

ACCOMMODATING RELIGIOUS AND CULTURAL DIVERSITY IN THE SCHOOL

Training Unit for School Principals

Number 8

Intercultural Education

May 1997

Direction des services aux communautés culturelles

TABLE OF CONTENTS

[FOREWORD](#)

[INTRODUCTION](#)

[SECTION I - WHY ACCOMMODATE CULTURAL AND RELIGIOUS DIVERSITY?](#)

1.1. [The Socio-professional Argument](#)

1.2. [The Sociopolitical Argument](#)

1.3. [The Psychopedagogical Argument](#)

1.4. [The Legal Argument](#)

[SECTION II - HOW FAR SHOULD ADAPTATION GO?](#)

- 2.1. [Underlying Philosophical and Legal Principles of Solutions to Conflicts of Norms and Values](#)
- 2.2. [Determining Your Room for Manoeuvre](#)
 - 2.2.1. [Examining the Legitimacy of the Problem Raised](#)
 - 2.2.2. [Determining the Validity of the Solution Proposed by the Parents or Students](#)

[SECTION III - HOW TO FIND MUTUALLY ACCEPTABLE SOLUTIONS](#)

- 3.1. [A Few Questions on the "Best" Management Approach in This Area](#)
- 3.2. [Ten Elements of an Effective Strategy for Resolving Conflicts of Norms and Values](#)

[SECTION IV - FROM THEORY TO PRACTICE](#)

- 4.1. [Ideas of School and Learning](#)
- 4.2. [Views on Discipline and Children's Rights](#)
- 4.3. [The Respective Status and Roles of Men and Women](#)
- 4.4. [Respect for the Rules and Practices of Religions Other than Catholic or Protestant](#)

[APPENDIX I - LAWS AND REGULATIONS QUOTED](#)

[APPENDIX II - BIBLIOGRAPHY OF WORKS QUOTED AND FURTHER READING](#)

[FOREWORD](#)

This training unit is designed primarily to help school principals make fair and informed decisions in cases of conflict of cultural or religious values arising in the school setting. It is among the measures of the *Plan d'action gouvernemental en matière d'immigration et d'intégration* (government plan of action on immigration and the integration of immigrants) (1991) to promote the adaptation of public and parapublic sector institutions to the pluralist reality in education. The policy statement (1990) that gave rise to the plan of action makes the point that such adaptation--which is an important element in the

moral contract between Québec and the immigrants it receives--must not lead to "extreme situations in which different groups would rigidly maintain their culture and their traditions of origin totally unchanged or unadapted and co-exist in mutual ignorance and isolation."[\(1\)](#)

This adaptation is an essential condition for the participation of Quebecers of all origins in collective life. Thus, while the host society accommodates cultural and religious diversity, it has the right to expect immigrants to subscribe to the democratic values defined in the Québec *Charter of Human Rights and Freedoms*, to be receptive to intercultural dialogue, and to contribute to the creation of a common civic space.

More concretely, this document is intended to meet a need that has frequently been expressed by principals of schools serving multi-ethnic populations during professional development sessions on intercultural education organized by the Direction des services aux communautés culturelles (DSCC) of the ministère de l'Éducation du Québec (MEQ). The need is for viable guidelines for dealing effectively and equitably with situations in which the practices of Québec schools may be challenged. However, the unit does not provide detailed instructions for dealing with the various possible conflicts. Each situation is unique, and the objective here is to provide a general frame of reference to help school principals make decisions and take action.

Principals may want to consider using this training unit later with their personnel to provide guidelines for the handling of value conflicts, which is a real challenge facing Québec schools today. This kind of consciousness raising will help enable the education system to prevent or resolve most of these conflicts. Any key individuals in intercultural education in the school or board should be closely involved in this consciousness raising.

The approach used in the unit focusses on eight practical case studies in which the cultural communities involved are named. Our aim, we should point out, is not to reinforce stereotypes or prejudices with respect to these communities, but rather to make the situations in question less abstract. They are cited only as examples, and no ethnic or cultural generalizations should be made from them. Furthermore, given the diversity that exists within the various cultural communities, couldn't many of these cases be equally applicable to other communities?

The writing of this document has drawn on the cooperation of many partners. The DSCC would like to thank the author, Professor Marie McAndrew, and her assistants, Marianne Jacquet and Dominique Lapointe, for their analysis of the broad and complex subject of value conflicts in the school. We would also like to thank the schools and school boards that, in an exploratory study, helped the DSCC delineate the areas in which these conflicts are most likely to occur and the means for dealing with them. Thanks are also due to the administrations of these schools, whose observations contributed to our understanding of the problem and to the approach we propose in this unit. The Direction des politiques et programmes de relations interculturelles of the ministère des Affaires internationales, de l'Immigration et des Communautés culturelles also deserves thanks for its helpful comments on the basic principles of the document with respect to the government's orientations. The legal aspects of the cases described have

been reviewed by the Direction générale des affaires juridiques of the MEQ; the Direction de l'éducation of the Commission des droits de la personne du Québec has also been consulted. The DSCC would like to express its gratitude to these organizations for their stimulating cooperation, and to the representatives of community groups and the members of its advisory committee on intercultural education for their enlightening points of view on various aspects of this publication, as well as to all those who helped in so many ways in its production.

Finally, the DSCC hopes that this publication, which has received financial support from the Fonds d'initiative of the ministère des Affaires internationales, de l'Immigration et des Communautés culturelles to promote the measures of the *Plan d'action gouvernemental en matière d'immigration et d'intégration*, will be useful to school principals and will help to ease and resolve the difficulties experienced by Québec schools in integrating students from the cultural communities, accommodating religious and cultural differences, and implementing pluralism.

Marie-France Benes
Director

The value-conflict resolution project was carried out by the Direction des services aux communautés culturelles (DSCC) with the help of the Fonds d'initiative of the ministère des Affaires internationales, de l'Immigration et des Communautés culturelles.

Design and development

Marie McAndrew

Professor

Department of Educational Studies and Administration

Faculty of Education

Université de Montréal

Director

Inter-University Research Centre on Immigration, Integration and Urban Dynamics

Project coordinator

Marc-Yves Volcy

Consultant on Services to Cultural Communities

DSCC

English Version

Phyllis Aronoff

Translator

Direction de la production en langue anglaise

ISBN 2 - 550 - 31863-3

Legal Deposit -- Bibliothèque nationale du Québec,
1997

INTRODUCTION

Diversity in beliefs, values, and lifestyles is a fundamental characteristic of the population of Québec today. Primarily a result of the internal dynamics of our society, this pluralism has been reinforced in the past twenty years--especially in the Montréal region--by greater diversity in the immigrant population than there has been in the past. While this flow of immigrants constitutes an essential contribution to Québec, the emergence of new needs or different expectations with regard to the school within a changing population represents a major challenge for everyone involved in the education system, especially the decision makers.

The decision makers are frequently unsure how to respond to demands for exemption from institutional norms by parents or students belonging to minority groups in areas involving basic concepts of school and learning, views on discipline and children's rights, the respective status and roles of men and women, and respect for the observances and practices of religions other than Catholic and Protestant. This confusion is quite understandable, because in Québec as in other societies, the concrete resolution of conflicts of values or norms in the school setting is a complex issue. Underlying the sometimes trivial appearance of the incidents that give rise to problems is a question that regularly confronts decision makers and educators: the difficult balance to be struck between adaptation to the school and the promotion of common values and norms necessary for integration and success in school, in full respect for individual rights and responsibilities in a democratic society. While not wishing to impose its solutions on the local level, the ministère de l'Éducation du Québec recognizes its responsibility to help local institutions understand the basic principles they should take into account when these issues arise and to provide training in resolving these conflicts as harmoniously as possible.

This training unit does not claim to offer profound or definitive theoretical answers to social, political, and ethical controversy on the accommodation of cultural and religious differences in the school. More modestly--and, let us hope, more usefully--its aim is to provide pertinent information and means of action to help in decision making on value-conflict resolution and the adaptation of institutional norms. While other persons involved in the school setting may adapt this material to their professional needs, it has been designed primarily for school principals, who, as leaders in the school and representatives of the school in relations with the community, are called on to play a key role in this area.

The unit provides an approach consisting of four distinct stages, of which the first three are more

theoretical in nature and the fourth more practical :

1. **Why accommodate cultural and religious diversity?:** a summary of the main arguments justifying the need for school principals to adapt their norms and practices to the diversity of their school.
2. **How far should adaptation go?:** the legal, regulatory, and organizational requirements that determine the local school's room for manoeuvre with respect to the issues raised.
3. **How to find mutually acceptable solutions:** elements of an effective strategy for resolving conflicts and finding equitable solutions.
4. **From theory to practice:** case histories of conflicts of values and norms in the four areas mentioned above; it is left to the expertise of the principals to resolve these conflicts, using an interactive approach based on the theoretical and strategic material provided in the preceding three sections.

For this unit to be genuinely useful to school principals, it seemed essential to us to take a non-academic, dynamic approach that respects their autonomy and professionalism. A special effort has been made to give voice--as much as possible in a humorous way--to the concerns and objections of the school in the terms in which they are expressed, and to present situations in a realistic, non-idealized way that reflects the principals' everyday experience. For practical reasons, the subjects dealt with in the unit are generally covered briefly. However, for those who would like to learn more, the main works on which this material is based and suggestions for further reading are provided in Appendix II.

SECTION I

WHY ACCOMMODATE CULTURAL AND RELIGIOUS DIVERSITY?

"Don't you think I have enough to do without becoming a negotiator as well?"

"When in Rome, do as the Romans do. They wanted to come here; let them adopt our values!"

"These questions only interest some ethnic leaders and parents who can't accept seeing their children change. All the students want is to be like the others."

"There's no discrimination in our school. The proof is that we treat everyone the same."

What decision maker, teacher, parent, or anyone familiar with the multi-ethnic school setting has not

heard--or even sometimes shared--the opinions expressed above? Like all spontaneous perceptions based on immediate experience, they contain some truth, but they also contain a lot of preconceptions and simplifications that may on closer examination require some qualification. In fact, we have chosen to use them as an introduction precisely because they correspond, paradoxically, to the four types of arguments that justify the need to accommodate cultural and religious differences in administrative practices in a multi-ethnic school setting; we describe them as *socio-professional*, *sociopolitical*, *psychopedagogical*, and *legal* arguments.

This section is probably the most important one in the unit; at least, it is an absolutely essential step before going any further. If you yourself are not convinced that accommodating differences is a *positive* part of your school's strategy for integrating minorities, then how will you be able to negotiate in good faith with parents and achieve the consensus among your personnel that is necessary for success?

Depending on your personality, your social and political beliefs, your personal experience and work experience, you may not find all the arguments presented in this section equally persuasive. Nevertheless, you should take the time--if you have it⁽²⁾--to discuss them with colleagues, teachers, parents, and the students of your school. You will discover that even if you do not agree on everything, you will have a much more balanced view and you will be better prepared to meet this professional challenge.

1.1. The Socio-professional Argument

"Don't you think I have enough to do without becoming a negotiator as well?"

The (hypothetical) school principal quoted above is probably retired, or else he or she has not been a principal for very long! Because, of the school principal's many roles, the one that has grown more important in the last twenty years in Western societies in general is that of negotiator of the consensus required for educational activities in a context where internal divisions and external pressures are increasingly present. In fact, American experts on school administration have gone so far as to describe the principal as the "boss in the middle" (many would say, in the middle of every controversy!).

From this perspective, regardless of the ethnic composition of the student body, what school principal in Québec has not, in the course of his or her career, developed the ability to meet the needs and specific expectations of the community (whether it be rural, disadvantaged, "alternative," or highly educated) while respecting the common norms and requirements of the local authorities and the Ministère? Similarly, who has not, at least once, had to find a concrete solution that reconciled individual rights--especially those involving freedom of conscience--with collective rights and the need for a common public culture?

School principals are probably more proficient than they realize at adapting norms and practices to different contexts. Demands that various specific characteristics be accommodated are not a new phenomenon in schools or other institutions in Québec, although they are sometimes more complex in a

multi-ethnic context. Cultural and religious differences are not unique to so-called ethnic populations; there are other minorities in our society, even among people of French-Canadian origin.

In fact, the need to seek a balance between respecting the norms that apply to Québec as a whole and accommodating the specific characteristics of the local context is enshrined in Québec law on schools, for example, in section 37 and sections 77 to 82 of the *Education Act* (R.S.Q., c. I-13.3), on the educational project of the school and the functions and powers of the orientation committee, and in *The Schools of Québec: Policy Statement and Plan of Action*, in principles 1.4.1 to 1.4.9 and 1.5.4, on respect for diversity as a value, the right to be different, and state support for the maintenance and development of students' heritage languages and cultures.

At the international level, the *Convention on the Rights of the Child*, to which Canada is a signatory, aptly expresses the tension inherent in a democratic education, which must aim to instill in children respect both for their parents, their identity, their language and cultural values, and for the values of the country in which they live, as well as for fundamental human rights and freedoms (article 29).

Moreover, the school principal's authority derives from two often contradictory sources, which must be balanced against each other. On the one hand, from the moral point of view, it is generally assumed that the school exercises its right to educate children through the delegation of parental authority, and that the family remains, in the words of *The Schools of Québec* (2.2.7) "the first centre of education." On this point, article 26.3 of the *Universal Declaration of Human Rights* stipulates that parents have the right to choose the type of education given to their children. However, from a strictly legal point of view, a school principal acts in virtue of the *Education Act*, adopted by society as a whole, which democratically decided to finance a place that would complement the family in order to ensure the transmission of knowledge and socialization into the broader values that are essential for life in society.

1.2. The Sociopolitical Argument

"When in Rome, do as the Romans do. They wanted to come here; let them adopt our values!"

While this statement seems at first glance to reflect a certain common sense, closer examination shows that it is actually based on a limited understanding of Québec's policy on immigration and integration and of the nature of the social contract binding citizens in a democratic society.

On one hand, it is inaccurate to link the issue of adapting norms and practices only to the presence of immigrants; the problem of accommodating cultural and religious differences has deep roots in the history of our schools. If this problem is more visible today, it is simply that the role of Francophone institutions in receiving immigrants has been more clearly affirmed since the coming into force of the *Charter of the French Language*. And furthermore, even in the case of new immigrants, their presence results not from a privilege granted them but from mutual interest, since Québec needs to maintain immigration for demographic, economic, linguistic, and cultural reasons.

On the other hand, if Québec, like most societies receiving immigrants, today makes a clear distinction between assimilation and integration, opting for the latter, it is because respect for ideological, religious, cultural, and socio-economic pluralism among its citizens is at the very heart of liberal democracy and constitutes one of its most dynamic aspects in comparison with other political systems.

The rights and responsibilities of Quebecers who are recent immigrants are thus the same as those of all citizens of Québec. In a pluralistic society, all persons are subject to the same constraints, as defined in democratically adopted charters, laws, and regulations--which constitute a non-negotiable common public culture--while at the same time all benefit from various provisions that protect minorities--whoever they may be--from the "tyranny"⁽³⁾ that majority rule may sometimes represent and all are free to take part in the democratic process of changing the orientations of institutions and of society.

It is this dynamic aspect of the relationship between recent immigrants and the institutions of the host society that the government emphasizes in its policy statement on immigration and integration when it speaks of the reciprocity required for integration and the need for Quebecers of all origins to be open to intercultural dialogue (p. 15). Far from being an obstacle to integration, the adaptation of institutions--within limits we will discuss in Section II--should be considered an aid to the process. From this point of view, parents or students from cultural minorities who want to talk to the principal about possible adaptations of institutional norms are, paradoxically, demonstrating their acculturation and gradual integration into a common public culture based on democratic values.

1.3. The Psychopedagogical Argument

"These questions only interest some ethnic leaders and parents who can't accept seeing their children change. All the students want is to be like the others."

A broad consensus exists in our society on the influence of the family-school relationship on children's development and success in school. For several years, ministerial and local publications have been emphasizing the need for cooperation between these two essential partners in children's education, with the school often seeing itself as an extension and complement to the family. As a teacher involved in a study eloquently stated, "A flower doesn't grow any faster with two people pulling it in different directions."

In a multi-ethnic context, where there is often a great distance between the norms and values of families and those of the school, it is only common sense to pay special attention to balancing and reconciling their expectations and practices in order to spare children painful conflict. Furthermore, it is not always difficult to accommodate the specific characteristics of the student population, since certain demands of parents--such as a more traditional education or more respect for teachers--are quite consistent with the education subculture and are in no way inconsistent with educational success.

The assumption implicit in the third quotation, that it would be possible to educate immigrant children or children of immigrants in opposition to their parents and their culture, should therefore be considered

with a great deal of caution. Regardless of the legitimacy of the beliefs of the school and the people involved in it (individualistic, feminist, or simply modern), it is important to identify the rights and responsibilities of all concerned and to take into account the time required for the process of integration.

The view expressed is clearly based on an essential truth about the dynamics of immigration: immigrant children and, to an even larger extent, children of immigrants, generally adopt various values of the host society, even--and perhaps especially--when they are given the freedom to choose. They thus slowly distance themselves from the culture of their parents, who often experience this as a rejection and are tempted to withdraw into their traditions and even to adopt cultural or religious views they did not hold in their country of origin.

Thus it is to some extent true that immigrant children and children of immigrants can never be completely spared cultural conflict and that no school, no matter how respectful it is of their cultural background, can prevent them from having, in adolescence or at the beginning of adulthood, to define their identity, an identity which will be mixed and different from that of their parents.

What solutions acceptable to both the school and the parents can and must do, however, is prevent this process from occurring prematurely or too quickly, so that the children's personality, psychological equilibrium, and code of conduct are not radically altered at a stage when they lack the maturity or the time to replace them with others more consistent with the expectations of the host society.

While some authors feel that the civic aspects of moral development require a certain distancing from community ties, which occurs in part through socialization to a common public culture, there is a broad consensus in developmental psychology on the close relationship between a person's family history (particularly his or her capacity to develop and maintain significant attachments to parents) and subsequent ability to develop broader feelings of empathy with others. Furthermore, the acceptance of cultural and religious differences will allow students to feel that their culture is valued and to identify more with the school.

As the Conseil supérieur de l'éducation (1983) stated, *integration* should not mean *disintegration*. Those involved in the education system should be sensitive to the fact that children or adolescents who--rightly or wrongly--perceive their integration into the school and their cultural or religious identity as irreconcilable may experience a dangerous "deculturation" that could leave them without any significant parental models and lacking a stable foundation for identity, a situation that certainly does not bode well for their integration into Québec society in the long term.

1.4. The Legal Argument

"There's no discrimination in our school. The proof is that we treat everyone the same."

The view expressed in the last quotation derives from what is generally called procedural justice. "If everyone is treated the same," says this hypothetical principal, "the school cannot be accused of

discrimination; therefore it is equitable." In recent years, this view of justice--the limitations of which are immediately obvious when it is applied, for example, to children with motor disabilities who are given "equal access" to the stairs--has come under increasing criticism from the ethical and legal point of view, in contrast with a broader view known as distributive or compensatory justice, which puts a greater emphasis on the responsibility of institutions in issues involving the rights and responsibilities of their personnel or clientele.

There are three key concepts underlying this new vision:

- *adverse effect discrimination*, which recognizes that even in the absence of intent to discriminate, a rule or practice that appears *neutral* and that is applied indiscriminately to everyone, but that excludes or disadvantages certain categories of persons disproportionately, may constitute an infringement of the right to equality;
- *reasonable accommodation*, made popular by a series of Supreme Court judgments dealing solely with discrimination in employment on the basis of religion, in particular, the Bhinder (1985), O'Malley (1985), and Renaud (1992) judgments; there is an increasing tendency in the jurisprudence to give employers the obligation of ensuring more than merely formal equality of employees and to require them--within certain limits that will be discussed in Section II--to implement measures to remedy in whole or in part the unintended discriminatory effects of various institutional norms or practices that may be perfectly justified from other points of view; [\(4\)](#)
- *equality of opportunity*, which postulates that schools or other institutions cannot simply treat different populations as "others," but must give them more services or different services adapted to their specific characteristics; although it still does not have much legal force, the ideology of equal opportunity has been legitimized with respect to certain groups by sections 47 and 234 of the *Education Act* and sections 15 to 19 of the *Basic school regulations*, which give school boards the obligation to adapt educational services to the needs of students with disabilities, learning difficulties, or difficulties in adjustment, or those that are recent immigrants.

These trends do not, strictly speaking, constitute a coherent system on the basis of which it could be concluded that various requests for exemptions by parents or students belonging to minorities in the school necessarily have legal merit. On one hand, the Supreme Court of Canada has not yet pronounced on the obligation of accommodation with respect to services. On the other hand, even if a liberal interpretation of the obligation of accommodation were adopted--one that would apply it in all situations where it was possible to prove that the full and equal right to education was undermined by a norm or practice through adverse effect discrimination--the majority of cases of value conflicts between the school and the family do not fall into this category of situation.

However, the foreseeable development of the jurisprudence toward increasing openness to demands for accommodation by religious or cultural minorities [\(5\)](#) should at least be one more argument that encourages school authorities to seek local solutions, which are quicker and more mutually satisfying. In fact, in this area as in others, excessive recourse to the courts is not desirable, as the government itself

indicated in its policy statement on immigration and integration.

Furthermore, what school administration would not consider it a problem from the point of view of the climate in the school to have to wait three years--as recently occurred in the Peel Board of Education in the case of a Sikh student who was claiming the right to wear a *kirpan*--for a cost decision in a conflict with parents or students with whom it had to continue to work?

SECTION II

HOW FAR SHOULD ADAPTATION GO?

"Everyone today talks about rights, never about responsibilities. According to some immigrant parents, we have to give them everything they ask for, because this is a 'free, multicultural society.'"

"Finding acceptable accommodations based on our values is fine, but not going back thirty years in terms of the equality of women, the status of children, or religious fundamentalism--no way!"

"Of course we try to accommodate differences in our approach--after all, as professionals we're trained to do that. But if we always had to respect everything--one student's absences for holidays, another's prohibitions with respect to our programs or methods, not to mention all the religious or dress requirements--it would be impossible to teach."

"Listen, regardless of my personal opinion on the merits of all this, it's logistically impossible. The teachers' room is tiny, the gym serves as a cafeteria at noon, and there isn't even a room for extracurricular activities any more--so if the Moslems want a place to pray, they'd better look somewhere else."

Finally, the real issues, some will think. Others, misled by the title of this section, will be expecting to find simple answers, such as a list of acceptable and unacceptable solutions they can automatically apply to the problems in their school. In fact, the question of how much to adapt--like school administration as a whole, which requires a certain professional discretion on the part of principals--is much too complex to be reduced to a set of recipes, however sophisticated.

What we are aiming for in this section--probably the most difficult one in the unit for both the authors and the readers--is to allow you as much as possible to make decisions that are suited to local conditions while respecting the various legal, regulatory, and organizational constraints. In order to achieve this, we

will first look at the philosophical and legal principles that should guide the search for solutions to conflicts of norms and values; then we will examine the concrete process of determining your room for manoeuvre, in two subsections, one on determining the legitimacy of the problem raised and the other on judging the validity of the solution proposed.

2.1. Underlying Philosophical and Legal Principles of Solutions to Conflicts of Norms and Values

"Everyone today talks about rights, never about responsibilities. According to some immigrant parents, we have to give them everything they ask for, because this is a 'free, multicultural society.'"

Contrary to the unrealistic view of "absolute rights" expressed by the parents described in the above quotation,⁽⁶⁾ the question of the adaptation of norms is inseparable from that of the limits to the exercise of rights and freedoms and to the recognition of pluralism that generally exist in democratic societies and more specifically here in Québec.

This principle of balance, which the Commission des droits de la personne describes as the *principle of reciprocity*, is expressed as follows in the *Charter of Human Rights and Freedoms* (s. 9.1):

In exercising his fundamental freedoms and rights, a person shall maintain a proper regard for *democratic values, public order and the general well-being of the citizens of Québec.*

In this respect, the scope of the freedoms and rights, and limits to their exercise, may be fixed by law. (Emphasis added.)

It is repeated in various forms in other government documents, in particular *The Schools of Québec*, which balances the right to be different against "the demands of the common good, of public order, and of distributive justice" (1.4.7), and in the government's policy statement on immigration and integration, which sets as limits to pluralism "the respect for fundamental democratic values and the need for intergroup exchanges" (p. 15). Among these values, the latter document specifically cites "equality of the sexes, the status of children and the censure of all discrimination based on race or ethnic origin" (p. 18), while stating that there must be a recognition of realistic limits to the adaptation of institutions, such as the taxpayers' ability to pay, the norms required for the effective functioning of institutions, and Québec's linguistic choices //(p. 51).

You should not see this list of limits as invalidating the principle of adapting school norms and practices to the diversity of the population by making it an exception that is valid in so few cases that it becomes totally marginal. On the one hand, these limits do not apply where the right to the full and equal exercise of fundamental rights guaranteed in section 10 of the *Charter of Human Rights and Freedoms* is at issue. On the other hand, it is clear that the aim of the legislators, and through them the collectivity of citizens, was to have diversity accommodated in a realistic way, through a process of seeking a balance among various competing demands. This involves reconciling various collective and individual rights both with each other and with the norms required for life in society and the efficient functioning of institutions

within the limits of the resources available.

2.2. [Determining Your Room for Manoeuvre](#)

That's all well and good, you may be thinking, but concretely, how can I differentiate cases where:

- I am legally required to reach an accommodation?
- it would be possible and appropriate (without being legally required) to adapt our norms and practices to the cultural and religious diversity of the school?
- I can or must settle for asking the parents to adapt to our norms and values?

You may also be wondering what steps you should follow in order to determine your room for manoeuvre and what laws and regulations you need to take into account.

We will try to provide full answers to the first two of these questions and guidelines for answering the third, which will be dealt with in greater detail in each case study. It is only in relation to a particular issue that it is possible to determine which laws, sections of laws, or regulations are involved.

Diagram I provides a summary in graphic form of the process proposed. First of all, you will note that we have separated the examination of the legitimacy of the problem raised by the parents or students (Step 1) from that of the validity of the solution proposed (Step 2), and that Step 3 only comes into play when the problem is legitimate but the solution proposed is not valid.

Since parents are rarely jurists, they have a tendency to formulate a concrete demand rather than express the problem in legal terms. Nor do they present it in terms of pedagogical considerations. However, the decision maker must interpret the issue underlying the demand because it is that--and not the validity of the specific solution proposed by the parents--that determines whether it is appropriate to seek a solution.

2.2.1. [Examining the Legitimacy of the Problem Raised](#)

Step 1 attempts to answer the question "Should I respond to the issue raised by the parents or students by trying to adapt our norms and practices?" In our answer to this question, we make a distinction between two considerations, the legal obligation to adapt and the appropriateness of adapting for other reasons, in particular psychopedagogical ones.

Diagram I **DETERMINING YOUR ROOM FOR MANOEUVRE**

<p>Step 1</p>	<p>Legitimacy of the problem (issue) raised by the parents or students</p>	<p>a) Am I legally required to seek an accommodation? (Is there adverse effect discrimination?) YES -> Step 2 NO -> b)</p> <p>b) Would it be appropriate to seek a solution for other than legal reasons (such as pedagogical considerations)? YES -> Step 2 NO -> How can I justify my refusal to the parents? (Section III)</p>
<p>Step 2</p>	<p>Validity of the solution proposed by the parents or students</p>	<p>a) Does this solution <i>directly</i> contravene another right that is guaranteed by the <i>Charter of Human Rights and Freedoms</i>, the <i>Education Act</i>, or another law? YES -> Step 3 NO -> b)</p> <p>b) Does this solution contravene any <i>binding</i> norms at the Québec level (<i>Education Act</i>, <i>Charter of the French Language</i>, <i>Basic school regulations</i>, programs) or local level (school board policies, codes of conduct)? YES -> Step 3 NO -> c)</p> <p>c) Would this solution cause <i>undue hardship</i> with respect to the budget or functioning of the school? YES -> Step 3 NO -> This solution is acceptable. Is it the best one in our specific context?</p>
<p>Step 3</p>	<p>Search for possible solutions</p>	<p>See Section III: <i>How to Find Mutually Acceptable Solutions</i></p>

In general, the legal obligation of accommodation arises when a right guaranteed by the *Charter of*

Human Rights and Freedoms, the *Education Act*, or the *Basic school regulations* is involved and failure to respect it may constitute adverse effect discrimination. In the school setting, the rights most often invoked in cases of conflict between parents or students from minorities and school norms are based on the following (some of these rights have limits defined in the legislation, which will be discussed in Step 2):

- sections 3, 4, and 5 of the *Charter*, on freedom of conscience, religion, opinion, expression, peaceful assembly, and association; the right to the safeguard of dignity, honour, and reputation, and respect for private life;
- section 10 of the *Charter*, on the right to full and equal recognition and exercise of these rights, which prohibits any distinction, exclusion, or preference based on any of fourteen grounds (race, colour, sex, pregnancy, sexual orientation, civil status, age, religion, political convictions, language, ethnic or national origin, social condition, a handicap or the use of any means to palliate a handicap) that would *have the effect* of nullifying or impairing that right;
- sections 40 and 41 of the *Charter*, on the right to free public education and the right of parents to choose a religious or moral education in conformity with their convictions, within the framework of the curricula provided for by law;
- section 43 of the *Charter*, on the right of persons belonging to ethnic minorities to maintain and develop their own cultural interests with the other members of their group;
- sections 1 and 3 of the *Education Act*, on the right to educational services free of charge;
- the preamble to the *Act respecting the Ministère de l'Éducation du Québec*, and section 22 of the *Education Act*, on the right to a system of education that contributes to the overall personal development of each student;
- sections 4 and 5 of the *Education Act*, on the right to choose between Catholic or Protestant moral and religious instruction, and moral instruction, and the right to choose moral and religious instruction of a religious denomination other than Catholic or Protestant where such instruction is given at the school, in conformity with section 228;
- sections 9 to 12 of the *Education Act*, on the right of parents to have decisions concerning students reconsidered;
- sections 35, 39, 47, and 51 of the *Basic school regulations for preschool and elementary school education* and 39, 43, and 65 of the *Basic school regulations for secondary school education* on the right of parents to information and an evaluation report, as well as the various collective rights of parents that are guaranteed by the sections of the *Education Act* on the powers of the orientation committee.

As for the psychopedagogical reasons for seeking solutions to problems raised by parents or students that do not strictly speaking involve legally guaranteed rights, they are based on the arguments discussed in section 1.3 of this document, especially on the importance of partnership and the need to bring the values of the school and the family into line. However, the decision on whether to make what are often minor adjustments to resolve these problems (involving such issues as dress, religious rules, respect for linguistic, cultural, or religious pluralism in the posting of information or in school activities) is for you to make.

2.2.2. [Determining the Validity of the Solution Proposed by the Parents or Students](#)

We assume now that you have answered *either* question *a)* or question *b)* in Step 1 in the affirmative (if your answer to both questions was negative, we will discuss "strategy" in Section III). You have thus acknowledged the existence of a conflict of values or norms in your school.

A rule or a practice that is applied in your school may actually restrict the exercise of a right or have undesirable psychopedagogical consequences. Does this mean the solution proposed by the parents or students concerned is valid? Not necessarily, of course. To answer this question, you have to ask yourself three further questions, which correspond to the concerns voiced in the second, third, and fourth of the quotations at the beginning of this section.

a) Does this solution *directly* contravene another right that is guaranteed by the *Charter of Human Rights and Freedoms*, the *Education Act*, or another law?

"Finding acceptable accommodations based on our values is fine, but not going back thirty years in terms of the equality of women, the status of children, or religious fundamentalism--no way!"

It is certainly true that two wrongs don't make a right. For example, the fact that parents demand that you recognize their freedom of religion does not justify your discriminating against their child on the basis of sex with respect to the child's right to the educational services provided according to law or with respect to the child's right to protection and security (section 39, *Charter of Human Rights and Freedoms*). Similarly, no one can invoke their right to freedom of conscience, opinion, or expression to require you to maintain practices that are discriminatory or that may reinforce prejudices against certain groups (for example, not seating certain children next to others of different origins or "races" on the pretext of respecting local customs or conflicts).

However--and this is why the word *directly* is used in the question--you must be sensitive to the danger of confusing what is socially desirable in your view, which may be marked by your own cultural prejudices (see Section III), with a right in the strict sense. For example, it is possible that you or your personnel may be convinced that the *hijab* is more than a religious symbol and that it has a negative effect on the socialization of girls and thus on their right to equality in the long term. This, however, is an assumption that does not justify making a *direct* link between respecting a religious requirement and contravening a right.

b) Does this solution contravene any *binding* norms at the Québec or local level?

"Of course we try to accommodate differences in our approach--after all, as professionals we're trained to do that. But if we always had to respect everything--one student's absences for holidays, another's prohibitions with respect to our programs or methods, not to mention all the religious or dress

requirements--it would be impossible to teach."

In the spirit of respect for public order and the general well-being of the citizens, as expressed in the principle of reciprocity, the legislators may adopt laws and regulations that limit the room for manoeuvre of various institutions in accommodating cultural and religious differences. In the schools, the main Québec norms that ensure consistency and cohesion in the system and prevent the extreme situation described in the above quotation are the following:

- sections 14, 16, 17, and 18 of the *Education Act*, on compulsory school attendance;
- section 72 of the *Charter of the French Language*, which states that instruction is provided in French in elementary and secondary schools with the exception of exemptions provided for by law;
- sections of the *Education Act* (726 and 727) containing notwithstanding clauses that override the Canadian and Québec charters of human rights and freedoms, protecting certain privileges of Catholics and Protestants in the school system, and section 228, which is worded in such a way that moral and religious instruction of a religious affiliation other than Catholic or Protestant is a possibility rather than a right;
- sections 461, 462, and 463 of the *Education Act*, on the power of the Minister to establish programs of compulsory and elective subjects and to approve the instructional materials;
- section 447 of the *Education Act*, on the power of the government to define the *Basic school regulations* for preschool, elementary school, and secondary school education;
- all the sections of these documents that deal with the nature and objectives of educational services, norms with respect to admission, enrolment, and attendance, the school calendar, the organizational framework of educational services, and norms with respect to the quality of language, as well as various exclusionary provisions;
- section 19 of the *Education Act*, which recognizes the right of teachers to govern the conduct of students entrusted to their care in accordance with the educational project of the school, in particular, to select methods of instruction and to select the means of evaluating the progress of students;
- section 39 of the *Youth Protection Act*, which requires education personnel to inform the Direction de la protection de la jeunesse of any situation in which the security or the development of a child is in danger.

In addition, there are local provisions (school board regulations and policies or your school's code of conduct, drawn up in virtue of section 78 of the *Education Act*) that may make a solution either difficult to accept or actually invalid.

This imposing list of laws, sections of laws, and regulations should not, however, lead you to adopt a narrowly legalistic approach to determining the validity of demands made by parents or students. In fact, as we will see in our case studies, which are more specific, most of these norms are formulated in general terms that leave room for local input. Furthermore, various sections of laws explicitly provide for the possibility of exceptions or adaptations according to the characteristics of the local population or limit the scope of certain requirements. This is why the term *binding* has been used in the question. Here

again, you will have to exercise your professional judgment to ensure that the existence of Québec or local norms is not systematically and automatically used as a pretext for a refusal to accommodate any characteristics of the local population.

For example, while the *Basic school regulations* prevent you from totally exempting a student or group of students belonging to a religious minority from a program in a compulsory subject, there is nothing to stop you from adapting some elements of the program to your specific context, taking into account the material considered offensive by the students or parents involved.

c) Would this solution cause *undue hardship* with respect to the budget or functioning of the school?

"Listen, regardless of my personal opinion on the merits of all this, it's logistically impossible. The teachers' room is tiny, the gym serves as a cafeteria at noon, and there isn't even a room for extracurricular activities any more--so if the Moslems want a place to pray, they'd better look somewhere else."

Now let us suppose that the solution proposed by the parents or students is valid from the point of view of rights and Québec and local norms, but that its implementation would make financial and organizational demands on the school. Does this mean you are automatically justified in rejecting it, as the principal quoted above says? Here again, the answer--as you were probably beginning to suspect--is more complex. For if respect for school routine were an absolute requirement, then the school would never have been able to adapt to all the changes that have taken place in the past few years, not all of which are the result of increased ethnic diversity.

The concept of *undue hardship* that has come out of the federal jurisprudence dealing with reasonable accommodation--which, for the reasons described above, cannot be assumed to be legally binding here--may shed some light on this area. In the jurisprudence, we see that while certain grounds (financial cost, interchangeability of personnel and facilities, magnitude of risk when safety is involved) may clearly be invoked by institutions to justify a refusal of accommodation, the institutions must nevertheless show evidence that they have *in all good faith* tried to find a solution. In addition, it is interesting to note that the validity of two other grounds that were formerly accepted by the Supreme Court--staff morale problems and contravention of the collective agreement--is being increasingly curtailed if not rejected altogether, in particular in the Renaud decision.⁽⁷⁾

The difference between a solution that is valid even though it demands an effort and one that should be refused by the school may be shown by means of concrete examples. An example of the former is allowing students belonging to a religious minority to be absent without penalty on a limited number of religious holidays approved in advance following consultation with the religious authorities of their community, on condition that the parents inform the school at the start of the school year of their child's religious affiliation. Accommodating the expected absence of a certain number of students on a limited number of days may impose constraints on school and class planning, but it does not seriously

jeopardize the school's capacity to adequately carry out the mandates entrusted to it by the law.

Conversely, respecting any real or imaginary religious holiday on which a student might decide to be absent without advance notice would make it impossible to run a class or a school, and would constitute a major breach of the law with respect to school attendance. It is for this reason that if parents demanded, after the fact and without prior agreement, that a student be allowed to rewrite an examination that had taken place on one of these dates, the principal could clearly refuse. However, here as in most of the other cases in Diagram I in which you may have answered YES, and even in the case where the solution is valid but not necessarily suited to the specific characteristics of the population, it may still be appropriate to seek other solutions.

SECTION III

HOW TO FIND MUTUALLY ACCEPTABLE SOLUTIONS

"Your procedure looks very good on paper, but I don't solve these problems all alone in my office with the Charter in one hand and the Education Act in the other--I have to work with human beings."

"My vice-principal is the type who'd like your approach. Ecology, racism, international solidarity, non-violence, sexism--she'd write a policy for every cause. My approach is more 'reactive': If there aren't any problems, I don't go looking for trouble!"

"It's not finding a solution that's so hard, but how quickly you have to make the decision. It's a quarter to five and you have four or five phone calls from unhappy parents, and on the other side you have a teacher who's refusing to let the student back in the class the next day if you don't do something right away."

"It's one thing to make a decision and another thing to live with the consequences. When there are conflicts, there are always winners and losers, and it affects the climate in the school for a long time after."

As the hypothetical principal says in the first of the above quotations, determining your room for manoeuvre theoretically is far from the whole process of finding an accommodation. While this exercise may provide school decision makers with guidelines, it does not guarantee a satisfactory solution that is acceptable to all involved. While clearly respecting the legal requirements, let us also remember how important it is, in this area as in others, to take into account one of the golden rules of effective management: Better an imperfect solution that works than a perfect solution that nobody wants.

You will probably find this section on how to find mutually acceptable solutions more familiar and accessible than the two preceding ones. It calls more directly on the management skills you have in many cases already developed in dealing with other issues related to adaptation to a multi-ethnic reality and, more generally, in playing your role as conciliator of the needs, expectations, and interests of the various partners in education.

In this section, as in the rest of the unit, we make no claim to providing solutions to all the problems you might encounter; rather, we would like to offer you support in your personal approach, especially by providing some practical tools. We will proceed in two stages: first a discussion of the various questions being asked in schools as to the "best" management approach in this area, and then the presentation of ten elements of an effective strategy for resolving conflicts of values and norms, which are neither exhaustive nor limiting.

3.1. A Few Questions on the "Best" Management Approach in This Area

"My vice-principal is the type who'd like your approach. Ecology, racism, international solidarity, non-violence, sexism--she'd write a policy for every cause. My approach is more 'reactive': If there aren't any problems, I don't go looking for trouble!"

Which one is right, the hypothetical principal quoted above or his vice-principal? Does accommodating cultural or religious differences require an overall policy that applies to everyone, or is it better to respond to demands on a case-by-case basis? Should the principal have the final word in these cases or, conversely, involve as many others as possible, by entrusting them, for example, to the orientation committee or a special committee? Does discussing these problems before they arise in a generalized or acute form prevent them, or does it create or worsen them? There are no categorical or, especially, universal answers to any of these questions.

There are definite advantages in undertaking a systematic process, in cooperation with others involved, of defining your orientations with respect to the most frequent demands in your school. This "preventive" type of approach usually permits discussion of problems in a more harmonious, less polarized context and leads to well-thought-out, well-founded decisions that are less likely subsequently to be found to be against Québec or local norms; because of its broader nature, it may permit a certain consistency and equity in the practices of your school (preventing, for example, what has happened in some schools, where the *hijab* was allowed in Elementary 3 only to be banned in Elementary 4, or vice-versa). In addition, the issues raised fit nicely into the process of defining the school's educational project and code of conduct, especially when the latter includes a section on intercultural relations, and searching for solutions to this type of problem may be an excellent exercise in learning about the democratic process for the older students.

However, this ideal model does not always work in real situations: it is therefore likely that some of the adaptations to differences in the school population will continue to be negotiated separately in response

to specific demands or conflicts. In fact, depending on the concentrations of the various ethnic groups, their cultural or religious affiliations, and the extent to which the parents or students are mobilized on certain issues, not all schools will put the same priority on this issue or be prepared to devote the logistical efforts required to defining general orientations on it. Furthermore, some schools that have experienced conflicts or tensions related to multi-ethnicity and similar issues may hesitate to become involved in such a process because the wounds of the past have not yet healed.

Moreover, in this area as in others, the most sophisticated, comprehensive policy will never cover all eventualities: there will still be many concrete situations that must be interpreted by the administration and others involved in the school, even in schools that have defined their orientations with respect to the most frequent demands. In itself, this is not a problem; the motivation and creativity to find solutions are often a result of the concrete situation, especially in people who have a pragmatic bent.

It is therefore up to you to judge, on the one hand, where your school falls in this continuum and, on the other hand, which issues arise frequently enough to justify defining orientations.

3.2. Ten Elements of an Effective Strategy for Resolving Conflicts of Norms and Values

As we stated, the list in Table I is neither exhaustive nor limiting. Some of the elements suggested may seem obvious and their appropriateness will vary according to the specific characteristics of your school, your own management style, whether you choose to respond as cases arise or to develop overall orientations, and the nature of the parents' or students' demands.

However, since these elements are based on generally accepted principles of effective management, proven conflict resolution strategies used in other fields, or established concepts in intercultural relations, we feel that, although they are no substitute for your own competence, they can help you find mutually acceptable solutions while maintaining a harmonious climate in your school.

Table I

TEN ELEMENTS OF AN EFFECTIVE STRATEGY FOR RESOLVING CONFLICTS OF NORMS AND VALUES

1. Take the time you need to make an informed decision.
2. Do not confuse issues and personalities.
3. Be sensitive to the presence of cultural "blinkers" on either side.
4. Do not hesitate to consult other people, especially experts in education and resource persons from minority groups.
5. Clearly establish your room for manoeuvre and make it clear to those you are dealing with.
6. Use a win-win approach in negotiation and emphasize partnership between the school and the family.
7. Focus the discussion on the here and now and do not allow it to be sidetracked into areas over

which you have no control.

8. Do not allow yourself to become obsessed with the specific demand, but encourage the parties to define the problem in terms of common parental or professional concerns with respect to the child.
9. Seek varied solutions that are consistent with parental and professional concerns and are within your room for manoeuvre.
10. Develop follow-up strategies for explaining your decision and having it accepted by those people who may not be happy with it.

1. Take the time you need to make an informed decision.

"It's not finding a solution that's so hard, but how quickly you have to make the decision. It's a quarter to five and you have four or five phone calls from unhappy parents, and on the other side you have a teacher who's refusing to let the student back in the class the next day if you don't do something right away."

The question of conflicts of norms and values is complex; this unit has probably helped convince you of that. Hasty decisions may be open to question from a legal, ethical, or organizational point of view. You will often want to take the time to consult various experts before defining your room for manoeuvre. Furthermore, in this area as in others, time taken to negotiate a solution that is respectful of all parties is time gained in implementing and gaining acceptance of the solution (hence the value of the preventive, collaborative approaches described above).

Of course, it isn't always easy to respect this principle. As in the above quotation, various persons (parents, students, teachers and other school personnel) will put pressure on you to give an immediate answer. You can be sure, however, that these same persons will not hesitate to hold you responsible for the consequences of an ill-informed decision. Without giving in to passivity or procrastination, you should try not to fall into the trap of activity for its own sake that is so characteristic of modern bureaucracy, as expressed in the saying "There's never enough time to do it right but there's always enough time to do it again."

2. Do not confuse issues and personalities.

It is said that the rulers of old would kill messengers who brought bad news. Do not be like them! Learn to recognize that the problem is not "*the child* who insists on praying five times a day," "*the parent* who doesn't understand English when he comes for the child's report card," "*the teacher* who is oversensitive about feminist issues," and make an effort to formulate the problem in more general terms. For example: "how to reconcile the requirements of school life in Québec with the concerns of religions in which the sacred is intimately linked to everyday life" or "how to fulfil the school's mandate of ensuring mastery of English without undermining the parental support required for equal opportunity" or "how to find the right balance between respecting the private life of the child and family, and providing non-sexist role

models, which is the school's responsibility."

This distinction may at first glance seem merely theoretical, part of the widespread tendency to euphemism in modern society. However, by objectifying the problem and by not putting responsibility for it on any of the parties (including yourself, in some cases) it makes it possible to seek a solution without focussing on the personalities of those involved. This is especially important in cases where there is conflict over the issue or it involves people you do not feel any spontaneous sympathy towards.

3. Be sensitive to the presence of cultural "blinkers" on either side.

Any situation that brings persons of different cultures into contact may give rise to mutual misunderstanding deriving not from the individuals involved but from their different frames of reference. These cultural "blinkers" may cause one party to interpret some behaviour or demand in a way that does not--in whole or in part--correspond to the other party's intentions. If these ambiguities are not taken into account, there is a danger of discussing, not the problem itself, but the divergent interpretations the parties have of it.

The hypothetical example provided in Table II--based on real cases condensed to the point of caricature--illustrates various sources of cultural misunderstanding that often act as blinkers in communication, especially since they are usually unexpressed or even, in many cases, unconscious. Different conceptions of relations with bureaucracy and authority, different perceptions of what constitutes a respectful tone of voice or a professional style of dress, partial interpretations of the social reality outside the school and the idea that the individuals involved conform slavishly to them can hide from both parties the fact that they share a common objective (the good of the child) and that their concerns are not irreconcilable. Thus, in this specific case, in spite of the divergent perceptions of the school and the parents, what is at stake is not equality of opportunity for girls or lack of respect for immigrants or for women, but a different concept of modesty, which it should not be difficult to accommodate.

Of course, it is impossible for you to know every culture in all its complexity and no one expects you to be an anthropologist. However, it is certain that the more regular and unofficial links the school establishes with people from different origins before conflict arises, the more sensitive you will become to the most common cultural "blinkers." You can also gradually improve your intercultural skills by consulting the various documents listed in the appendices or taking part in special workshops on intercultural relations organized by the Ministère, school boards, or universities.

Nevertheless, because "recipes" may be dangerous, representing nothing more than sophisticated stereotypes, the best strategy is still checking with the people involved or with resource persons from their community. The strategy of defining your overall orientations with respect to certain accommodations may be valuable in this regard. The students or parents from minorities with whom you will have to talk in the course of this process will be able, in a non-polarized context, to give you a wealth of information on the main fears or misunderstandings their group may have with respect to

Québec schools or society in general.

Table II
A HYPOTHETICAL EXAMPLE OF CULTURAL "BLINKERS" TO REMOVE
BEFORE BEGINNING TO NEGOCIATE

Principal, Teacher, or Member of Non-teaching Personnel	Parent
"This parent talks so loud, he's really uneducated! And the way he harasses the secretary all day to make me see him right away!"	"You have to raise your voice with these civil servants, otherwise they won't do anything. I'm surprised they agreed to see me on such short notice. They couldn't be very important."
"He's wearing his Sunday best. I suppose he thinks I'll be impressed."	"I wonder if they're real teachers, especially that woman in jeans."
"Where's the mother? Probably stuck in the house wearing her veil! And he thinks he has a right to anything just because he's a man!"	"I know how they treat immigrants! And their own women--all the divorces, rape, violence!"
"At any rate, we'll save the daughter--no way she's getting out of phys ed!"	"I want my daughter to have a good life--not to go around showing her legs like a tramp."
4. Do not hesitate to consult other people, especially experts in education and resource persons from minority groups.	

In dealing with cultural and religious differences, as in other areas, what is important is not having all the answers but asking the right questions. Once that has been done--and we hope this unit will help you do it--various experts in education or resource persons from minority groups can help clarify any points you find unclear or ambiguous.

From the legal point of view, for example, the legal services of your school board or the Commission des droits de la personne can advise you on your room for manoeuvre. Similarly, when examining the validity of various solutions, you may find that your school board has already ruled on some of them. The educational consultant on cultural communities--or whatever body has this responsibility in school boards with a large proportion of students from ethnic minorities--will be able to provide information and put you into contact with colleagues who have dealt with similar problems. Teachers in your school may also have developed conflict resolution strategies you are not aware of, even though you work together every day; do not hesitate to ask them about this.

In addition, many resource persons and organizations in the cultural communities as well as religious

leaders have repeatedly expressed the desire to cooperate with the schools on issues involving the reconciliation of norms and values. Some schools and school boards have already begun building partnerships with them. This cooperation can help you by allowing you to become aware of some of the cultural "blinkers" discussed in point 3, to better understand the *real* requirements of religions other than Catholic or Protestant (some schools discovered, for example, that contrary to what they had thought, observance of Ramadan is not obligatory for Moslem children under 12), and to adopt more effective strategies for gaining acceptance of your decision by those who might be displeased by it (point 10). If you are lucky enough to have teachers or non-teaching professionals or a school/community worker belonging to an ethnic minority, they may also be very helpful.

Finally, never forget the main person involved, the child, who is probably the best practical expert you could find on the question of accommodation. While their ability to think theoretically about their own strategies for adaptation will vary with their age and the length of time they have been in Québec, the fact remains that, unlike their parents and educators, they are the only ones that must *on an everyday basis* live within two settings and two systems of values that are equally important in their eyes. Although they are unable to judge all the legal and pedagogical implications of the situation, children will certainly be able to suggest appropriate and functional solutions. In taking this approach, you will also be putting into practice one of our society's emerging values, which involves increasingly giving children the status of subjects of law instead of considering them mere "objects" of litigation among adults.

5. Clearly establish your room for manoeuvre and make it clear to those you are dealing with.

In order to do this, go back to section 2.2 on the process of determining your room for manoeuvre. As stated above, do not hesitate to consult others when you are not sure.

Once the legal ambiguities have been clarified, it is generally best to be direct both with those opposed to the solution proposed and with those demanding it. There is no point in keeping up false hopes on either side, and unless you want to be Machiavellian, you're best to begin the negotiation on the definition of your orientations on a realistic basis. However, as we stated in Section II, making it known what room for manoeuvre you have should not--except in certain extreme cases where you really do not have any--be synonymous with *imposing* your solution. Furthermore, in the case of young students or parents from a modest background, your explanation should not be too "technocratic": a recitation of sections of laws and regulations is not, as you are surely aware, the best way to begin a productive dialogue.

6. Use a win-win approach in negotiation and emphasize partnership between the school and the family.

"It's one thing to make a decision and another thing to live with the consequences. When there are conflicts, there are always winners and losers, and it affects the climate in the school for a long time

after."

One of the major obstacles to finding solutions that are mutually acceptable in various areas of conflict in social life is the widespread perception that negotiation necessarily implies winners and losers, and that whatever one party wins, the other loses. A polarization of this sort between school and family is not only undesirable in the school; it is also not good pedagogical practice (see section 1.3).

In this area, it is particularly appropriate to apply the principles of win-win negotiation, which requires that the two parties be profoundly convinced that the only way of "winning" is by finding the solution that best meets the concerns of both parties, and the only way of "losing" is by not finding that solution.

Of course, it is not always easy to maintain such a spirit of cooperation, especially if your school has not already made a significant commitment to partnership with the parents or if the changes in the sociocultural fabric of the school population have been recent and sudden. In such situations, defining a cooperative long-term approach to accommodating cultural and religious differences will probably be easier than the piecemeal negotiation of demands.

Although developing a spirit of win-win negotiation is a long process, there are a variety of techniques that can be helpful. Among them, we especially recommend the use of inclusive language to counter the "natural" tendency toward polarization between professionals/parents or majority/minorities when intercultural conflicts arise. Thus, for example, you and your partners should learn not to say: "*They* (parents/teachers) are not going to tell *us* (teachers/parents) what to do at school/home" or "If *we* (Quebeckers/immigrants) listened to *them* (immigrants/Quebeckers), we'd disappear/be completely assimilated." Instead, learn to say: "If *we* (parents/teachers) discuss this, *we* will be able to strike a balance between what *we* do at home and at school" or "If *we* (Quebeckers of all origins) share elements of our respective cultures, *we* will develop a richer Québec culture."

Although this advice may seem simplistic to you, do not underestimate the effect of examples in intercultural relations. Promote the use of the inclusive "we" in school activities and you may be surprised by the progress of partnership in your school--on condition, of course, that your actions match your words.

7. Focus the discussion on the here and now and do not allow it to be sidetracked into areas over which you have no control.

The management of cultural and religious diversity in the school, like any situation involving intercultural relations, has symbolic aspects that go beyond--far beyond!--the real issues *you* have to resolve. You cannot completely ignore these aspects (such as the fear of cultural annihilation or of regression to the Middle Ages on the part of some educators, or anxiety about failure, fear of racism, or concern about the loss of familiar cultural references on the part of parents) because they will often interfere--either as hidden resistances or as explicit arguments--in your problem-solving process.

When this occurs, show empathy for the concerns expressed but do not allow yourself to get dragged into a discussion of principles that takes you into an area beyond your mandate or your professional competence. Negotiating a conflict of norms or values is not a television talk show on subjects such as "Is Québec more or less racist than Ontario?" or "Are immigrants a threat to our survival?" or "Are women better off in the West or under Islam?" (If you really feel it is important to discuss these subjects in the school, plan to do it in a structured way, perhaps on a pedagogical day, with discussion leaders and experts.) Refuse to let yourself be swayed by the false logic of "slippery slope" arguments such as "if we allow *one* student to wear a *hijab*, soon we'll *all* have to wear them" or "if my child takes part in this activity, he'll lose all respect for our traditions."

Arguments such as these only express the speakers' anxiety and feeling of impotence in a situation that they don't expect you to be able to resolve any better than they can. Try as tactfully as possible to bring them back to the *here and now*, which will help them develop a sense of control over the situation. One of the golden rules of negotiation is that the more you focus on things over which you have *real* control and which you can *realistically* envision changing, the more creative and flexible you are able to be in finding a solution.

Moreover, it is surprising--and reassuring--to realize how much a single instance of accommodation that has proven not to be the "slippery slope" predicted by its opponents can retroactively diminish all parties' fears related to the symbolic issues involved. People who have succeeded in cooperating harmoniously and to their mutual satisfaction in a real situation have much less tendency to define their interests as antagonistic in broader areas of social life.

8. Do not allow yourself to become obsessed with the specific demand, but encourage the parties to define the problem in terms of common parental or professional concerns with respect to the child.

In contrast to the previous point, which warned against the dangers of getting sidetracked into issues that are too broad, this one emphasizes the need not to narrow your focus too much. It has been demonstrated that it is easier to reach agreement in negotiation if the parties temporarily leave the specific issue around which they are polarized and on which they have an inexhaustible supply of arguments and counter-arguments, and redefine the problem in a more abstract but still practical way. For example, in the school, as Diagram II shows, this may involve focussing on the underlying parental and professional concerns about the child that give rise to the demand or the resistance.

Initially, these concerns (several examples of which are given in Diagram II) will not generally be the same for everyone involved. However, as the discussion progresses, it will probably become apparent that there are more areas of agreement (common concerns) than disagreement, even though not everyone may rank them the same in order of priority, and the parties will gradually come to recognize the legitimacy of each other's concerns. Thus, for example, even in the exaggerated case described in Table II, the educators will have to acknowledge the importance for the child of maintaining a coherent system of values and norms of conduct and preserving significant attachments to parents and the culture of origin, and the parent will acknowledge the importance of equal opportunity and of the child's

development and good relationships with peers.

This approach is not magic; it does not guarantee that the parties will agree on a solution. However, it allows them both to better distinguish between what is essential and what is peripheral in the conflict they are involved in, which is a necessary condition for arriving at a solution acceptable to both.

- 9. Seek varied solutions that are consistent with parental and professional concerns and are within your room for manoeuvre.

In most cases, if you have applied the eight preceding principles, the solution is already in sight. However, if agreement has not yet been reached, you yourself may suggest several solutions that are in line with the common concerns of school and family and are within your room for manoeuvre. If you are confronted with individuals who are especially rigid, they may appreciate the fact that you are taking the trouble to suggest *several* possible solutions rather than imposing your own. It is also not easy to be in the position of refusing *all* offers from the other party.

This ninth recommendation, however, like the preceding ones, should not make you think that the negotiation of a conflict should go on indefinitely. If *in all good faith* you do not reach a mutually acceptable solution after one or at most two meetings with the parents or students and the educators involved, do not hesitate to exercise your management prerogatives. In that case, however, you must take a position above the parties and not systematically in favour of one or the other, and of course, take into account your legal, regulatory, and organizational constraints.

In order to do so, you may mentally apply the procedure for reaching a mutually acceptable solution, trying to determine which solution will be the least costly in terms of your relations with the educators and the parents.

Diagram II
THE APPROPRIATE LEVEL FOR EFFECTIVE NEGOTIATION

Getting sidetracked into social problems you have no control over.	
Common parental and professional concerns with respect to the child.	Equal opportunity--Happiness and growth--Positive self-image--Success in school--Language learning--Maintenance of a coherent system of values and norms of conduct--Good relationships with peers--Significant attachments to parents and the culture of origin--Feeling of belonging to the local community and to Québec society
Obsession with the specific demand: not seeing the forest for the trees.	

10. Develop follow-up strategies for explaining your decision and having it accepted by those people who may not be happy with it.

Whether the case is one such as the preceding one in which you have had to impose your decision or the ideal situation in which a solution has been found harmoniously and collectively, there will always be some people--educators, parents, or students--who are unhappy that their demand has not been granted or who have difficulty adjusting to the new situation resulting from the adaptation of norms and practices.

It is therefore important that you plan follow-up strategies so that the decision you have made--especially if it involves overall orientations in this area--in the short term, is well understood by all parties, and in the longer term, leads to the broadest possible consensus. Among the activities you may consider are the distribution of simple information documents to the parents and students; an awareness campaign by the school/community worker in schools where this is possible; the organization of meetings between community or religious leaders who support you, and parents, students, or educators; and the organization, in cooperation with the psychologists and social workers in your school or the CLSC, of parenting workshops or home and school discussions.

Never forget that integration, like change in education, is, as the government's policy statement on immigration and integration of immigrants points out, "a long-term process of adjustment that occurs at different rates" (p. 46). So be patient. In the past thirty years, the school system in Québec has succeeded in adapting to a society in constant change. As a professional manager, you have certainly contributed to meeting many of the challenges that have arisen in Québec schools. There is no reason why you will not be equally successful in making the change to interculturalism with your partners if you all take the time required.

SECTION IV

FROM THEORY TO PRACTICE

4.1. Ideas of School and Learning

Case 1: Winter Camp

Ms. Y is principal of a French Catholic elementary school in a multi-ethnic middle class neighbourhood. The student body consists of 30 percent old-stock Francophones (decreasing), 30 percent students from long-established Italian families (decreasing), and 40 percent students of Haitian origin, whose parents are more recent immigrants and are generally less well off (rapidly increasing).

The school team, which includes one woman teacher of Italian origin and

one of Egyptian origin, is young and dynamic and is sold on a pedagogical approach involving integration of studies, in which educational outings are considered essential to learning. In general, the participation of the old-stock Francophone parents and those of Italian origin is good, but only a better-off minority of the parents of Haitian origin maintain regular contact with the school.

Every winter for the past ten years, the school has organized a one-week winter camp for students in Cycle Two, which is the focus of most of the educational activities of the entire January-to-March period. The cost of taking part in this activity is reasonable and financial help is even provided to the more disadvantaged families.

Year by year, as the proportion of students of Haitian origin has increased, the organization of this activity has become more difficult. A high percentage of the parents refuse to send their children, especially the daughters, claiming that it is dangerous and a waste of time (but some still expect the school to be responsible for their children during that week), while others say yes but end up keeping the children at home.

Before and after the winter camp, the students of Haitian origin, who know that they will not be taking part, or have not taken part in it (generally a good one-third of each class), tend to be undisciplined in school. And the two teachers who have to stay behind with the sixty-odd students from the different classes complain that they feel like babysitters. The principal has already tried to organize a meeting about this with the Haitian parents but only a small minority who were already convinced attended. Individual approaches by teachers when report cards were distributed were no more successful: "The parents say yes, but they don't really change their minds."

This year, at its first meeting, the orientation committee is categorical: a solution must be found. Otherwise, the Cycle Two teachers are threatening to drop out of the project, and the Francophone and Italophone parents, who strongly support the activity, are very displeased.

- Based mainly on sections 3 and 43 of the *Charter of Human Rights and Freedoms*, sections 1, 3, 14, 17, 44, 49, 78, 89, 229, and 238 of the *Education Act*, and section 601 of the *Québec Civil Code*, determine Ms. Y's legal room for manoeuvre with respect to the parents and the teachers.

a) Can she force the parents to send their children to the winter camp, or force the teachers to participate in it even if no solution is found?

- b) Can having to provide a "babysitting service" for the students who do not take part in the winter camp be considered to constitute "undue hardship"?
- From the psychopedagogical point of view, what might be the consequences of this discrepancy between school and family for the students of Haitian origin? Are there other reasons that might justify Ms. Y in trying to find a solution of accommodation rather than abandon the project?
 - In your opinion, what are the legitimate parental concerns underlying the opposition of the parents of Haitian origin to having their children take part in the winter camp? What are the arguments from the professional point of view that justify the school's involvement in the project? Is there any common ground?
 - What experts in education or resource persons from the cultural communities could Ms. Y consult? What role should she ask them to play?
 - Make a list of possible solutions, including their advantages and disadvantages, that Ms. Y could propose to the two parties.
 - In the eventuality that the project in its original form will have to be dropped, at least in the short term, what should Ms. Y do to deal with the loss of motivation that is likely to occur among the most dynamic teachers and to gradually get the irate parents to accept the situation?

Case 2: Evaluation and Placement

Mr. Z is principal of an multi-ethnic English Protestant school in a well-off area. Some 70 percent of the students are from long-established Protestant or Jewish Anglophone families, and the remaining 30 percent are about half of Greek origin and half of Jamaican origin, both second generation and both relatively less well off and living in more mixed neighbourhoods.

The school team consists of 90 percent Protestant or Jewish Anglophones; it also includes one teacher of Greek origin and one of Indian origin. In general, the school is considered a very good one, although the students of Greek and Jamaican origin do not do as well as the majority. The atmosphere in the school is traditional, but the teaching--especially in the natural sciences and computer science--is very dynamic. The school committee (which consists only of Protestant and Jewish parents) is very active and there are many groups of volunteers that take part in a variety of projects. As for the parents of Greek or Jamaican origin, they are usually present only when report cards are distributed, and the teachers find it hard to communicate with them because "they're always unhappy with what we say about their children and they don't accept criticism." Until now, however, their discontent has remained silent.

Now that situation has changed. A group of parents that says it represents the Association of Parents of Students from Ethnic or Racial Minorities, accompanied by representatives of the communities concerned, has come to

talk to the principal. Armed with statistics, the parents are complaining of their children's poor marks, over-representation in "weak" or "easy" programs, and higher-than-average dropout rate. According to them, this situation proves that there is systemic discrimination: the programs are designed for the advantaged majority, the minority cultures are not taken into account, the teachers have lower expectations and less positive attitudes with respect to their children, and evaluation and placement are marked by cultural and racial bias. They ask the principal to form a committee made up of parents from minority groups and teachers to find solutions to this situation.

Mr. Z does his best to placate them and promises to study the problem with the orientation committee. When he brings it to the committee, there is an outcry. While the teachers--including the one of Greek origin--do not contest the parents' statistics, they insist on their professionalism and objectivity and say that it's not for those parents to tell them how to teach their subjects or where to place the weak students. The parents from the majority group support the teachers at the meeting and say that "if their children worked instead of hanging out on the street, they would do as well as ours."

- Based mainly on sections 19, 22, 37, 44, 46, 49, 222, 229, 231, 233, and 234 of the *Education Act* and sections 10 and 86 of the *Charter of Human Rights and Freedoms*, determine Mr. Z's legal room for manoeuvre with respect to the parents and the teachers.
 - a) In your opinion, is the problem raised by the parents of Greek and Jamaican origins legitimate?
 - b) In the legal context of the Québec school system, can adaptation of teaching to the various school populations be considered a right that is strictly guaranteed?
 - c) If not, what other reasons, especially psychopedagogical ones, might there be for Mr. Z to try to find a solution to the problem raised by the parents?
 - d) Is the solution the parents are demanding (formation of a committee) valid? (See Step 2 of Diagram I.) Is it desirable?
- If Mr. Z decides--or the school board forces him--to create this committee, what strategies should he implement so that there is real communication between the teaching personnel and the parents from the minority groups?
- What roles on the committee should Mr. Z give to:
 - a) student representatives?
 - b) representatives of parents from the majority group?

c) representatives of the community?

- Beyond the real issue raised by the parents, what cultural "blinkers" and deeper symbolic issues might there be on either side that could hinder the search for mutually acceptable solutions? To discover them, create your own hypothetical example of mutual misunderstanding, using the model in Table II.
- In your opinion, is the concept of cultural and racial bias in teaching, evaluation, and placement meaningful? If so, make a list of specific criteria the committee could use to make a more objective assessment of the situation in the school.

4.2. Views on Discipline and Children's Rights

Case 3: Corporal Punishment

Ms. N is principal of a French Protestant school in a disadvantaged area, in which over 80 percent of the student body consists of allophones whose parents are recent immigrants or refugees, the largest group of whom are of southeast Asian origin (Laos, Cambodia, Vietnam).

The school team is multi-ethnic, young and dynamic, and involved in a lot of innovative educational projects. Overall, academically, the school is considered a good one in spite of the disadvantaged nature of the area. The students pay attention, apply themselves, and consider school important. The parents do not participate much in the school committee or assemblies, but they come for the distribution of report cards and are available when issues arise concerning their children. The school has several classes in the heritage language teaching program (PELO) and has access to interpreters on request.

The main problem raised by the teachers and, especially, the non-teaching professionals such as the psychologist and the social worker in their relations with the parents is the parents' repeated use of corporal punishment with their children, especially when they are dissatisfied with the children's marks. Strictly speaking, most cases do not involve uncontrolled physical violence by parents who are deviants, but rather, limited correction applied by a responsible parent, generally in proportion to the "offense" (the number of strokes of the belt, for example, varying according to how low the student's mark is). However, these punishments are severe enough to leave marks and all the school personnel feel they are contrary to Québec law and harmful to the children's development.

The school has already sent out a leaflet and organized several meetings

with the parents on this issue. The interpreters have told Ms. N that the parents agreed to respect Québec customs in future but are not convinced that their methods aren't the best when they look around them at Québec society. However, the Cycle Two students from southeast Asia are beginning to rebel against their parents and threaten to call 911 if they touch them.

Ms. N would like to avoid getting the youth protection authorities involved, because she has read a number of articles about inappropriate placements of students from minority groups in families or foster homes and she fears the negative psychopedagogical consequences of such actions. "After all," she says, "they are good parents in their way." The teachers increasingly avoid reporting instances of corporal punishment to the social worker in order not to embarrass the students. They have adopted a strategy of prevention, negotiating improvements in the weaker students' marks through extra assignments in order to send the parents only good report cards. But they are beginning to feel manipulated by certain students.

- Based mainly on sections 38 and 39 of the *Youth Protection Act*, section 43 of the *Criminal Code*, sections 19 and 21 of the *Education Act*, and section 43 of the *Charter of Human Rights and Freedoms*, determine the legal room for manoeuvre of Ms. N and her personnel in this situation.
 - a) Can the parents invoke their right as members of minority groups to "maintain and develop their own cultural interests" in this case?
 - b) Are the accommodations by the teachers valid from a legal point of view? (See Step 2 in Diagram I.) Are they desirable from a psychopedagogical point of view?
- What could the short- and long-term psychopedagogical consequences of this conflict between school and family values be for the students of southeast Asian origin? Are there other reasons why Ms. N should seek accommodations rather than adopt a strictly legalistic point of view?
- The interpreters from the cultural communities who were called on by Ms. N do not seem to have been of much help. Try to imagine why that might be. Are there other people she should consult?
- In your opinion, what legitimate parental concerns might there be that explain the use of corporal punishment by the parents from southeast Asia? Conversely, what is the basis of the educators' opposition to these practices? Is there any common ground?
- If Ms. N decided to adopt a long-term strategy to educate the parents and change their behaviour with respect to discipline and children's rights, and she had the appropriate financial and professional resources available to do so, what should be the main stages and content of such a program?

Case 4: A Stricter Code of Conduct?

Mr. L is principal of a French Catholic secondary school in a once-disadvantaged area that is now in the process of gentrification. The student body is divided about equally between second-generation students of Portuguese origin from a working-class background and old-stock Francophone students whose parents are artists, intellectuals, and yuppies with a background in the counter-culture.

The majority of the Francophone students have attended an innovative elementary school whereas the students of Portuguese origin have generally attended a more traditional neighbourhood school. The teachers consider the former rebellious but good students, and the latter easy to teach but passive and not very interested in their studies.

The orientation committee of the school, on which there are students from both backgrounds but only old stock Francophone parents, is very active and dynamic (sometimes a little too much so for the principal's taste). Most of the old-stock Francophone parents and students are accustomed to participating in school life, and insist on a school climate of freedom, autonomy, and respect for differences among the young people. The students of Portuguese origin have been content to listen since the beginning of the year.

The orientation committee wants to become involved in intercultural education and is concerned about the lack of participation by the parents of Portuguese origin. It asks the principal to organize a social get-together (a multicultural dinner followed by a discussion) so that they can get acquainted. Bilingual invitations (French and Portuguese) are sent out and the students of Portuguese origin make a special point of encouraging their parents to come.

The activity is a success from the point of view of participation (some fifty parents from each group), but during the discussion, the atmosphere becomes rather heated. The Portuguese parents complain about the lack of discipline in the school: "the teenagers, especially the girls, are too free," "the teachers don't command respect and they let the students speak to them too familiarly," and "there are too many activities and not enough schoolwork."

They demand a much stricter code of conduct, including obligatory wearing of uniforms, tighter control on the students' comings and goings in the corridors, and respect for traditional standards of courtesy in relations between the teachers and students. The old-stock Francophones parents are

horrified. "It would be going back to the days of the 'grande noirceur.' We suffered enough from that in classical college and we're not going to impose it on our children!"

- Based mainly on sections 46, 48, 77, and 78 of the *Education Act* and sections 3, 10, and 43 of the *Charter of Human Rights and Freedoms*, determine Mr. L's legal room for manoeuvre.
 - a) From a strictly legal point of view, is he obligated to take into account the opinions expressed by the Portuguese parents?
 - b) If he decides unilaterally to take them into account, what problems might he face with the orientation committee?
 - c) What reasons, other than legal ones, might make Mr. L or the orientation committee seek an accommodation with the Portuguese parents on this issue?
- In your opinion, what legitimate parental concerns might there be underlying the demand by the Portuguese parents for a stricter code of conduct? Conversely, what arguments is the more modern view of discipline defended by the old-stock Francophone parents based on? Is there any common ground?
- Beyond the real differences that exist between the two groups of parents, what are the cultural "blinkers" and deeper symbolic aspects that may be inhibiting communication on either side? In order to discover them, create your own example of mutual misunderstanding, using the model in Table II.
- What role do you think Mr. L should give the students from the two groups in defining a code of conduct acceptable to both parties?
- Make a list of possible solutions Mr. L could adopt, including advantages and disadvantages. If one of the parties is likely to be very dissatisfied with the solution, suggest follow-up strategies that might enable him to get his solution accepted.

4.3. The Respective Status and Roles of Men and Women

Case 5: The Wearing of the Hijab

Ms. B is principal of a French Catholic elementary school in a middle class area, in which 80 percent of the students are old-stock Francophones. The remaining 20 percent come from various cultural communities, including about 5 percent Moslems from the Middle East or the Indian subcontinent.

The personnel of the school is 90 percent women, old stock Francophones. The school uses an open learning approach that emphasizes the students' autonomy and development. It also promotes equality of opportunity and educational success for children of both sexes. The school's educational project, which has the support of the parents on the orientation committee,

who are old-stock Francophones, reflects these orientations. With the exception of the most recently arrived, who are weaker in French, the students from the minority communities have good marks, especially the girls, who, according to the teachers, gain self-confidence in school.

Until now, the wearing of a hijab by certain students has not led to any public discussion, and the question has been resolved on an individual basis in each class. Ms. B is aware, without anyone having advised her officially, that the majority of the teachers respect the students' right to wear the hijab and consider it basically a religious symbol that is no more or less threatening than a cross or a kippah, but there are some who see it as a means of early socialization of girls into modesty and submission and thus an attack on sexual equality. The attitude of those opposing the wearing of the hijab varies from strict tolerance accompanied by pressures on the student ("If the other students laugh at you, don't complain to me!") to pure and simple banning (an extreme case).

The Moslem parents, who are recently arrived and speak little French, have not complained of the situation, but a colleague of Ms. B, whose students are Moslems of Lebanese origin, has warned her that she is "sitting on a volcano" and had better think about the issue and adopt an overall policy for the school before the problem becomes serious.

- Based mainly on sections 3, 10, and 43 of the *Charter of Human Rights and Freedoms* and sections 19, 22.3, 22.4, and 78 of the *Education Act*, determine Ms. B's legal room for manoeuvre.
 - a) What fundamental right is at issue from the point of view of the parents and students?
 - b) Are the teachers who are opposed to the wearing of the *hijab* justified in invoking their right to govern the conduct of the group of students entrusted to their care or their obligation to ensure equal access to education?
 - c) Would your opinion be the same in the case of a religious rule that prevented a student from participating fully in academic activities?
- Do you agree with Ms. B's colleague?
 - a) Is it better in cases like this one to wait until a problem arises (reaction) or to take the initiative (prevention)?
 - b) In your opinion, what are the advantages and disadvantages of a case-by-case approach (each person sets his or her own norm) compared to those of having an overall policy for the whole school?
- What do you think might be the psychopedagogical consequences of the discrepancy between

school and home for the female Moslem students? At what age and to what extent do you feel they should be allowed to decide for themselves whether to wear a *hijab*?

- Taking into account the very important symbolic aspects of the wearing of a *hijab*, how do you think Ms. B should approach this question with the teachers who feel their feminist convictions are under attack?
- In the following list of accommodations with respect to the respective status and roles of men and women, which do you feel are acceptable and which non-negotiable, from the point of view of whether they compromise the girls' right to equal education.
 - Withdrawal of girls from school before the legal age in order to get married
 - Wearing different clothes than the majority for physical education.
 - Refusal to allow girls and boys to sit side by side in the classroom.
 - The requirement by parents that a sister serve her brother lunch and that the brother "protect" her in the schoolyard.
 - Refusal to allow boys to take home economics courses or girls to take introduction to technology courses.

Case 6: Sex Education

Mr. C is principal of a French Catholic secondary school in a disadvantaged area. Some 80 percent of the students are old-stock Francophones and the rest, a growing proportion, belong to recently arrived immigrant groups, mainly Latin American. The neighbourhood around the school is considered "difficult": the majority of the Francophone population consists of single-parent families headed by women on social welfare; there is a high rate of petty crime (male and female prostitution, drugs, car theft); there are growing tensions among ethnic youth gangs.

The situation in the school itself is under control, but there is a high dropout rate and discipline is lax in spite of the rules the administration tries to impose. The parents of all origins participate little in meetings or school activities.

When the sex education program was set up a few years ago, the school was ethnically homogeneous; like other educational activities, it aroused little opposition from the students or their parents. However, as the proportion of students of Latin American origin has increased, the teachers have found it more difficult to teach this subject: the boys tend to snigger and the girls are embarrassed and do not take part in the discussions. Despite all their efforts, the teachers have not succeeded in breaking down this "wall," and the situation has only gotten worse.

This year, the rate of absenteeism of the Latin American students in this

course has been so high that the teachers have asked the principal to intervene. Mr. C decides to meet with the students and then with their parents to discuss the problem and find out their version of the story.

- Assuming that all the parties express themselves freely, imagine the main objections raised by each of the three groups. Take into account the following:
 - a) the influence of religious convictions, different views of gender roles, anxieties caused by the transition from a traditional to a modern society, and the specific situation in the neighbourhood;
 - b) possible differences in point of view between boys and girls, adults and young people, and individuals in general;
 - c) specific elements in the sex education program that may offend students or their parents.
- Based mainly on sections 2, 10, and 43 of the *Charter of Human Rights and Freedoms*, sections 15, 44, 222, 227, 229, 237, 447, 449, 458, and 461 of the *Education Act*, section 38 of the *Basic school regulations for secondary school education* and Circulaire administrative AG54-92-001 prepared by the ministère de l'Éducation du Québec in virtue of the powers entrusted to it in sections 19 and 459 of the *Education Act*, determine Mr. C's legal room for manoeuvre with respect to the students and the parents.
 - a) Can he simply exempt students from the sex education program on the grounds that it is contrary to their values?
 - b) Can the parents realistically be expected to take responsibility for providing this education for their children in conformity with the existing programs?
 - c) Are there psychopedagogical reasons why Mr. C might want to seek an accommodation in this situation?
- Which of the students' and parents' objections seem to be based on legitimate ethical or psychological concerns? Are all of them incompatible with the underlying principles of the sex education program? Find possible areas of agreement.
- What experts in education or resource persons from cultural communities could Mr. C consult? What role should he ask them to play?
- Make a list of Mr. C's possible solutions to this problem, including advantages and disadvantages.

4.4. Respect for the Rules and Practices of Religions Other than Catholic or Protestant

Case 7: Ramadan

Mr. A is principal of a French Catholic elementary school in a well-off area, with 70 percent students of Lebanese origin, about a third of whom are Moslem. The majority of the parents are very interested in the school; they attend meetings and take part in the school committee and a variety of

projects. The marks of the Moslem students are equal to or better than those of the old-stock Francophone students. However, among the more recent immigrants from Lebanon, there are more problems, particularly with respect to language.

The teachers--who are mostly women--are generally open to "intercultural education," but they have growing reservations with respect to Islam. Rightly or wrongly, they have the impression that as the proportion of Moslems in the school has grown, there has been increased tension concerning the relative status of men and women, in particular between teachers and parents.

Until now, the school has "tolerated" the practice of fasting by some students during Ramadan, responding to each case individually (when the students felt weak, they were allowed to lie down in the nurse's office), and the children's performance in school did not seem to be very much affected. However, this morning, the situation is getting out of hand! The three Elementary 1 teachers found that out of 30 students in each of their classes, at least 6 were fasting, and they were tired and inattentive. They can't possibly attain the objectives of the program in this situation, and Mr. A absolutely must do something about it!

Mr. A discusses the situation with a colleague from the school board, who advises caution. When the board sent a letter to the Moslem parents of the school asking them to feed their children, they cried racism and threatened to file a complaint with the Commission des droits de la personne, claiming the board had something against Islam and their children's respect for it. They felt there was no proof that Ramadan had a negative effect on children's performance in school, and citing the high level of the schools in their country as an example. "You take care of teaching," they said, "and let us raise our children according to our own values!"

- Based mainly on sections 3 and 10 of the *Charter of Human Rights and Freedoms* and sections 19 and 22 of the *Education Act*, determine Mr. A's legal room for manoeuvre with respect to the parents.
 - a) What rights are opposed to each other in this conflict?
 - b) Does Mr. A have all the information he needs to study the situation objectively?

c) If not, how should he proceed to obtain it?

- Why do you think certain parents insist on their children observing Ramadan? From a psychopedagogical point of view, does this have only negative effects on the children or can it also be seen as providing an opportunity for learning and personal development?
- Beyond the specific issue, what are the cultural "blinkers" and deeper symbolic dimensions on both sides that could hinder the search for a mutually acceptable solution on both sides? To discover them, create your own hypothetical example of mutual misunderstanding, using the model in Table II.
- Do you think Mr. A should continue to use an individual case-by-case approach, or should he define an overall strategy on the observance of Ramadan? If he chooses the second option, what role should he give to the school committee.
- Make a list of possible solutions Mr. G could propose to the two parties, including their advantages and disadvantages.
- Independently of the solution adopted, are there other actions Mr. A should take to improve the climate in his school?

Case 8: Respect for Religious Holidays

Ms. W is principal of an English Protestant secondary school in a middle class area with a high density of students from various ethnic minorities. In addition to the Protestant minority, all the major religions of the world are represented. Traditionally, in the days when there were only one or two religious minorities represented in the school board (generally Jews and Orthodox Christians), there was a tacit recognition of the right of students to be absent without penalty on their religious holidays, and these holidays were taken into account in planning tests and examinations.

However, with the increased diversity of the student body, the situation has become more complicated. The teachers complain that some students are taking days off and justifying their absence by claiming afterwards that they were religious holidays, and that certain religions they had never heard of before seem to have an "elastic" number of holidays. They point out, furthermore, that all the different holidays that have to be respected add up to nearly one fifth of the school year.

Ms. W is bewildered; she understands the teachers but on the other hand she doesn't see how she can refuse some students the privileges given to other students belonging to longer-established minority groups. And there are some students and parents who would not hesitate to publicly complain of discrimination if they were penalized for absences on religious holidays.

- Based mainly on sections 14, 18, 238, 726, and 727 of the *Education Act*, sections 3 and 10 of the *Charter of Human Rights and Freedoms*, and sections 31 and 32 of the *Basic school regulations for secondary school education*, determine Ms. W's legal room for manoeuvre in this situation.
- a) In the specific context of Québec, can the right to full and equal exercise of freedom of religion be invoked by students belonging to religious minorities to require the school system to respect their religious holidays?
 - b) If not, what are the ethical, psychopedagogical, or sociopolitical arguments that might have caused the school board in the past, or that might cause Ms. W today, to try to accommodate the groups concerned?
 - c) At what point (number of holidays, number or percentage of students absent) do you think Ms. W would be justified in claiming "undue hardship" (i.e., a situation that would jeopardize the school board's capacity to carry out the mandate entrusted to it by law)?
- Do you think the decision in this situation is up to the school administration alone? If not, at what level should the decision be made, and what educators or groups should be consulted?
 - Make a list of possible solutions, including their advantages and disadvantages, that would reconcile the religious concerns of the parents and students with the pedagogical and disciplinary concerns raised by the teachers.
 - Beyond the organizational accommodations involved, do you think the religious diversity of Ms. W's school offers possibilities for personal and educational development for the students as a whole? If so, what actions could she carry out in order to maximize these possibilities?

APPENDIX I

LAWS AND REGULATIONS QUOTED

Education Act

1, 3, 4, 5, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 21, 22, 37, 44, 46, 47, 48, 49, 77, 78, 79, 80, 81, 82, 89, 222, 227, 228, 229, 231, 233, 234, 237, 238, 447, 449, 458, 459, 461, 462, 463, 726, 727

Circulaire administrative

AG54-92-001

Basic school regulations for preschool and elementary school education

15-19, 35, 39, 47, 51

Basic school regulations for secondary school education

15, 16, 17, 18, 19, 31, 32, 38, 39, 43, 65

Act respecting the Ministère de l'Éducation du Québec

Preamble

Charter of Human Rights and Freedoms (Québec)

2, 3, 4, 5, 9.1, 10, 39, 40, 41, 43, 86

Charter of the French Language

72

Universal Declaration of Human Rights

26.3

Convention on the Rights of the Child

29

Youth Protection Act

38, 39

Québec Civil Code

601

Criminal Code

43

APPENDIX II

BIBLIOGRAPHY OF WORKS QUOTED AND FURTHER READING

Abou, S. *Cultures et droits de l'homme*. Paris: Hachette, 1992.

Bagley, C., and G. Verna. *Self Concept, Achievement and Multicultural Education*. London: Macmillan, 1992.

Bosset, P. *La discrimination indirecte dans le domaine de l'emploiaspects juridiques*. Montréal: Éditions Yvon Blais, 1988.

Camilleri, C. *Anthropologie culturelle et éducation*. Geneva: UNESCO-Delachaux et Niestlé, 1985.

Cohen-Emerique, M. "La formation des praticiens en situations interculturelles. Le choc culturel : méthode de formation et outil de recherche." Ed. C. Clanet. *L'interculturel en éducation et en sciences humaines*. Université de Toulouse-Le Mirail, 1985.

Conseil des communautés culturelles et de l'immigration. *La gestion des conflits de normes par les organisations dans le contexte pluraliste de la société québécoise*. Opinion presented to the Minister,

July, 1993.

Conseil supérieur de l'éducation. *L'éducation interculturelle*. Opinion presented to the Minister of Education. Québec: CSE, 1983.

Conseil supérieur de l'éducation. *Pour un accueil et une intégration réussis des élèves des communautés culturelles*. Opinion presented to the Minister of Education. Québec: CSE, 1993.

De Massy, P., and C. Leduc. *Pour mieux vivre ensemble*. Montréal: Modulo Éditeurs and Commission des droits de la personne, 1991.

English, F.W. *School Organization and Management*. Worthington, Ohio: Charles E. Jones, 1975.

Gagnon-Tremblay, Monique. "Déclaration ministérielle sur la culture publique commune." *La Presse*, 13 October 1993.

Gorton, R.A. *Conflict, Controversy and Crisis in School Administration and Supervision: Issues, Cases and Concepts for the '70s*. Dubuque, Wisconsin: Wm. C. Brown, 1972.

Hohl, J. *Singulier/Pluriel*. Montréal: Conseil scolaire de l'île de Montréal, 1991.

Huttnik, N. *Ethnic Minority Identity*. London: Clarendon Press, 1991.

McAndrew, M. "Le rôle de l'école en matière d'intégration : clarification, principaux défis, perspective régionale." *Les personnes immigrantes : partenaires du développement régional*. Actes du Colloque national sur la représentation de l'immigration au Québec, tenu à l'Université du Québec à Hull, 22-23 novembre 1992.

McAndrew, M. *Les relations École/Communauté en milieu pluriethnique montréalais*. Montréal: Conseil scolaire de l'île de Montréal, 1988.

McPherson, R., R.L. Crowson, and N.J. Pitner. *Managing Uncertainty: Administrative Theory and Practice in Education*. Columbus, Ohio: Charles E. Merrill, 1986.

Ontario. Ministry of Citizenship. *Multiculturalism and Health Care*. 1987. Training for health care professionals by means of cultural role-plays.

Organization for Economic Cooperation and Development. *L'éducation multiculturelle*. Paris: Centre pour l'innovation et la recherche en éducation, 1987.

Ouellet, F., and M. Pagé, eds. *Pluriethnicité, éducation et société : construire un espace commun*.

Québec: Institut québécois de recherche sur la culture, 1991.

Québec. Ministère de l'Éducation. *L'école québécoise et les communautés culturelles*. Report to the Deputy Minister by G. Latif, coordinator of the committee. August 1988.

Québec. Ministère de l'Éducation. *The Schools of Québec: Policy Statement and Plan of Action*. 1979.

Québec. Ministère des Communautés culturelles et de l'Immigration. *Let's Build Québec Together: A policy statement on immigration and integration*. Direction des communications, Ministère des Communautés culturelles et de l'Immigration, 1990.

Québec. Ministère des Communautés culturelles et de l'Immigration. *La gestion de la diversité et l'accommodement raisonnable*. Direction des politiques et programmes de relations interculturelles, 1993.

Théaut, F., and A. Perotti. "L'affaire du foulard islamique : d'un fait divers à un fait de société." *Migrations Société*, vol. 2, no. 7 (January-February 1990), pp. 61-82.

75-0035A

-
1. Québec, Ministère des Communautés culturelles et de l'Immigration, *Let's Build Québec Together: A policy statement on immigration and integration* (Direction des communications, Ministère des Communautés culturelles et de l'Immigration, 1990), p. 18.
[\[Back to the text\]](#)
 2. The great mystery of the late 20th century is the "vanishing" of time. According to the most recent research on the subject, time is "elastic," which explains how we are always able to find it for people and concerns that are really important to us.
[\[Back to the text\]](#)
 3. To use the term that has been enshrined in the United States Constitution and that reflects the great debates of the Enlightenment.
[\[Back to the text\]](#)
 4. It should be noted that cases of *direct* discrimination call not for accommodation but for clear sanctions against the perpetrators and correction or elimination of the illegal norms or practices.
[\[Back to the text\]](#)
 5. Or other "different" groups, as in the recent Marcil and Rouet judgments on students with disabilities.

[\[Back to the text\]](#)

6. The same view, of course, is also held by many long-established Quebeckers.

[\[Back to the text\]](#)

7. This judgment stated that where a collective agreement was invoked to refuse accommodation in the area of employment, the union could be held jointly responsible with management for any adverse effect discrimination.

[\[Back to the text\]](#)