of Ontario, 2011, para. 6). It was also stated that parents and students must feel comfortable in knowing that the school environment is free from harassment, violence, intolerance, and intimidation (Legislative Assembly of Ontario, 2011). The amendments introduced through the Accepting Schools Act, 2012, appear to be beneficial for those concerned for safety at school. However, there is concern that the framework also allows educators, particularly teachers, a great deal of discretion in determining when to treat behaviour as "bullying" to trigger the protocols under the framework. The installation of the anti-bullying framework also means that activities defined under the bullying umbrella that happen outside of school time or off school property, but impact the student body, can be brought to the attention of the principal. The principal must then decide what the best approach is.

The Accepting Schools Act further imposed a requirement on school boards to implement bullying prevention and intervention plans (Education Act, 2012, Section 303.3[1]). The content of the plan is to "address any matter specified in the policies or guidelines made under clause 301(7.1) (i)" (Section 303[2]). Section 301(7.1) states,

(7.1) The Minister shall establish policies and guidelines with respect to bullying prevention and intervention in schools, which must include policies and guidelines respecting,

> (a) training for all teachers and other staff;
> (b) resources to support pupils who have been bullied;
> (c) strategies to support pupils who witness incidents of bullying;
> (d) resources to support pupils who have engaged in bullying;
> (e) procedures that allow pupils to report incidents of bullying safely and in a way that minimizes the possibility of reprisal;
> (f) procedures that allow parents and guardians and other persons to report incidents of bullying;
> (g) the use of disciplinary measures within the framework described in clause (6)(a) in response to bullying;
> (h) procedures for responding appropriately and in a timely manner to bullying;
> (i) matters to be addressed in bullying prevention and intervention plans established by boards under section 303.3. 2012, c. 5, s. 10 (4).

Using the Accepting Schools Act amendments as a starting point to reflect on behaviour classified as bullying, the OME (2013a) published *Working Draft: Safe and Accepting Schools Model Bullying Prevention and Intervention Plan.* The document outlines what is required to meet OME's anti-bullying standards. Each board under the OME must consult and seek input from students, teachers, other staff, parents, guardians, and anyone who is invested in the well-being of the school climate and culture.

Additionally, the OME issued the revised Policy/Program Memorandum No. 144 on October 17, 2018 (OME, 2018a). This document outlines the importance of maintaining a positive climate and culture in schools. The policy also outlines protocols for "suspension and expulsion for bullying." It recommends expulsion when a second suspension for so-called bullying occurs (OME, 2018a). Furthermore, principals must suspend a student and potentially expel them for incidents that take place under subsection 306(1) of the Education Act, including bullying incidents

> that are motivated by bias, prejudice, or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, gender identity, gender expression, or any other similar factor. (OME, 2018a, p. 3)

If an incident is based on any of the above criteria, suspension is mandatory, and expulsion is to be considered.

While considering the individual characteristics of a student who may participate in so-called bullying behaviour, school boards also have to consider differences among the local population. For example,

Policy 144 states, "Boards have the flexibility to take into account local needs and circumstances, such as geographical considerations, demographics, cultural needs, and availability of boards and community supports and resources" (OME, 2018a, p. 7). Under this policy, boards must have clear "expectations for appropriate student behaviour [as set out in] the Provincial Code of Conduct" (p. 8).

Policy 144 suggests educators also review a section in Policy/ Program Memorandum No. 145, "Progressive Discipline and Promoting Positive Student Behaviour." While this Policy does discuss serious instances, such as sexual assault, it also recognizes "bullying" (OME, 2018b). To promote positive behaviour, the OME believes that "a whole school approach" is necessary to address racism, so-called bullying, homophobia, and gender-based violence (OME, 2018b). In this policy, bullying is generalized and appears to be distinguished from racism, homophobia, and gender-based violence. The policy also suggests that educators consider the following when addressing inappropriate behaviour: 1) the particular student and circumstances; 2) the nature and severity of the behaviour; and 3) the impact on students or other individuals in the school community (OME, 2018b, p. 5). The policy specifically focuses on individual behaviour and how intervention may be able to "maintain a positive school environment in which students can learn" (OME, 2018b, p. 4).

Most recently, the Government of Ontario released a new initiative aimed at bullying prevention and reporting (OME, 2019). The new initiative is looking to transform the school climate and culture into "one where everyone sees the inherent dignity and the value of a person, irrespective of their faith, heritage or orientation or race or their income, to build a more accepting and inclusive province" (OME, 2019, para. 3). In this initiative, students will be provided with school surveys to better understand their experiences, educators will be trained in "anti-bullying and de-escalation techniques," and the definition of bullying in ministry policies will be reviewed to "ensure it reflects the realities of today" (OME, 2019, para. 2). There is no clear outline of how this initiative will guide students who are victims of so-called bullying behaviour.

This section has outlined how the concept of bullying has been introduced into educational policy in Ontario and provided a brief description of the policy framework that has been established; however, bullying is not a simplistic phenomenon. Bullying is complex and can encompass multiple meanings to different people and institutions. In particular, it is important to consider how Indigenous youth are potentially impacted under the anti-bullying framework.

## Recruitment of Sample

Between March 2018 and May 2018, I contacted 12 Northern Ontario school boards that are part of the public and Catholic school systems and one Indigenous education authority where I had been formally introduced to the principal over a year earlier. I used the homogenous sampling method, a purposive sampling technique (Etikan et al., 2016); purposive sampling is the "deliberate choice of a participant due to the qualities the participant possesses" (Etikan et al., 2016, p. 2). From these school boards I contacted, 10 directors either said no or did not respond. After communicating with me via e-mail for one month, two directors agreed to participate. Acknowledging that my sample would be educators, I contacted teachers "who could and were willing to provide the information by virtue of knowledge or experience" (Etikan et al., 2016, p. 1). Homogenous sampling refers to the choice of utilizing participants where age, culture, job, or life experiences are similar (Etikan et al., 2016). By using this method, teacher training, experience, understanding of education policy, and its potential impact on Indigenous youth are being researched. From those school boards who agreed to participate, approximately 400 letters of participation were sent. In total, 12 educators participated—11 through in-person interviews and one by submitted written responses. Although this number is lower than desired, 12 participants is the number that the literature acknowledges as a "saturation point" (Tuckett, 2004).

**Qualitative Methods**

To better understand educators' perceptions and understanding of the Ontario Anti-Bullying Framework, I asked educators how they defined bullying, and how they believed they utilized the policies when Indigenous youth were involved in instances of so-called bullying behaviour. Grounded Theory, Conversation Analysis, and Critical Discourse Analysis were used to analyze the interview data and legal policies. A grounded theoretical framework acknowledges that themes and concepts will emerge from the data. Conversation Analysis requires "meticulous attention to recorded data and examines the sequential accomplishment of actions and activities during social interaction" (Davidson, 2012, p. 29). Harvey Sacks created Conversation Analysis "out of an initial interest in how people 'did things' through talk" (as cited in Davidson, 2012, p. 29). Complementary to Conversation Analysis, Critical Discourse Analysis examines the connections between language and social and political contexts—specifically, in this case, how the anti-bullying framework is understood by educators. Critical Discourse Analysis is used to understand pressing social issues (van Dijk, 1993). Critical Discourse Analysis is an approach that reveals sources of political power, inequity, and bias and how they are maintained and reproduced within specific contexts, such as in schools (Gasper & Anthorpe,

1996); van Dijk (1993) points out a complication with Critical Discourse Analysis:

> the fact that typical macro-nations such as group or institutional power and dominance as well as social inequality, do not directly relate to typical micro-notions such as text, talk or communicative interaction. This not only involves the well-known problem of macro-micro relations in sociology, but also, and perhaps even more interestingly, the relation between society, discourse, and social cognition. (pp. 250–251)

The process of Critical Discourse Analysis is to critically reflect on how participants speak and the meaning of their language.

Critically reflecting on issues discussed by participants allows a deeper understanding of the knowledge that teachers have about Indigenous Peoples and the impacts their words and actions may have. This analysis component complements the grounded theoretical framework because it helps "bridge the gap between the macro-analysis of social structures and ideologies and the micro-analysis of specific conversations" (Gasper & Apthorpe, 1996, p. 4). Understanding how policy impacts interactions between people and vice versa is important given Ontario educators are mandated to follow rules and regulations, such as Ontario's Education Act. Using qualitative methods allows a deeper understanding of educator perspectives on their understanding of the anti-bullying framework. The interviews focused on understanding educator definitions of bullying and any potential impact on Indigenous students. The results from the interviews are below.

**Results**

The responses provided by participants regarding the definition of negative behaviour are similar to each other and are comparable to the definition taught in university courses and professional seminars, and thus similar to what is written in the legislation and provincial policy documents, such that negative behaviour happens repeatedly "to cause physical, psychological, social or academic harm" (Education Act, 2012, s.1). With little exception, most referred to bullying as repeated behaviour that targets someone, whether verbal or physical. Mark, Callie, and Izzie described examples of so-called bullying behaviour which were actually mislabeled instances of harassment, sexual harassment, and rape.

Mark stated that "this word bullying means anytime a student uhh, is being unkind to another student, then we use the label bullying, and the students will quickly use that phrase." Mark believes kids mock the definition, "because now under the slightest bit of stress, they [the students] are not afraid to shout out, he's bullying me, or she's bullying me, and then it becomes a joke." He further claimed, "It's hard to dif-

ferentiate between bullying and the natural pecking order and societal kind of hierarchies." But the "natural pecking order and society hierarchies" are not natural in humans, but rather socially constructed ideas about race, class, and socioeconomic status which are taught at a young age and reinforced by external conditioning.

When asked if there was a way that the school tries to eliminate the hierarchies, Mark responded in a way which did not elucidate on or critique hierarchies:

> Through treating students fairly and trying to role model positive interactions [...] you learn about it and you know about it, and for example, like blackmailing, including sexting and that sort of thing and they [the students], they're all quiet, I mean, anecdotal, I've had girls tell me that they receive multiple unsolicited sexts every week, photos from boys, so, so that, I mean, that isn't bullying specifically, but that you can probably appreciate how that would lead to any range of social issues in the school, bullying included.

Mark failed to recognize that in this moment, the girls he referred to were being sexually harassed, and not "bullied." This answer shows serious behaviour (sexual harassment) has been elided through its categorization as "bullying."

Callie gave her definition of bullying as feeling threatened or if negative behaviour occurred through "comments, either verbally or through social media, word of mouth." When asked for examples of bullying behaviour, Callie described an experience of rape that was so impactful, an entire family moved out of their community. For anonymity, the description is omitted. Other examples she provided include 1) relationship problems between teenagers and 2) an incident where a hockey player was treated differently among his peers.

Izzie dislikes the term bullying; "I feel like it really minimizes what the actual issues are." However, to answer the question, she stated that the school would define bullying as "targeted harassment." She further stated,

> To me bullying, umm, especially for the high school level, kind of connotes like playground silliness, and you know, my feelings get hurt and [...] there's a difference between playground umm, friendly, uhh jabs and harassment and, and that's where I think we need to make a better differentiation at the high school level.

Izzie went on to provide various examples of consequences students have faced when involved in instances of negative behaviour, such as suspensions, expulsions, students whose timetables are shifted so they are not in the same class as the person causing the negative behaviour, and if the incident occurred on social media, then students are disciplined by having their cell phones taken away for the day.

Participants were also asked about their knowledge of the implementation of the Ontario Anti-Bullying Framework in their schools. Seven participants were unaware of the Ontario Anti-Bullying Framework. Thus, they also felt unable to comment on its implementation or operation in their schools. Many of their responses indicated that despite not being able to identify the specific policy, the participants were in fact aware that there is a framework for dealing with so-called bullying behaviour. Some of the participants acknowledged they disregard the framework and believe they know what is best for their students, over a standardized policy.

Meredith could not provide any specific examples of the Ontario Anti-Bullying Framework being implemented. She acknowledged that she reports to her principals and "basically trust that they would be familiar with the procedures." Christina understood the procedures for reporting. She stated that the procedure involves documenting the incidents and "ensuring that communication is made to everyone involved, so that would be parents, guardians, so in our case that would be the education authorities, umm any teachers that were involved in the reporting." When asked to explain the process of communication, she responded, "Everyone ends up in the office and they are spoken to individually to try to piece together what is going on, their families are phoned [… and] decisions are made usually with input from the educational authorities." When asked if there were any procedures when contacting parents, she stated, "We often have parents who are just like, oh well, figure it out, I can't deal with this and so you're like […] we don't know how to figure this out, where is [a] safe place that we can get your child?" There was a disappointed tone in Christina's voice as she expressed concern for children who need help but whose parents are not willing or not able to attend to their child. Hopeful that not all youth would end up on a negative pathway, Christina revealed that the anti-bullying framework is action oriented. She responded, "The Ontario Anti-Bullying Framework forces you to address it [so-called bullying behaviour] and [has] made school a safer place." Miranda's response is similar to Christina's. Miranda implied that the anti-bullying framework supports students in a way because it forces negative behaviour, whether inside or outside of the school, "to be dealt with in sort of a prescriptive manner." When asked how the Ontario Anti-Bullying Framework supports students, she responded that it "provides a method where bullying can be dealt with […] to try to ensure their [the students'] safety in the building. And outside of the building because if they report when it's outside of the building, we have to deal with it."

Izzie and Lexie acknowledged that the anti-bullying framework is implemented in their school, despite not being able to give specific examples, as there is a lot of overlap in the climate and culture of the school. Jo was not able to provide a response because she did not know

if the framework was implemented in the school. Arizona also did not believe the framework was implemented across her board. Arizona stressed that because she had not heard about the anti-bullying framework, many others would not have either.

Mark could not confirm whether the framework is implemented in his school. He hesitantly responded, "I think it probably is. I think that if they've been handed direction from the provincial government, they probably followed it and hopefully are instituting it, but I don't see it anywhere specifically." Callie was unsure but assumed that the framework is implemented in the schools. Both Mark and Callie are from the same high school, and both assume the framework is implemented.

Derek was unaware if his school had adopted the provincial anti-bullying framework. He also did not disclose any anti-bullying policies implemented at his school. He continued to describe how tightly knit the students who attend his school are and how they remain busy with activities. He stated, "If it ain't broke, don't fix it […] Our teachers and our staff go above and beyond to like, make connections with the kids and make them feel welcome." He discussed how difficult it must be for students to leave their home communities at ages as young as 13 years for the completion of high school, and that is part of the reason why his administration makes school culture important. Strong school culture makes a positive environment where fun activities and learning are combined.

**So-Called Bullying Behaviour Involving Indigenous Students**

Participants were asked about instances of bullying involving Indigenous students and whether the events were managed differently than other events (i.e., negative behaviour involving Indigenous to Indigenous, Indigenous to non-Indigenous/non-Indigenous to Indigenous, or non-Indigenous to non-Indigenous people). The responses provided are vastly different, ranging from suspension to restorative justice practices. Meredith, Christina, Mark, and Amelia responded to this question.

Amelia's response indicated that if Indigenous youth are involved in so-called bullying, they may be given other opportunities, such as "attend[ing] a restorative justice circle […] or [being] given traditional methods of punishment as being suspended may mean being sent back to their home communities if they are from the north." Meredith's response was not as direct as Amelia's. She did acknowledge that there are differences in how students are treated, referring to supports available for Indigenous students in her school.

Christina did not think Indigenous youth were treated differently when involved in instances of so-called bullying. She stated that

"those who are labelled as a bully are suspended." Previously in our interview, however, she provided examples of Indigenous youth involved in incidents of so-called bullying behaviour. In those examples, she spoke about an incident where four Indigenous boys violently assaulted another Indigenous boy outside of school. The four boys were suspended for five days. She elaborated that the boy who went to the police was sponsored from the north; "His education authority supported him and got him to the police, but he's not doing really well. He's fine physically, but he doesn't want to come back to school [...] He hopefully will come back in September." She further expanded to tell me that three of the boys have been in care since a very young age and have been in juvenile detention. She referred to their school as the last secure place some of the troubled youth have. Boys, however, are not the only troubled youth. Christina referred to "mean girls" who engaged in sexual harassment. She stated,

> We have girls that are mean girls and we've had an issue with umm, like texts of nudity this year […] It's stopped, but part of the reason it's stopped is because the kids involved in that [those sending the texts], their education authorities have sent them home so independent of the school, their drinking and dangerous behaviour, the education authority said we [don't] feel confident that we can keep you safe, so they've returned home, so that's actually completely stopped.

Further, Christina referred to bullying as sending naked pictures, rather than recognizing that it is sexual harassment. She stated,

> The past 2 years is the first time I've known of that kind of bullying, with texting naked pictures […] The boys were sending the naked pictures […] It became a wide issue […] We had one where they printed off the pictures and pasted them all over the bathrooms […] It wasn't identifiable, but obviously people knew.

She also pointed out that alcohol and addiction issues are rampant in her community. Christina further explained that despite the issues in the community, there is a lot of support in place for the students who come from northern reserves because the education authorities are there as resources. Whether the resources are used by the youth could not be commented on.

Mark's response differed from the others, as he drew on the separation between students; he stated,

> Instances of bullying […] socially it's met with such distaste […] There's just a huge gap between white kids and First Nations kids, especially off-reserve First Nations kids. They [Indigenous off-reserve and Indigenous on-reserve youth] don't really even interact with each other.

When asked to explain the gap that exists between Indigenous students

and white students, Mark responded,

> The gap is everywhere, they don't live in the same neighbourhoods, there's not a lot of First Nations students in academic level classes, so even at the classroom level they separate themselves […] in the halls, they don't hang out in the same places, not a lot of Indigenous students on sports teams really.

In this moment, Mark describes social stratification, referring to society's categorization of people into groups based on socio-economic factors like wealth, income, race, and education. Mark observed that Indigenous students seem to be separating themselves, which may be a valid reaction to a racist or inequitable education setting. Many Indigenous youth live on reserves, in poor geographic spaces away from urbanized areas (Palmater, 2011). They are systematically forced away from opportunities for success by the way the Canadian government systems are set up—Indigenous people are mandated by the Indian Act, have less access to resources, and may not have the same basic human rights as other people in Canadian society.

When asked if there are any differences in how students are treated in school, Mark provided an example from his tech class. He stated,

> I have a lot of cameras in the class, and I want to lend cameras out, and with attendance, some students just hardly ever show up and then they're like, "Oh can I take a camera home for the weekend?" And then I'm like "Well, when am I going to see it again? Next week? The week after? You've been here once this week" so then you feel bad because there's someone whose (sic) there every day and you're like "Well, what do you want, I'll let you take anything because I trust you with it," but I, if you don't ever, if you hardly know someone and you don't establish trust with them, right, so there's another example of there being a difference.

Mark's account does not consider outside factors that may impact on school attendance, such as funerals, cultural celebrations, or perhaps some of these students are not engaged in his class and thus do not show up. When asked if reliability comes up with all students, Mark responded,

> Students (sic) kind of marginalize themselves for a lot of different reasons, and it's hard to, you know students have poor attendance for a lot of different reasons and if they have poor attendance, then it is hard to rely on them in that fashion.

Mark makes the claim Indigenous students marginalize themselves and that because of this sporadic behaviour he finds it difficult to trust them with school assets, and yet he acknowledges there are many reasons for poor attendance. However, he does not consider the same reasons they have poor attendance as factors when deciding if a student may

borrow a camera. Building trust and respect in Indigenous culture, and therefore with Indigenous youth, takes time and effort to earn. When problems arise as to why Indigenous students are not able to attend school, teachers' biases may surface. If a teacher stereotypes Indigenous youth (or other minority children) as being unworthy of respect or trust, students may have an extremely tough time getting along with their teacher and thus have difficulty meeting teacher expectations. When this happens, students may start to rebel—no matter how hard they try to fit in, there may always be a bias that a minority student can never live up to the heteronormative ideal.

Mark was also asked if he noticed other teachers treating Indigenous students differently. He responded,

> I think everyone does and I mean the students pick up on it too [...] I'm always erring on the side of inclusion and helping people feel accepted, so I think that's kind of, I mean I've been straight out pressured to try to keep a First Nation student on a basketball team by administration.

Mark's response reflected confusion—he acknowledged differences in treatment by teachers, and then the focus shifted to inclusion of Indigenous students in extracurricular activities at all costs. To Mark, the pressure to keep the Indigenous student on the sports team is considered different treatment. It seems to Mark that this is the epitome of preferential treatment—being forced by administration to keep an Indigenous youth on the team, regardless of what he saw as a reason for removal (not described). The interference by administration is the reference to preferential treatment.

Miranda's response reflected on the home life of students where many adults are ignorant and racist and on the fact that many of the comments made at school are heard at home. She believes that Indigenous students are bullied simply because they are Indigenous. She stated,

> That whole cultural thing still exists here [...] You hear it in the community where people talk about First Nations people or umm, French people and it's [...] absolutely that bullying is happening, not only because they are Indigenous, but certainly there are incidents where you know, Johnny who is non-Indigenous has heard something at home and thinks its ok to come in and say something here.

Miranda's response, while acknowledging that Indigenous youth are treated differently, simplifies racism as a form of so-called bullying behaviour. These statements from Miranda reflect the pervasive nature of racism within northern communities.

Izzie's response to the question of bullying involving Indigenous youth acknowledged incidents of this specific negative behaviour in her school. She was asked how many incidents she has been involved

in. At the time of the interview, she acknowledged three profoundly serious incidents. One involved sexting between an ex-boyfriend and ex-girlfriend, where police were involved. Izzie did not recognize that unsolicited/non-consensual sexting cannot simply be referred to as "bullying behaviour" but needs to be referred to, properly, as sexual harassment. Izzie referred to sexual harassment as a form of so-called bullying behaviour throughout her interview despite stating that she did not like the term bullying.

With respect to dealing with bullying when she encountered it, Izzie believed that instances of so-called bullying behaviour are handled positively when Indigenous youth are involved (either as the student performing the negative behaviour or receiving it), particularly when they participate in restorative practices. She reflected on encouraging community members to also be part of the conversation to help "students to see their behaviour [...] and I think more for the bully, right, more for the aggressor in the situation, it's changed positively that we're looking at what are those impacts."

Izzie also expressed another incident directly related to an Indigenous student who lives off-reserve. She stated that the student will visit family/people from her band's reserve:

> She'll talk about "our land" and that kind of language which other students who live there [on-reserve] have been very harsh with her about the fact that "it's not your land, you don't live on the res, you have all this privilege," so umm, anytime she speaks up or gets involved in anything, umm, there's this kind of backlash and she's really been struggling with how to navigate that.

In this example, Izzie recognized that community/family dynamics are also political on- and off-reserve. There are various issues that individuals deal with when belonging to a band and living off-reserve. For example, jurisdictional problems with respect to accessing resources on-reserve (such as emergency services—ambulance, fire department, and police) as well as voting for chief and council; due to the various intersecting issues that may arise, lateral violence may also be an issue. Lateral violence occurs when anger is directed towards peers or community members (Native Women's Association of Canada, 2011). From Izzie's next response, her student appeared to be dealing with lateral violence. When asked to further describe the dynamics of on-reserve/off-reserve issues that the student had to deal with, Izzie stated,

> We've talked a lot with her family about it [...] It's kind of a tricky ground 'cause it also involves community and uhh, and parents of students who are also saying some harsh things on social media. [...] That particular student knows that she should bring evidence of it to us, that we can't do anything with hearsay, but if she brings in the texts and screenshots things, then

we can address them.

Izzie went on to describe how the school's Aboriginal Liaison worker recognized the student's difficulty navigating stereotypes that are out of her control and tried to equip her with responses that she could use to address issues within her family/community that hopefully did not create larger barriers for her. As described by Izzie, they [the Aboriginal Liaison worker] explained to the student that there are limits to what young Indigenous women who live off-reserve have control over and that she may be stereotyped based on historical choices. The liaison worker helped develop a support system for her when she wanted to talk about on/off-reserve political issues. Izzie commented that while they were able to assist this student, "it hasn't necessarily helped community-wise, umm, like aunts and parents are still pretty nasty with each other about it, but it's definitely helped in the school environment."

When asked if so-called bullying events are managed differently with Indigenous youth, Lexie responded, "It depends. I'd like to say we always use restorative practices with our Indigenous kids, but they don't always want us to, they want us to treat them the same as we treat everybody else, and we don't use restorative practices with everyone." It is important to note that those who use restorative practices usually involve both parties, particularly when discussions take place between them. As a follow-up question, I asked Lexie if she could provide insight on why students would want to be treated the same and if they recognized differences in how they are treated in mainstream society. She responded,

> I think that a school for them […] is a safe place, and they feel comfortable saying I don't need to be different, and I think also, that is the manifesto of every teenager in the world, where they don't want to be different than anybody else. So, these kids taking pride in their culture and celebrating it is a huge win.

Lexie's school takes pride in their welcoming climate for Indigenous students to prosper. The school welcomes everyone, but specifically focuses on ensuring students from northern communities feel included and that their voices are heard.

From Derek's perspective, students are not treated differently at his school because all students are Indigenous. However, he acknowledged a few fights over the past few years, but did not feel comfortable providing further details. When asked if he has been directly involved with any incidents of so-called bullying, his response was "Not really, not particularly […] The bosses deal with that more than I do, but I usually hear about it 'cause I work very closely with them [Indigenous youth]." Additionally, he did comment on the fact that some students who are violent lose their chance to get their credits—some students are sent back to their home communities; "We try and give the kids as much flexibility as possible, but […] we have to really draw a line in the sand

when it comes to something like violence."

Derek also reflected that if instances of so-called bullying happened at a provincial school involving an Indigenous student, he hopes educators at that school "would take a little more care to understand why it happened and to make sure it [the motivation and the consequence to the negative behaviour] wasn't racist." He further reflected, "I think there's a lot of crimes that are racially motivated […] I hate to say it, but it's the truth […] We're making strides as a country […] but people are still ignorant and close-minded and racist." In Derek's response, he shed a hopeful light: that teachers do or will take the time to determine the underlying factors for the negative behaviour(s) against Indigenous students (and others). Not all educators use their discretion to determine underlying issues of negative behaviour, and, instead, they may use instances of negative behaviour as a way to promote their unspoken biases and target certain students through various programs schools have adopted.

## Discussion

### *Sexual Harassment as Bullying*

Some educators in this study confused bullying behaviour with criminal behaviour, such as sexual harassment. Ontario's Education Act does not define sexual harassment or harassment; however, Ontario's Education Act outlines sex and sexual orientation as a factor for which so-called bullying behaviour will not be tolerated. This points to a large gap in the anti-bullying framework: if sexual education is taught, but sexual harassment is not addressed (or simply dismissed because it is not defined in the Education Act), then the unspoken lesson in schools is that harassment is allowable under the guise of so-called bullying. If an educator/principal dismisses instances of sexual harassment in school between students as so-called bullying behaviour, then they disregard human rights, disregard a victim's story, and teach the person who performed the action that "It is okay to behave in this manner," as it is not "serious enough" to be called sexual harassment. In reality, sexual harassment is a more serious behaviour than claims of bullying and requires legal action.

When asked to describe instances of bullying, one educator mentioned a case that she termed as ongoing and described this instance as one in which a student was raped. While it was not clear that the rape act itself was thought of as so-called bullying behaviour, it was linked enough in the participant's interview to warrant discussion and analysis here. It is unclear whether it was the initial act of rape or the aftermath of reporting the incident that led to the involvement of the educator participant and ultimately forced the family to relocate entirely. The assault was reported according to the Criminal Code and handled

by the Ontario Provincial Police. As referenced under the Canadian Criminal Code, sexual assault is a serious criminal offence. The parties involved were Indigenous and non-Indigenous youths and friends before the assault, with the purported victim being an Indigenous girl. The accused was subsequently expelled from the school and charged under the Criminal Code. Ontario's Education Act acknowledges sexual assault as a separate action of bad behaviour, as it relates to the school climate (s. 300.0.1) and disciplinary action (s. 300.3[6][a][i] and s. 310[1][4]), with the highest level of disciplinary action being expulsion from school.

For the research participant to include the instance of rape when asked about instances of bullying she was directly involved with indicates a larger issue in the anti-bullying framework, this issue being criminal behaviour being referenced as so-called bullying behaviour. In the event of rape described above, the educator confirmed that the parties had been friends. My research points out that educators may allow sexual harassment behaviours, such as the distribution of unsolicited photos or sexts, to go undocumented and therefore unpunished, dependent entirely upon their personal socially constructed definition (based on their formative experiences). Their lack of understanding of what the formal anti-bullying framework encompasses may end up promoting sexual misconduct among youth, which is clearly criminal behaviour, and which, due to educator discretion, can be included under the generalized understanding of the so-called anti-bullying policy.

*Targeted Harassment: Racism*

Targeted harassment was brought up as a form of so-called bullying behaviour by Izzie, who claimed to dislike the word bullying (stating that young adults need to recognize that there are legal consequences for negative behaviour, as justification for her dislike of the term). Targeted harassment and harassment are the same thing and are not included in Ontario's Education Act. The Canadian Human Rights Commission (n.d.) states that harassment is a form of discrimination that includes "any unwanted physical or verbal behaviour that offends or humiliates a person" (para. 1). The understanding here is that physical or verbal behaviour generally occurs over time. Simplifying, which is sometimes reducing, harassment down to a form of so-called bullying behaviour disregards human rights and invalidates the victim while dismissing the seriousness of the behaviour.

In my research interviews, participants mislabeled racist behaviour towards an individual as a form of so-called bullying behaviour without any regard for the well-being of the person who endured the negative behaviour. Racially motivated instances of bullying should be treated with a full understanding of context, rather than just an instance of simple bullying. Individual racism "involves both the attitudes held

by an individual and the overt behaviour prompted by those attitudes" (Henry, 2004, para. 10). The attitudes that are displayed by racist individuals are often obvious and extreme, such as individuals who are loud about their thoughts and intolerant opinions (Henry, 2004). Henry (2004) further observed that most of the Canadian population is "uncomfortable about expressing their attitudes openly because these attitudes run counter to prevailing norms" (para. 10). Ontario's Education Act does not define racist behaviour but acknowledges that school boards will support "activities or organizations that promote anti-racism" (s. 303, 1[1][b]). Anti-racism is also not defined.

Ontario's Education Act's definition of bullying refers to race as a factor within bullying; however, the inclusion of this factor should be critiqued, as it leaves room for the actual definition to be blurred. Behaviour that is predicated on race is not so-called bullying behaviour—it is racism.

The disciplinary actions taken toward students, in reaction to student behaviour within the lens of anti-bullying framework, are determined based on students' behaviour and how their behaviour is interpreted. When educators disregard racism and mislabel it as so-called bullying behaviour, stereotypes and negative behaviour have a space to occur unhindered. The misnomer also protects the person/offender from larger criminal implications by the obfuscation of racism through its confusion with bullying. If the behaviour is directed toward an Indigenous person (or other minority population), the consequences may be more serious because it becomes even more targeted.

All these behaviours—sexual harassment, sexual assault, targeted harassment, and racism—are criminal. If violence is encountered by members of a marginalized group, they may choose to defend themselves by implementing one of two types of aggression: instrumental or reactive. These forms of aggression may be assessed as bullying. What must be recognized by educators who are assessing behaviours they observe, and doling out punishments, is the underlying intent/nature of the behaviour. Recognizing the immediate and future implications to their students based on their own ability to understand/perceive context is important. If an educator misjudges what they observed, a student defending themselves from so-called bullying (i.e., an Indigenous youth facing racism) may be subsequently—even additionally—targeted by authority figures who later become aware of the incident. This may lead to blame for the targeted student and their miscategorization in subsequent events as a "bully," as a consequence of an issue they potentially did not instigate. Consider one example of educators needing to recognize the immediate and future real-life implications of potentially misperceiving a student's defensive behaviour as racism: a student may end up being charged with the name of the action (i.e., assault) in which case a criminal record would follow. Educators need

to critically reflect on and be aware of how their interpretations of what so-called bullying behaviour is, may have long-lasting implications for students, especially for Indigenous youth, in relation to their future in school, and as adults.

**Education Act Amendments**

The amendments to the Education Act have the potential to impact Indigenous students in a way that further subjugates them because Indigenous youth may be acting out unacknowledged systemic violence. Systemic issues of racism remain in many geographic locations, particularly in Northern Ontario, where the Indigenous population is high. The current Eurocentric education system in Ontario provides "surface-level" protection for students, but it is unclear whether it protects Indigenous peoples from the unique experiences of so-called bullying behaviour and racism that they may face because of their social location. For example, Indigenous students may be the subject of violent behaviour that is simply characterized as bullying, and the incident may therefore be ignored, or its impact minimized. Also, Indigenous youth may be labelled as "bullies" for defending themselves against racist behaviour from others if no evidence is brought forward by a staff member (or an authoritative adult), whether the negative behaviour is from fellow students, teachers, parents, or any other personnel involved with the school system.

**Conclusion**

The purpose of this paper is to evaluate the impact of educator understandings of bullying and the implementation of the Ontario Anti-Bullying Framework as it relates to Indigenous youth. In this paper, an overview of the broader social context Indigenous youth face in their quest for an education is discussed. Then there is an overview of the anti-bullying framework; it was first implemented under Premier Harris's Safe Schools Act, 2000, and further built upon by Premier McGuinty's Accepting Schools Act in 2012. The Accepting Schools Act amended the Education Act and mandated school boards to implement policies to monitor and prevent behaviour defined as bullying. Data is then presented from interviews with educators from June 2018. From those responses, there is a discussion of the critical issues involving educator confusion between criminal behaviour and bullying behaviour. Educational laws and policies must be considered when instances of so-called bullying occur. The term "bullying" needs to be critiqued, as it can mask behaviour that targets Indigenous youth (and others), such as racism, (sexual) harassment, and violence.

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