

HATE CRIMES AND HUMAN RIGHTS:



RESOURCE PACKAGE FOR TEACHERS
Grade 10, CIVICS



KAWARTHA PINE RIDGE
DISTRICT SCHOOL BOARD

Prepared by Equity and Diversity Team, September 2012
These units were prepared for teachers to use in meeting local classroom needs, as appropriate. This is not a mandated approach to teaching these topics. It may be used in its entirety, in part, or adapted.

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Introduction

Recent research suggests that hate crimes often involve youth and frequently occur on school property:

- For both victims and persons accused of hate crime, the rate peaked among those aged 12 to 17 and generally decreased with increasing age.¹
- Half of the victims of hate crimes in Canada were between 12 and 24 years old.²
- 38% of all persons charged with a hate crime in Canada were between 12 and 17 years old.³
- Educational facilities rank second among offence locations in Canada.⁴

The purpose of this *Hate Crimes and Human Rights Resource Package for Teachers* is to increase awareness of hate incidents and hate crimes. This includes the social, legal, human rights, cultural, and historical implications of these occurrences in a Canadian context. It is also intended to provide students with knowledge and practical understanding of the spectrum of actions that are considered to be a hate incident or hate crime.

Background

The prevalence of hate crimes in Canada and in local communities has led to increased vigilance and enhanced response on the part of local law enforcement. Kawartha Pine Ridge District School Board Equity and Diversity (KPR E&D) Team provides resources to schools that help educators teach and integrate equity, diversity and inclusion into classroom activities. The Grade 10 Civics course offers an opportunity to discuss hate incidents and hate crimes in the context of Canadian society. During the summer of 2011, the KPR E&D Team invited four experienced Civics teachers who integrate equity into their current programming to assist with the development of this resource package.

Ontario's Equity and Inclusive Education Strategy

Through Ontario's Equity and Inclusive Education Strategy (PPM No. 119), "schools must provide students and staff with authentic and relevant opportunities to learn about diverse histories, cultures, and perspectives. Students should be able to see themselves represented in the curriculum, programs, and culture of the school."⁵

Equity, Diversity and Inclusion at KPR

The Equity, Diversity and Inclusion Policy of KPR (B-3.2) requires that "our school and professional development curricula accurately reflect and use the diversity of knowledge of all peoples as the basis for instruction; that it actively provides opportunities for all students, staff and trustees to understand the factors that cause inequity in society and to understand the similarities, differences and connections among different forms of discrimination; and that it helps students, staff and trustees to acquire the skills and knowledge to challenge unjust practices and to build positive human relationships among all members of society."⁶

¹ Dauvergne, M. and Brennan, S. (2011). Police-reported hate crime in Canada, 2009. Statistics Canada: Component of Statistics Canada catalogue no. 85-002-X. Retrieved from <http://www.statcan.gc.ca/pub/85-002-x/2011001/article/11469-eng.pdf>

² Dauvergne, M., Scrim, K., and Brennan, S. (2008). Hate Crime in Canada, 2006. Statistics Canada no. 85F003M, no.17. Retrieved from <http://www.statcan.gc.ca/pub/85f0033m/85f0033m2008017-eng.pdf>

³ Dauvergne, (2008).

⁴ Dauvergne, (2008).

⁵ Ministry of Education (2009). Policy/Program Memorandum No. 119: Developing and implementing equity and inclusive education policies in Ontario schools. Retrieved from <http://www.edu.gov.on.ca/extra/eng/ppm/119.html>

⁶ Retrieved from <http://www.kprschools.ca/Students/EquityPolicies.html>

Character Development

The purpose of Character Development is to foster respect for the dignity and humanity of all individuals and groups to create a community of caring citizens. Through a community consultation, KPR identified attributes considered important to our community that set the basis for behaviour of everyone in our schools. These attributes are intertwined with equity, diversity and inclusion. These lessons support the goals of this approach.

Restorative Practice

Teaching about hate crimes and their impact supports an approach to creating safe, restorative schools that helps students come to understand the true consequences of their actions to encourage them to avoid choosing behaviours that are harmful to others. For more information about creating safe, caring and restorative schools, visit the school board website.

These units are intended to be used with students at schools throughout KPR.

Overview

This package includes three lesson plans that may be provided as a unit or as individual lessons. Each lesson includes information on curriculum links, description of activities, and additional resources.

The first lesson explores the definition of a hate crime and other types of hate-related incidents. Students gain a better understanding of what types of actions are considered to be hate crimes or of interest to law enforcement. The implications of hate crimes and similar activities for individuals and society are also discussed.

The second lesson examines the issue of assaults against Canadian-Asian anglers. The lesson uses an issue analysis approach to encourage students to examine this issue in relation to personal bias, racial stereotyping and hate crime.

The third lesson engages students in a mock trial on hate speech in the media. Students are given roles in a mock trial of a radio personality accused of inciting a hate crime. Members of the jury deliberate on a verdict based on prepared evidence. Additional discussion of the implications of hate speech is also encouraged.

Dealing with Controversial and Sensitive Issues

Some of these lessons contain sensitive language or situations. The following guidelines will assist with the delivery of these lessons in manner that is appropriate for your students:

1. Controversial and sensitive issues are dealt with in the context of appropriate and well-developed curriculum consistent with Ministry and Board policies. Students, together with their teachers, investigate, in a responsible manner, issues that affect them, their peers, and others. The purpose of the investigation is to prepare students for daily and future living as democratic citizens in a pluralistic society.
2. Learning environments are established in which conflicting sets of values are processed analytically and with respect for the differences in peoples and their cultures, identities, and world views.
3. Controversial issues shall be presented in a manner consistent with the developmental maturity of the particular students being taught.
4. In the board perspective of curricular activities, controversial material must be treated in a fair manner that is thorough, balanced, and free of unfair biases.

Additional information and strategies available in *A Teaching Resource for Dealing with Controversial and Sensitive Issues in Toronto district School Board Classrooms*. Toronto District School Board (2003).

Glossary

Ableism: attitudes in society that devalue and limit the potential of persons with disabilities.

Bias: an opinion, preference or inclination formed without any reasonable justification. It can also be described as predisposition, preconceived notion or favouritism.

Disability: any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device; condition of mental impairment or a developmental disability; a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language; a mental disorder; or an injury or disability for which benefits were claimed or received

Genocide: means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; forcibly transferring children of the group to another group.

Harassment: includes unwelcome actions or words that create a negative environment. Issues such as workplace or school harassment, refusal of service or protection because of who you are may not be formally considered a crime, but they are very serious – you shouldn't ignore them. Human rights commissions and school or work policies can help stop bullying before the police need to get involved.

Hate Crime: means a criminal offence committed against a person or property that is motivated by hate, bias or prejudice of an individual or identifiable group based on that individual or group's race, ethnic origin, colour, or religion. Offences that are motivated by hatred of an individual or group because of other ascribed status or an achieved status may also be investigated as hate crimes.

Hate Incident: expressions of bias, prejudice and bigotry that are carried out by individuals, groups, organizations and states, directed against stigmatized and marginalized groups in communities, and intended to affirm and secure existing structures of domination and subordination. Hate/bias issues involve behaviours that, though motivated by bias against ascribed status groups, are *not* criminal acts. Hostile speech or other disrespectful/discriminatory behavior may be motivated by bias but is not necessarily criminal in nature. They become crimes only when they directly incite others to commit violence against ascribed status groups, or if they place a potential victim/group in fear of their safety. Officers thoroughly document evidence in all hate/bias-motivated issues. Police can help to defuse potentially dangerous situations and prevent hate-motivated criminal behaviour by responding to and documenting hate-motivated speech or behavior even if it does not rise to the level of a criminal offence.

Hate Propaganda: means any written, verbal or electronic material that advocates or promotes genocide against any identifiable group or makes statements that are likely to promote hate against any identifiable group because of colour, race, religion, ethnic origin or sexual orientation.

Heterosexism: refers to the assumption that everyone is heterosexual. This definition is often used in the context of discrimination against bisexual, lesbian and gay people that is less overt, and which may be unintentional and unrecognized by the person or organization responsible for the discrimination. It can also be useful in understanding and identifying some kinds of institutional or societal bias, although homophobia may also be at play.

Homophobia means the irrational aversion to, or fear or hatred of gay, lesbian or bisexual people and communities, or to behaviours stereotyped as “homosexual.” It is commonly used to signify a hostile psychological state in the context of overt discrimination, harassment or violence against gay, lesbian or bisexual people.

Islamophobia: A contemporary and emerging form of racism in Canada has been termed “Islamophobia.” Islamophobia can be described as stereotypes, bias or acts of hostility towards individual Muslims or followers of Islam in general. In addition to individual acts of intolerance and racial profiling, Islamophobia leads to viewing Muslims as a greater security threat on an institutional, systemic and societal level.

Racism: an ideology that either explicitly or implicitly asserts that one racialized group is inherently superior to others. Racist ideology can be openly manifested in racial slurs, jokes or hate crimes. However, it can be more deeply rooted in attitudes, values and stereotypical beliefs.

Racial profiling: any action undertaken for reasons of safety, security or public protection that relies on stereotypes about race, colour, ethnicity, ancestry, religion, or place of origin rather than on reasonable suspicion, to single out an individual for greater scrutiny or different treatment.

Lesson 1: What is a hate crime?

<p>Case Study: What is a Hate Crime?</p>	<p>Grade 10</p>
<p>Critical Learning</p>	<p>Guiding Questions</p>
<p>This lesson will provide students with an important tool for investigating and analyzing civics issues. By categorizing and discussing specific hate-related issues students will begin to understand that hate-motivated crimes and issues continue to be of concern at the local, national, and international level.</p>	<p>What role does understanding and responding to hate, bias, and prejudice play in developing informed and active citizens? How does Canadian law address the issue of hate? How can one recognize and respond to hate-motivated crimes and issues.</p>
<p>Curriculum expectations</p>	<p>Learning Goals (Unpacked Expectations)</p>
<p>The Ontario Curriculum, Grades 9 & 10: Canadian and World Studies 2005 (Revised)</p> <p>Civics, Grade 10, Open (CHV2O)</p> <p>By the end of this lesson students will</p> <p>Informed Citizenship</p> <ul style="list-style-type: none"> explain the legal rights and responsibilities associated with Canadian citizenship; explain the causes of civic conflict and how decision-making processes and structures can avert or respond to such conflicts (e.g., by ensuring that individual and community needs are met, by developing strategies for adapting to change); describe the diversity of beliefs and values of various individuals and groups in Canadian society; <p>Purposeful Citizenship</p> <ul style="list-style-type: none"> describe fundamental beliefs and values associated with democratic citizenship (e.g., rule of law, human dignity, freedom of expression, freedom of religion, work for the common good, respect for the rights of others, sense of responsibility for others); <p>Active Citizenship</p> <ul style="list-style-type: none"> analyse important contemporary cases and issues that have been decided or resolved through the public process of policy formation and decision making (e.g., mandatory retirement, censorship, racial profiling), taking into account the democratic principles that underlie that process. 	<p>At the end of this lesson, students will be able to recognize hate-related issues and crimes and will have a basic understanding of the laws pertaining to them.</p> <p>Students will also have a basic understanding of which organizations are available to help when reporting a hate crime.</p>
<p>Instructional Component and Context</p>	<p>Materials</p>
<p>Students may benefit from a basic understanding of the Criminal Code of Canada as well as the existence and intention of the Charter of Rights and Freedoms. This knowledge is not requisite to the use of the lesson as it is intended only to introduce the topic.</p> <p>Vocabulary:</p> <ul style="list-style-type: none"> Crime Hate Crime Mischief Bias Prejudice 	<p>Copies of:</p> <ul style="list-style-type: none"> Appendix A: Issue Cards and Handout Appendix B: Issue Response Guide Appendix C: News Article Appendix D: Worksheet Appendix E: Pyramid of Hate Appendix F: Hate Crime Statistics Appendix G: Reporting Hate Glossary

	<p>Videos: Latino Hate Crime What do you say to that's so gay? Report Homophobic Violence Period (RHVP) Public Service Announcement</p>
<p>Minds On (Elicit & Engage)</p>	<p>Consider...</p>
<p>Whole Class > Learning Goals</p> <p>This activity is designed to allow students to discover the categories of Hate Incident, Hate Crime, and Hate Propaganda and explore their origins.</p> <p>Break students into small groups and distribute a set of "Issue Cards"(Appendix A) to each group. Using the "Is this a Hate Crime?" Handout: Ask students to organize them into the following categories: Hate Incident, Hate Crime, Hate Propaganda, Harassment and Crime. They should not require more direction. The goal is to have them recognize the hate/bias associated with both criminal offences and the mischief.</p> <p>When the groups have completed the sorting, discuss their thinking processes: Template Discussion: How did you categorize the issues? What were the distinguishing features of each category? Which issues do you think might be the most damaging to society and why?</p> <p>Direct discussion toward the societal impact of hate-motivated issues (both criminal and mischief). i.e. How does such a crime/issue affect all members of the targeted group? Community? Country? Broader society?</p> <p>Tell students that ALL of the hate-related issues (criminal and mischief) were taken from recent Canadian news sources. (Website links to the full stories are included on the Master copy of the Issue Sheet- Appendix B).</p> <p>Review definitions from Glossary</p>	<p>Assessment of students' performance during this introductory lesson is done through simple observation. It is formative in nature and may be followed-up by a small summative task should the teacher choose to include one.</p> <p>Additional Web Resources:</p> <p>Media Awareness Network http://www.media-awareness.ca/</p> <p>Including All Students</p> <p>To include students of all abilities in this lesson, teachers may need to convert some of the activity information to other formats, such as scanning it for Premier or Kurzweil, enlarging the print size on materials for blind/low vision students, and possibly use an FM System or providing additional copied notes for deaf students.</p> <p>For students affected by Autism Spectrum, particularly Asperger Syndrome, group participation and interaction may be difficult. Concrete instruction related to their role in a group, or an alternate activity may be needed.</p>
<p>Action (Explore & Explain)</p>	
<p>Read the CBC article "What is a Hate Crime" (Appendix C).</p> <p>Students complete the worksheet (Appendix D) to compile a short list of definitions and a summary of the laws regarding hate crime in Canada.</p>	

Consolidation (Elaborate, Evaluate, Extend)

Option for Follow-Up

Video and Class or small group discussion questions:

The purpose of watching this video is to illustrate hate-related issues and responses. Have students watch the following 8min video from the ABC show "What Would You Do?" and consider how they might act in a similar circumstance. <http://www.youtube.com/watch?v=ru1F29vuVKI>

Synopsis of Video "Latino Hate Crime" from ABC show "What Would You Do"?

The video begins with the apparent beating of a Latino man whose assailants utter racist epithets. Passersby do not intervene. Those who pass by are told that the situation was part of an experiment to investigate people's reactions to the situation. The video also provides an overview of a disturbing trend toward hate crimes directed against Latino people in the United States. One after another, those on the street watch, do nothing or little to intervene. 99 people witnessed this issue over the course of the 2-day experiment. 7 called 9-1-1. 67 people did absolutely nothing. The video highlights a few individuals who did intervene. It ends with the brother of a Latino man who was killed in a hate crime saying that he wished someone had intervened on his brother's behalf.

Questions for discussion: Is it possible that some of the words, actions, or gestures in the video could be hate crime or hate incidents? How would you know? Consider the language that you and your peers use on a daily basis. Do you or those around you use words or expressions that contain bias, prejudice, or hate? Based on what you are learning about hate and hate-motivated crimes, do you think that the language people use might reveal some underlying biases? Consider when does a joke become a hate incident or hate crime? In what ways might biased, hateful, or prejudicial words and expressions damage society in general and marginalized groups specifically?

Alternate video:

"What do you say to that's so gay?"

<http://www.facinghistory.org/video/what-do-you-say>

Create a Public Service Announcement

Students work in pairs or small groups to create and perform a Public Service Announcement about hate crimes. They should include a clear explanation of what a hate crime is, who might be targeted, the effects of hate and bias on society as a whole, and motivate the public to act out against hate. Examples can be found on YouTube: Report Homophobic Violence Now Campaign video: <http://www.torontopolice.on.ca/rhvp/>

Data Analysis:

Hate Crime in Canada is real and appears to be on the rise, although more dedication to reporting may also account for an increase in the number of reported issues. View the chart *and key research points* from Statistics Canada (Appendix E) and have students make observations regarding those groups who were targeted *and those who perpetrated crimes*. Discuss the variables that might influence the data (reporting, categorizing, international affairs, copycat crimes, etcetera). Overview of accompanying handout "What Can You Do to Stop Hate Crimes?" (Appendix F)

Discuss Pyramid of Hate

Review each level. Ask students to locate where the specific Issue Cards fit on the pyramid. At what level of the Pyramid of Hate (Appendix E): do you think it would be easiest for someone to intervene? Additional activities: Reviewing the United Nations Convention on Genocide. Ask the students to research examples of genocide that occurred due to race, national origin, religion, sexual orientation, etc. Discuss examples in relation to hate incidents and hate crime.

Appendix A: Issue Cards

Copy and cut Issue Cards. Distribute to students. Students organize Issue Cards into piles.

Teaching Note: *It may be helpful to have a discussion with students regarding examples of terms that might be considered homophobic or Islamophobic, etc. to help them understand what is meant by the terms and that these types of words are considered hateful.*

ISSUE 1:

A 31 year old woman suffered a broken jaw, a crushed left eye socket and facial nerve damage after being kicked in the face early Saturday by a man who hurled sexual epithets at her before the attack. Barry, who is a lesbian, underwent surgery to implant two plates in her face.

Is this...

Hate Incident? Hate Crime? Hate Propaganda? Harassment? Crime?

ISSUE 2:

After being confronted by an ex-girlfriend, a man grabbed the woman by the throat and pushed her. She was able to escape to the street, but the man followed and continued to assault her. He spat in the woman's face, put her in a headlock, and knocked her down.

Is this...

Hate Incident? Hate Crime? Hate Propaganda? Harassment? Crime?

ISSUE 3:

A 59 year old Muslim man was punched by a man shouting racial slurs on a bus. The victim was on his way home after attending prayers at a mosque. According to the victim, the attacker yelled islamophobic comments before the attack.

Is this...

Hate Incident? Hate Crime? Hate Propaganda? Harassment? Crime?

ISSUE 4:

After a heated argument a fist fight erupted between friends on a city bus.

Is this...

Hate Incident? Hate Crime? Hate Propaganda? Harassment? Crime?

ISSUE 5:

A 36 year old man followed a 61 year old man out of a bar and punched him in the face with such force that the older man fell unconscious to the ground and hit his head, suffering brain damage. The attacker was heard using anti-gay slurs to describe the victim after the attack. He also said the victim "deserved it."

Is this...

Hate Incident? Hate Crime? Hate Propaganda? Harassment? Crime?

ISSUE 6:

A 20-year-old man was beaten outside a downtown bar. The victim told police he was jumped by four males outside the bar.

Is this...

Hate Incident? Hate Crime? Hate Propaganda? Harassment? Crime?

ISSUE 7:

A 15-year-old boy was playing hockey at his "A" championship playoff game when a player from the opposite team called him a racist name.

Is this...

Hate Incident? Hate Crime? Hate Propaganda? Harassment? Crime?

ISSUE 8:

A young hockey player is called “gutless” and a “mama’s boy” by an opposing team member during a game.

Is this...

Hate Incident? Hate Crime? Hate Propaganda? Harassment? Crime?

ISSUE 9:

Police launched an investigation into four issues of assaults wherein Asian anglers were pushed into the water.

Is this...

Hate Incident? Hate Crime? Hate Propaganda? Harassment? Crime?

ISSUE 10:

Unruly youth in a line-up for a recent concert were charged after a 14 year old girl was knocked down.

Is this...

Hate Incident? Hate Crime? Hate Propaganda? Harassment? Crime?

ISSUE 11:

Remembrance Day services in Woodstock were tarnished by the remnants of a swastika spray-painted overnight on the northwest side of the cenotaph.

Is this...

Hate Incident? Hate Crime? Hate Propaganda? Harassment? Crime?

ISSUE 12:

Spray-painting vandals targeted a local elementary school along with several road signs.

Is this...

Hate Incident? Hate Crime? Hate Propaganda? Harassment? Crime?

ISSUE 13:

A man paraded around a Hallowe'en party in a Ku Klux Klan costume with a Confederate flag. The partygoer was leading another man in blackface around the room by a noose.

Is this...

Hate Incident? Hate Crime? Hate Propaganda? Harassment? Crime?

ISSUE 14:

A man was frightened for his family when he saw a two-metre-tall cross burning on the front lawn of his home and heard racist comments uttered.

Is this...

Hate Incident? Hate Crime? Hate Propaganda? Harassment? Crime?

ISSUE 15:

Students arrive at school in Hallowe'en costumes that do not meet the dress code because they are too revealing.

Is this...

Hate Incident? Hate Crime? Hate Propaganda? Harassment? Crime?

ISSUE 16:

Students upset about a school principal's decision to enforce a ban on electronic devices and to impose a uniform policy posted demeaning and vulgar comments about the principal on Facebook.

Is this...

Hate Incident? Hate Crime? Hate Propaganda? Harassment? Crime?

ISSUE 17:

A teen posts anti-immigrant content on his Facebook page.

Is this...

Hate Incident? Hate Crime? Hate Propaganda? Harassment? Crime?

ISSUE 18

A girl starts a rumour that another girl is sexually promiscuous and performs sexual acts on boys behind the school.

Is this...

Hate Incident? Hate Crime? Hate Propaganda? Harassment? Crime?

ISSUE 19

A student is called homophobic names repeatedly everyday by another student.

Is this...

Hate Incident? Hate Crime? Hate Propaganda? Harassment? Crime?

ISSUE 20

A group of young men follow a woman in a wheelchair, make rude jokes about her condition and block her way regularly when she leaves her apartment.

Is this...

Hate Incident? Hate Crime? Hate Propaganda? Harassment? Crime?

Appendix B: Issue Cards Response Guide

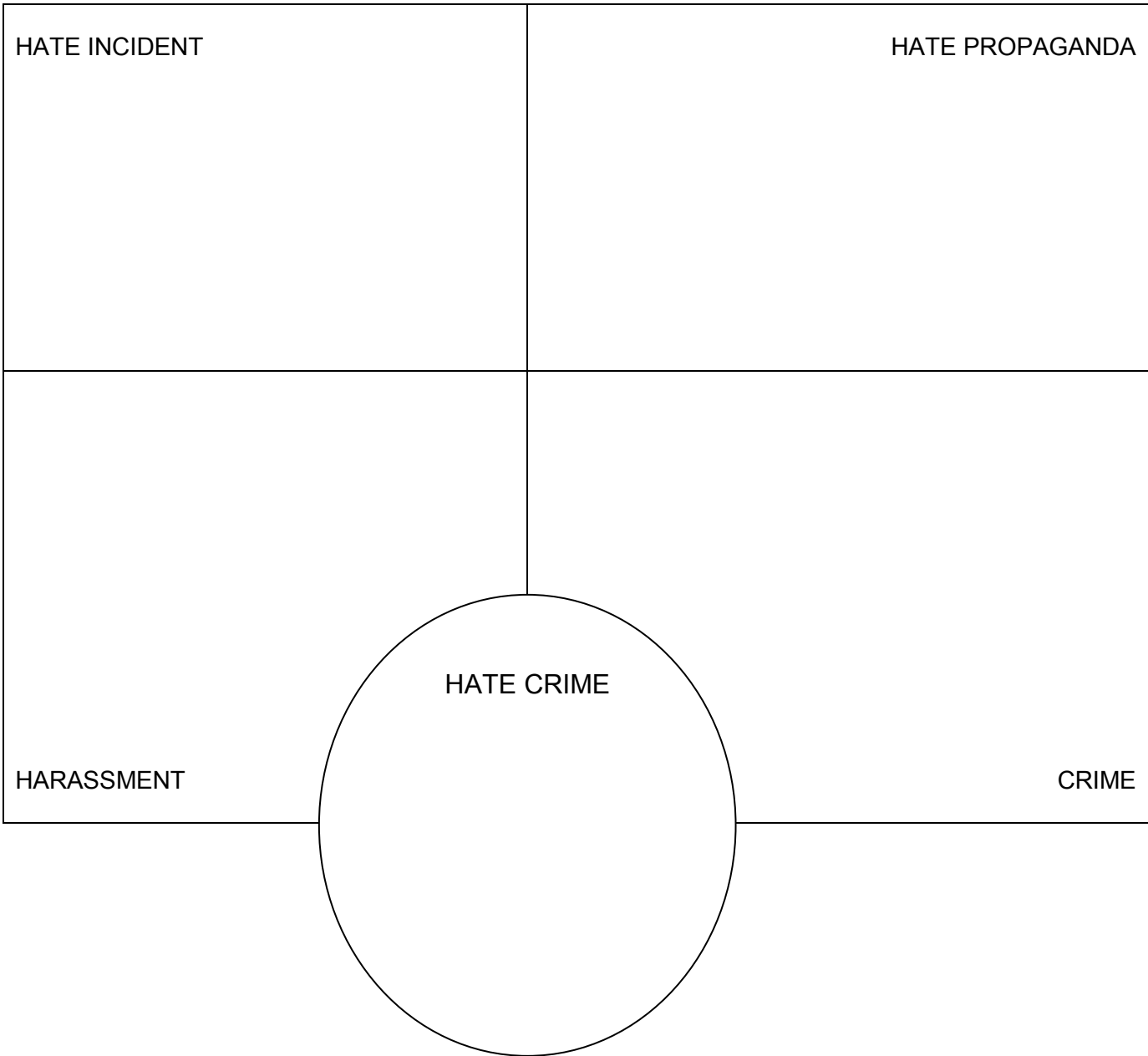
Name: _____

Is this a Hate Crime?

Review the *Issue Cards* and write the number in the appropriate box.

Factors to consider:

- What happened?
- Why did it happen?
- Who was involved?
- What new information would change what you think about this issue?



ISSUE 1:

A 31 year old woman suffered a broken jaw, a crushed left eye socket and facial nerve damage after being kicked in the face early Saturday by a man who hurled sexual epithets at her before the attack. Barry, who is a lesbian, underwent surgery to implant two plates in her face.

Hate Crime:

- A criminal act with evidence that the offence was motivated by bias or hate based on sexual orientation.

Source: "Victim says Edmonton cops delayed hate crime probe," CTV News (April 22, 2010). Retrieved from http://www.ctv.ca/CTVNews/Canada/20100422/Hate_Crime_100422/

ISSUE 2:

After being confronted by an ex-girlfriend, a man grabbed the woman by the throat and pushed her. She was able to escape to the street, but the man followed and continued to assault her. He spat in the woman's face, put her in a headlock, and knocked her down.

Crime:

- A criminal act with no apparent evidence that the offence was motivated by bias or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation or similar factor.
- This issue could be considered a hate crime if additional information suggested it was motivated by a bias or hatred of an identifiable group, such as women.

ISSUE 3:

A 59 year old Muslim man was punched by a man shouting racial slurs on a bus. The victim was on his way home after attending prayers at a mosque. According to the victim, the attacker yelled Islamophobic comments before the attack.

Hate Crime:

- A criminal act with evidence that the offence was motivated by bias or hate based on race.

Source: "Attack on Vancouver Muslim a hate crime: police," CBC News < July 30, 2009. Retrieved from <http://www.cbc.ca/news/canada/british-columbia/story/2009/07/30/bc-muslim-bus-attack-hate.html>.

ISSUE 4:

After a heated argument a fist fight erupted between friends on a city bus.

Crime:

- A criminal act with no apparent evidence that the offence was motivated by bias or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation or similar factor.
- This issue could be considered a hate crime if additional information suggested it was motivated by a bias or hatred of an identifiable group.

ISSUE 5:

A 36 year old man followed a 61 year old man out of a bar and punched him in the face with such force that the older man fell unconscious to the ground and hit his head, suffering brain damage. The attacker was heard using anti-gay slurs to describe the victim after the attack. He also said the victim “deserved it.”

Hate Crime:

- A criminal act with evidence that the offence was motivated by bias or hate based on sexual orientation.

Source: “Gay-basher fails in attempt to reduce sentence,” CBC News (May 27, 2011). Retrieved from <http://www.cbc.ca/m/touch/canada/ottawa/story/2011/05/27/bc-gay-bash-hate-crime-assault-appeal.html>

ISSUE 6:

A 20-year-old man was beaten outside a downtown bar. The victim told police he was jumped by four males outside the bar.

Crime:

- A criminal act with no apparent evidence that the offence was motivated by bias or hate based race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation or similar factor.
- This issue could be considered a hate crime if additional information suggested it was motivated by a bias or hatred of an identifiable group.

ISSUE 7:

A 15-year-old boy was playing hockey at his "A" championship playoff game when a player from the opposite team called him a racist name.

Hate Incident:

- Hostile speech motivated by bias or hate based on race.

Source: “Son faced racist comment at game,” Letters and Issues, The Sudbury Star. Retrieved from <http://www.thesudburystar.com/ArticleDisplay.aspx?e=3010682>

ISSUE 8:

A young hockey player is called “gutless” and a “mama’s boy” by an opposing team member during a game.

Harassment:

- Hostile speech with no apparent evidence that the offence was motivated by bias or hate based race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation or similar factor.
- This issue could be considered a Hate Incident if additional information suggested it was motivated by a bias or hatred of an identifiable group, such as a particular race, religion, or sexual orientation.

ISSUE 9:

Police launched an investigation into four issues of assaults wherein Asian anglers were pushed into the water.

Hate Crime:

- A criminal act with evidence that the offence was motivated by bias or hate based on race.

Source: "Hate-crime probe begins," *thestar.com* (September 28, 2007). Retrieved from <http://www.thestar.com/News/article/261436>

ISSUE 10:

Unruly youth in a line-up for recent concert were charged after a 14 year old girl was knocked down.

Crime:

- A criminal act with no apparent evidence that the offence was motivated by bias or hate based race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation or similar factor.
- This issue could be considered a hate crime if additional information suggested it was motivated by a bias or hatred of an identifiable group, such as a particular race or gender.

ISSUE 11:

Remembrance Day services in Woodstock were tarnished by the remnants of a swastika spray-painted overnight on the northwest side of the cenotaph.

Hate Crime:

- A criminal act with evidence that the offence was motivated by bias or hate based on religion.

Source: "Cenotaph spray-painted with swastika overnight by 'scum of the Earth'," *Sun Media* (November 11, 2009). Retrieved from <http://www.edmontonsun.com/news/canada/2009/11/11/11713756.html>

ISSUE 12:

Spray-painting vandals targeted a local elementary school along with several road signs.

Crime:

- A criminal act with no apparent evidence that the offence was motivated by bias or hate based race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation or similar factor.
- This issue could be considered a hate crime if additional information suggested it was motivated by a bias or hatred of an identifiable group, such as a particular race or religion.

ISSUE 13:

A man paraded around a Halloween party in a Ku Klux Klan costume with a Confederate flag. The partygoer was leading another man in blackface around the room by a noose.

Hate Incident:

- Hostile act motivated by bias or hate based on race.
- This issue could be considered a hate crime if additional information suggested it placed a potential victim/group in fear of their safety because of their race.

Source: "KKK costume wins first prize at Legion Halloween party," *thestar.com* (November 3, 2010). Retrieved from <http://www.thestar.com/news/article/884883--kkk-costume-wins-first-prize-at-legion-halloween-party>

ISSUE 14:

A man was frightened for his family when he saw a two-metre-tall cross burning on the front lawn of his home and heard racist comments uttered.

Hate Crime:

- A criminal act with evidence that the offence was motivated by bias or hate based on race.

Source: "N.S. couple shaken by cross burning," *CBC News* (February 22, 2010). Retrieved from <http://www.cbc.ca/news/canada/nova-scotia/story/2010/02/22/ns-cross-burning-hants-county.html>

ISSUE 15:

Students arrive at school in Halloween costumes that do not meet the dress code because they are too revealing.

None of the above:

- A non-criminal issue that does not suggest bias or hatred of an identifiable group.

ISSUE 16:

Students upset about a school principal's decision to enforce a ban on electronic devices and to impose a uniform policy posted demeaning and vulgar comments about the principal on Facebook.

Harrassment:

- Hostile speech with no apparent evidence that the offence was motivated by bias or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation or similar factor.
- This issue could be considered a Hate Incident if additional information suggested it was motivated by a bias or hatred of an identifiable group, such as a particular race, religion, or sexual orientation.

ISSUE 17:

A teen posts anti-immigrant content on his Facebook page.

Hate Propoganda/Crime:

- Hostile act motivated by bias or hate based on ethnic origin.
- This issue could be considered a hate crime if additional information suggested it placed a potential victim/group in fear of their safety or it promotes hate against any identifiable group based on ethnic origin.

Source: "Teen arrested for inciting hate on Facebook," CBC News (June 15, 2010). Retrieved from <http://www.cbc.ca/news/canada/montreal/story/2010/06/15/mtl-hate-speech-arrest-facebook.html>

ISSUE 18

A girl starts a rumour that another girl is sexually promiscuous and performs sexual acts on boys behind the school.

Harrassment:

- Hostile speech with no apparent evidence that the offence was motivated by bias or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation or similar factor.
- This issue could be considered a Hate Incident if additional information suggested it was motivated by a bias or hatred of an identifiable group such as a particular race, religion or sexual orientation.

ISSUE 19

A student is called homophobic names repeatedly everyday by another student.

Hate Incident:

- Hostile act motivated by bias or hate based of an identifiable group whether or not the victim is a member of that group.
- This issue could be considered a hate crime if additional information suggested it placed a potential victim/group in fear of their safety.

ISSUE 20

A group of young men follow a woman in a wheelchair, make rude jokes about her condition and block her way regularly when she leaves her apartment.

Hate Incident/Crime:

- Hostile act motivated by bias or hate based on physical ability.
- This issue could be considered a hate crime if additional information suggested it placed a potential victim/group in fear of their safety because of their physical ability.

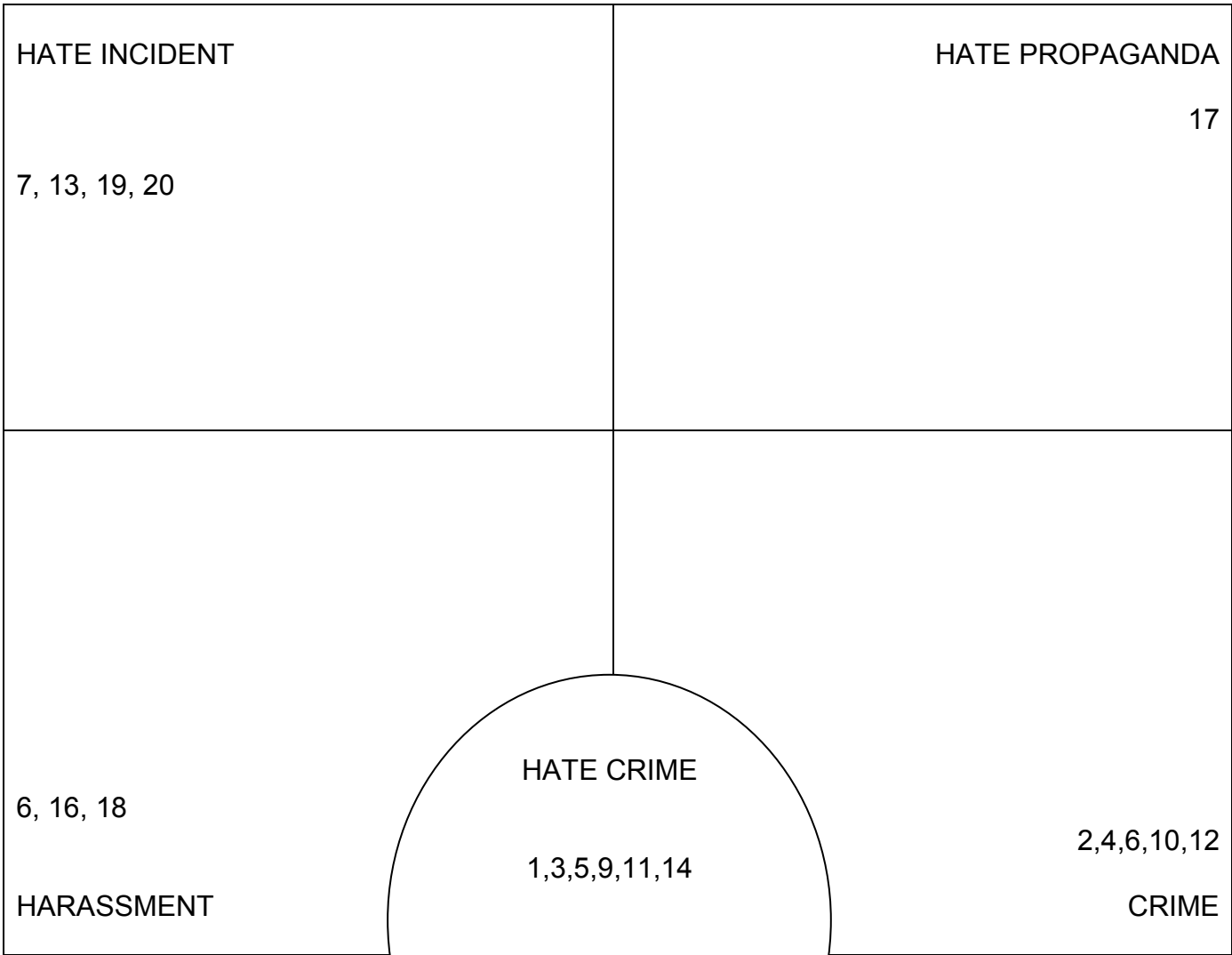
Appendix C: Issue Cards Answer Guide

Is this a Hate Crime?

Review the *Issue Cards* and write the number in the appropriate box.

Factors to consider:

- What happened?
- Why did it happen?
- Who was involved?
- What new information would change what you think about this issue?



None of the above: 15

Appendix D: News Article, What is a Hate Crime?

CBC News

Posted: Jun 15, 2011 6:50 PM ET

Last Updated: Jun 17, 2011 5:04 PM ET

Retrieved from <http://www.cbc.ca/news/canada/story/2011/06/15/f-hate-crimes.html>



Two Nova Scotia men were convicted under Canada's hate crime laws in relation to a cross-burning issue on the lawn of an interracial couple in Windsor, N.S. The photo is from the RCMP. (CBC)

The Criminal Code of Canada says a hate crime is committed to intimidate, harm or terrify not only a person, but an entire group of people to which the victim belongs. The victims are targeted for who they are, not because of anything they have done.

A hate crime is one in which hate is the motive and can involve intimidation, harassment, physical force or threat of physical force against a person, a group or a property.

In Canada it is also a crime to incite hatred. Sections 318 and 319 are the relevant sections of the Criminal Code.

Under Section 318, it is a criminal act to "advocate or promote genocide" — to call for, support, encourage or argue for the killing of members of a group based on colour, race, religion, ethnic origin or sexual orientation.

Section 319 deals with publicly stirring up or inciting hatred against an identifiable group based on colour, race, religion, ethnic origin or sexual orientation.

It is illegal to communicate hatred in a public place by telephone, broadcast or through other audio or visual means. The same section protects people from being charged with a hate crime if their statements are truthful or the expression of a religious opinion.

The mischief section, 430, covers hate-motivated mischief and religious property in subsection 4.1.

It provides for harsher sentences than mischief involving other property. [Bill C-451](#), introduced in the last parliament, would have added schools, community centres, daycares and other property to 4.1. However, the bill died with the election call.

The section of the code on sentencing (718.2) encourages judges to consider whether the crime was motivated by hate of the victim's race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation or any other similar factor.

Under section 13 of the Canadian Human Rights Act it is a "discriminatory practice" to send hate messages via telecommunications equipment, including the internet.



A swastika was spray-painted on a sign at the House of Jacob synagogue in Calgary in November 2009. (Terri Trembath/CBC)

Appendix E: Criminal Code of Canada, Hate Propaganda

CRIMINAL CODE OF CANADA

Section 318: Hate Propaganda

Advocating genocide

318. (1) Every one who advocates or promotes genocide is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years.

Definition of “genocide”

(2) In this section, “genocide” means any of the following acts committed with intent to destroy in whole or in part any identifiable group, namely,

- (a) killing members of the group; or
- (b) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction.

Consent

(3) No proceeding for an offence under this section shall be instituted without the consent of the Attorney General.

Definition of “identifiable group”

(4) In this section, “identifiable group” means any section of the public distinguished by colour, race, religion, ethnic origin or sexual orientation.

Section 319: Public incitement of hatred

319. (1) Every one who, by communicating statements in any public place, incites hatred against any identifiable group where such incitement is likely to lead to a breach of the peace is guilty of

- (a) an indictable offence and is liable to imprisonment for a term not exceeding two years; or
- (b) an offence punishable on summary conviction.

Wilful promotion of hatred

(2) Every one who, by communicating statements, other than in private conversation, wilfully promotes hatred against any identifiable group is guilty of

- (a) an indictable offence and is liable to imprisonment for a term not exceeding two years; or
- (b) an offence punishable on summary conviction.

Defences

(3) No person shall be convicted of an offence under subsection (2)

- (a) if he establishes that the statements communicated were true;
- (b) if, in good faith, the person expressed or attempted to establish by an argument an opinion on a religious subject or an opinion based on a belief in a religious text;
- (c) if the statements were relevant to any subject of public interest, the discussion of which was for the public benefit, and if on reasonable grounds he believed them to be true; or
- (d) if, in good faith, he intended to point out, for the purpose of removal, matters producing or tending to produce feelings of hatred toward an identifiable group in Canada.

Forfeiture

(4) Where a person is convicted of an offence under section 318 or subsection (1) or (2) of this section, anything by means of or in relation to which the offence was committed, on such conviction, may, in addition to any other punishment imposed, be ordered by the presiding provincial court judge or judge to be forfeited to Her Majesty in right of the province in which that person is convicted, for disposal as the Attorney General may direct.

Exemption from seizure of communication facilities

(5) Subsections 199(6) and (7) apply with such modifications as the circumstances require to section 318 or subsection (1) or (2) of this section.

Consent

(6) No proceeding for an offence under subsection (2) shall be instituted without the consent of the Attorney General.

(7) In this section,

“communicating” includes communicating by telephone, broadcasting or other audible or visible means;

“identifiable group” has the same meaning as in section 318;

“public place” includes any place to which the public have access as of right or by invitation, express or implied;

“statements” includes words spoken or written or recorded electronically or electro-magnetically or otherwise, and gestures, signs or other visible representations.

430.4.1: Mischief relating to religious property

(4.1) Every one who commits mischief in relation to property that is a building, structure or part thereof that is primarily used for religious worship, including a church, mosque, synagogue or temple, or an object associated with religious worship located in or on the grounds of such a building or structure, or a cemetery, if the commission of the mischief is motivated by bias, prejudice or hate based on religion, race, colour or national or ethnic origin, (a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years; or (b) is guilty of an offence punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months.

Subsection 718.2: Other sentencing principles

718.2. A court that imposes a sentence shall also take into consideration the following principles:

(a) a sentence should be increased or reduced to account for any relevant aggravating or mitigating circumstances relating to the offence or the offender, and, without limiting the generality of the foregoing,

(i) evidence that the offence was motivated by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, or any other similar factor,

(ii) evidence that the offender, in committing the offence, abused the offender's spouse or common-law partner,

(ii.1) evidence that the offender, in committing the offence, abused a person under the age of eighteen years,

(iii) evidence that the offender, in committing the offence, abused a position of trust or authority in relation to the victim,

(iv) evidence that the offence was committed for the benefit of, at the direction of or in association with a criminal organization, or

(v) evidence that the offence was a terrorism offence shall be deemed to be aggravating circumstances;

(b) a sentence should be similar to sentences imposed on similar offenders for similar offences committed in similar circumstances;

(c) where consecutive sentences are imposed, the combined sentence should not be unduly long or harsh;

(d) an offender should not be deprived of liberty, if less restrictive sanctions may be appropriate in the circumstances; and

(e) all available sanctions other than imprisonment that are reasonable in the circumstances should be considered for all offenders, with particular attention to the circumstances of aboriginal offenders.

Appendix F: Canadian Human Rights Act, Hate Messages

CANADIAN HUMAN RIGHTS ACT

Section 13: Hate messages

13.(1) It is a discriminatory practice for a person or a group of persons acting in concert to communicate telephonically or to cause to be so communicated, repeatedly, in whole or in part by means of the facilities of a telecommunication undertaking within the legislative authority of Parliament, any matter that is likely to expose a person or persons to hatred or contempt by reason of the fact that that person or those persons are identifiable on the basis of a prohibited ground of discrimination.

Interpretation

(2) For greater certainty, subsection (1) applies in respect of a matter that is communicated by means of a computer or a group of interconnected or related computers, including the Internet, or any similar means of communication, but does not apply in respect of a matter that is communicated in whole or in part by means of the facilities of a broadcasting undertaking.

Interpretation

(3) For the purposes of this section, no owner or operator of a telecommunication undertaking communicates or causes to be communicated any matter described in subsection (1) by reason only that the facilities of a telecommunication undertaking owned or operated by that person are used by other persons for the transmission of that matter.

Appendix G: Worksheet

Name: _____ Date: _____

Read the article “**What is a Hate Crime?**” and explain the following terms related to the issue of hate and the law in Canada.

Hate Crime:

The Criminal Code of Canada:

Section 318: Hate Propaganda

Section 319: Public incitement of hatred

Section 430 subsection 4.1: Mischief relating to religious property

Sentencing principles. Section 718.2:

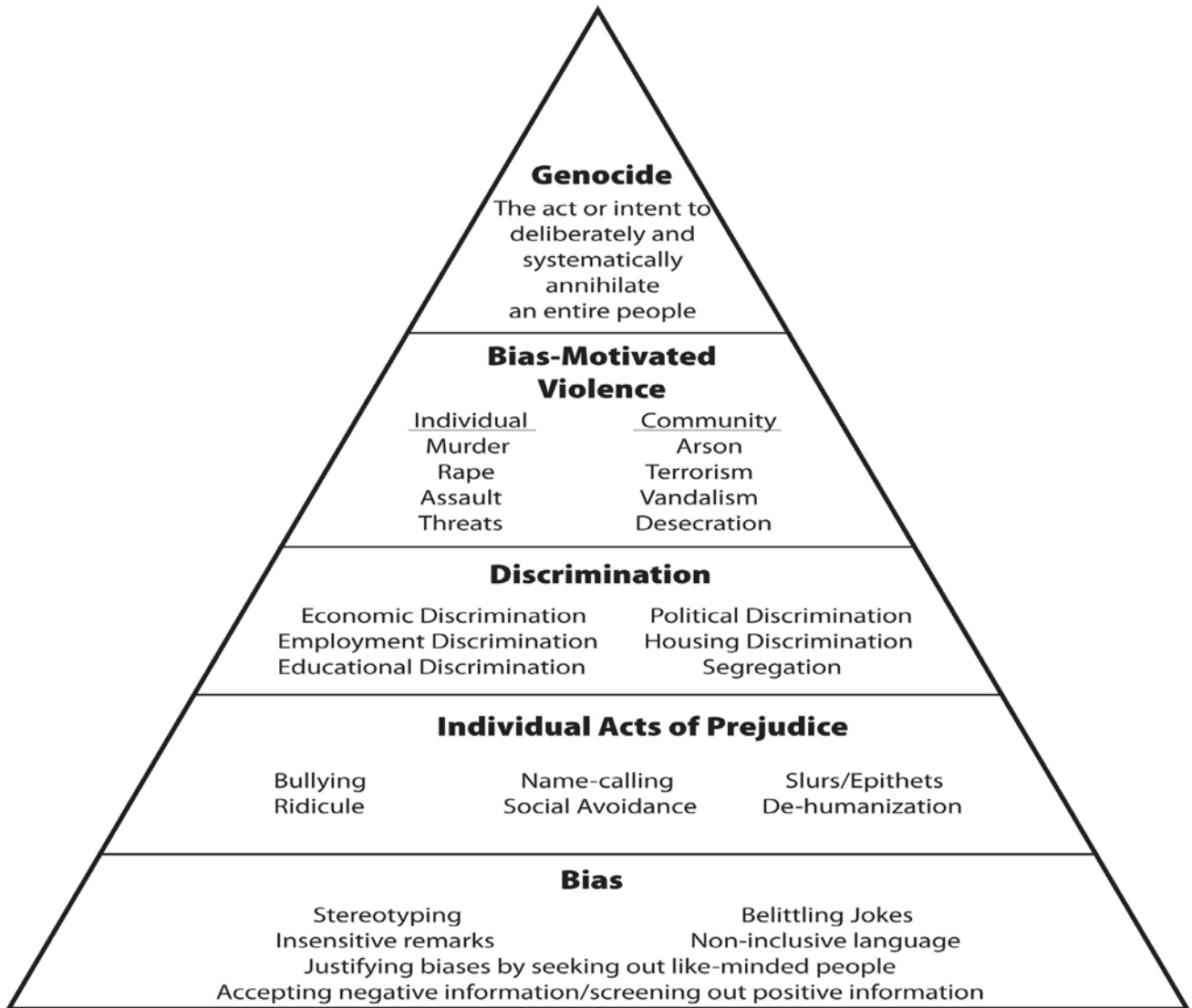
Canadian Human Rights Act:

Section 13: Hate messages

Appendix H: Pyramid of Hate

Student Handout

PYRAMID OF HATE



Appendix I: Hate Crime Statistics

Statistics Canada

www.statcan.gc.ca

Key research:

- Canadian Centre for Justice Statistics Profile Series, Hate Crime in Canada (2006)

Key findings:

- Half of the victims of hate crimes in Canada were between 12 and 24 years old.
- 38% of all persons charged with a hate crime in Canada were between 12 and 17 years old.
- 56% of sexual-orientation motivated hate crimes were violent crimes - common assault being the most frequent type of violent offence. As a result, issues motivated by sexual orientation were more likely than other types of hate crime issues to result in physical injury to victims.
- Educational facilities rank second among offence locations in Canada.
- Police data shows that 61% of hate crimes were motivated by race/ethnicity, religion 27% and sexual orientation 10%.

Table 1 Police-reported hate crimes, by type of motivation

Police-reported hate crimes, by type of motivation					
	2008		2009		2008 to 2009
	number	%	number	%	% change in number
Race or ethnicity					
Black	205	37.3	272	37.7	32.7
South Asian	64	11.7	92	12.8	43.8
Arab or West Asian	37	6.7	75	10.4	102.7
East and Southeast Asian	44	8.0	71	9.8	61.4
Caucasian	22	4.0	34	4.7	54.5
Aboriginal ¹	20	3.6	26	3.6	30.0
Multiple races or ethnicities	115	20.9	96	13.3	-16.5
Other	42	7.7	55	7.6	31.0
Unknown	14	...	41	...	192.9
<i>Total</i>	<i>563</i>	<i>100.0</i>	<i>762</i>	<i>100.0</i>	<i>35.3</i>
Religion					
Jewish	165	64.2	283	71.5	71.5
Muslim (Islam)	26	10.1	36	9.1	38.5
Catholic	30	11.7	33	8.3	10.0
Other	36	14.0	44	11.1	22.2
Unknown	8	...	14
<i>Total</i>	<i>265</i>	<i>100.0</i>	<i>410</i>	<i>100.0</i>	<i>54.7</i>
Sexual orientation	159	...	188	...	18.2
Other motivations	33	...	55	...	66.7
Unknown	16	...	58	...	262.5
<i>Total</i>	<i>1,036</i>	...	<i>1,473</i>	...	<i>42.2</i>

... not applicable

Appendix J: Reporting Hate Crimes

The number of hate crimes against Aboriginal people may be under-reported due to the unavailability of data from police services in the territories and the prairie provinces where the proportion of the Aboriginal population in Canada is highest.

Note(s): In total, information reflects data reported by police services which, in 2009, covered 87% of the population of Canada.

What Can You Do to Stop Hate Crimes?

Hate is a serious issue.

Many police departments have designated units that focus on the issue of hate-motivated crimes and issues. When people are accused of such an issue, there may be a record kept of that issue.

Sample from Peterborough Lakefield Community Police Service:

Important Details	
Date/time of incident:	_____
Location:	_____
Vehicle make/colour:	_____
Licence plate:	_____
Suspect(s) description(s):	_____

Assault details (Include what was SAID):	_____

Witness Name/contact info:	_____

Police Officer name:	_____
Police Officer badge#:	_____

If you are a witness or victim write down details as soon as possible.

Contacts

Emergency 9-1-1

Local police services:

Peterborough Lakefield Community Police Service

Ph: 705-876-1122

Toll Free: 1-888-876-1122

Durham Regional Police

Ph: (905) 579-1520

Toll Free: 1-888-579-1520

Cobourg Police Service

Ph: (905) 372 - 2243

Ontario Provincial Police:

Peterborough (City of Peterborough)

Ph: 705-742-0401

Northumberland (Brighton)

Ph: 613-475-1313

Northumberland (Cobourg)

Ph: 905-372-5421

Peterborough (Apsely)

Ph: 705-656-4431

KPR Policies and Programs

Copies of the KPR Policies on Safe, Caring, and Restorative Schools and Equity, Diversity, and Inclusion are available on the school board website: <http://www.kprschoools.ca>

Reporting Bullying

Parents and students are encouraged to report incidents of bullying as soon as they happen. Students or parents should contact their teacher and school principal to resolve the situation.

KPR recognizes, however, that bullying affects a student's sense of safety and security, and some people may not feel comfortable reporting bullying. To help ease this anxiety, students and parents are welcome to use the Report Bullying Form on the school board website. The information provided will be forwarded to the appropriate school principal for action. You may report a bullying incident anonymously if you wish, but we do need to know where and when the incident took place, in order for the principal to respond to the situation.

Community Resources

Crime Stoppers

Crime Stoppers is a community program and partnership of the public, media and police. The program allows people to provide information anonymously about crime, thereby contributing to an improved quality of life.

Ph. 416-222-TIPS (8477)

www.stopcrimehere.ca

Kids Help Phone

The Kids Help Phone provides anonymous and confidential professional counselling, referrals, and information through technologically-based communications media to children and youth in Canada to improve their well-being. The organization reports that 15% of calls are because of physical, emotional or sexual violence that includes issues related to discrimination and sexual harassment.

Toll Free; 1-800-668-6868

<http://kidshelpphone.ca/>

Lesson 2: Assaults against Asian Canadian Anglers

Case Study: Assaults Against Asian Canadian Anglers	Civics, Grade 10, Open (CHV2O)
<p>Critical Learning</p> <p>This lesson will provide students with an important tool for investigating and analyzing civics issues. The issues analysis approach encourages students to consider a variety of viewpoints that surround local, national and global issues. Students will explore their own and others' civic responsibility, ideas about recent attacks on Asian Canadian anglers, learn how to think critically about public issues and react responsibly to them by exploring a variety of resources on this topic.</p>	<p>Guiding Questions</p> <p>Citizenship is the condition of being vested with the rights, duties, and responsibilities of a member of a state or nation. Civics is the study of these rights and duties.</p> <p>What is my responsibility to understanding important societal and community issues (civics issues)?</p> <p>What skills are necessary to fully explore civics issues?</p>
<p>Curriculum Expectations</p> <p>The Ontario Curriculum, Grades 9 & 10: Canadian and World Studies 2005 (Revised)</p> <p>Civics, Grade 10, Open (CHV2O)</p> <p>Overall Expectations By the end of this lesson, students will:</p> <ul style="list-style-type: none"> describe the diversity of beliefs and values of various individuals and groups in Canadian society; analyse responses, at the local, national, and international levels, to civic issues that involve multiple perspectives and differing civic purposes; apply appropriate inquiry skills to the research of questions and issues of civic importance; demonstrate an understanding of the various ways in which decisions are made and conflicts resolved in matters of civic importance, and the various ways in which individual citizens participate in these processes; <p>Specific Expectations By the end of this lesson, students will:</p> <ul style="list-style-type: none"> explain how different groups (e.g., special interest groups, ethnocultural groups) define their citizenship, and identify the beliefs and values reflected in these definitions analyse Canadian issues or events that involve contrasting opinions, perspectives, and civic purposes; describe how their own and others' beliefs and values can be connected to a sense of civic purpose and preferred types of participation demonstrate an understanding of a citizen's role in responding to non-democratic movements and groups formulate appropriate questions for inquiry and research; locate relevant information in a variety of sources (e.g., texts, reference materials, news media, maps, community resources, the Internet); and identify main ideas, supporting evidence, points of view, and biases in these materials 	<p>Learning Goals (Unpacked Expectations)</p> <p>At the end of this lesson, students will be able to :</p> <ul style="list-style-type: none"> demonstrate a willingness to show respect, tolerance, and understanding towards individuals, groups, and cultures in the local to global community recognize that protecting human rights and taking a stand against racism and other expressions of hatred and discrimination are basic requirements of responsible citizenship recognize bias and stereotypes in contemporary as well as historical portrayals, viewpoints, representations, and images become more sensitive to the experiences and perceptions of others

<ul style="list-style-type: none"> organize information, using a variety of methods and tools (e.g., summaries, notes, timelines, visual organizers, maps, comparison organizers) communicate the results of inquiries into important civic issues, using a variety of forms (e.g., discussions and debates, posters, letters to elected officials, Web pages, visual organizers, dramatizations) analyse important contemporary cases and issues that have been decided or resolved through the public process of policy formation and decision making (e.g., mandatory retirement, censorship, racial profiling), taking into account the democratic principles that underlie that process. 	
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Instructional Components and Context

<p>Readiness</p> <p>Prior Knowledge & Skills:</p> <p>The Canadian and World Issues curriculum document encourages teachers to consider anti-discrimination education in their program planning.</p> <p>Students should have already been exposed to learning activities and resources that reflect diverse points of view and experiences. Grade 9 Geography students are introduced to Aboriginal perspectives on the use of land and resources in Canada (e.g. the social impacts of the James Bay Hydro Project on Aboriginal peoples). Grade 10 History students are introduced to French and English Canadian perspectives on conscription in World War I and World War II. In addition, Grade 10 History students will have explored the perspective of Japanese Canadians during World War II as the Canadian government chose to restrict these citizens' rights and freedoms.</p>	<p>Materials</p> <p>Many articles & resources have been listed to provide students with detailed background information about assaults against Asian Canadian Anglers. Students do not require all of these articles in order to complete the Issues Analysis Approach. The Ontario Human Rights Commission report entitled "Fishing Without Fear" provides a comprehensive breakdown of the issue and the viewpoints of many of the stakeholders.</p> <p>Reserve the Library Resource Centre for a minimum of two classes. Ensure that the computers have SmartIdeas installed, which is OSAPAC licensed. Use the following websites and consult the teacher-librarian regarding online databases such as EbscoHost.</p> <p>Jigsaw Classroom – Overview of the Technique http://www.jigsaw.org/overview.htm</p> <p>Community and Race Relations Committee of Peterborough http://www.racelationspeterborough.org/</p> <p>Ontario Human Rights Commission http://www.ohrc.on.ca/ <i>Commission Reports on Inquiry into Assaults Against Asian Canadians May 2008</i> <i>FISHING WITHOUT FEAR Follow-Up Report on the Inquiry into Assaults on Asian Canadian Anglers, April 2009</i></p> <p>Ontario Federation of Anglers and Hunters http://www.ofah.org <i>Enforcement key to addressing harassment of anglers and hunters</i> <i>Human Rights report focuses on harassment of Asian anglers</i></p> <p>The Toronto Star http://www.thestar.com/ <i>Asian anglers can't shake harassment</i> <i>Asian community unites over attacks on anglers</i></p> <p>The Toronto Sun http://www.torontosun.com/ <i>Boy, 12, charged with pushing Asian angler</i> <i>findings</i></p> <p>The Peterborough Examiner http://www.thepeterboroughexaminer.com/ <i>Asian Angler Meeting</i></p> <p>CTV Toronto http://www.ctvnews.ca/ <i>Asian-Canadian anglers subject to racism:</i></p>
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Case Study: Lesson Cluster	Grade 10 Civics
<p data-bbox="131 233 789 275">Minds On (Elicit & Engage)</p> <p data-bbox="131 296 789 390">Whole Class > Learning Goals Introduce the learning goals and the guiding questions. Post the guiding questions.</p> <p data-bbox="131 411 789 537">Whole Class > Guided Case Study Analysis Using an overhead projector, SmartBoard, etc. present the Issues Analysis Approach to students (see below).</p> <p data-bbox="131 558 789 684">Introduce the case study “Assaults Against Asian Anglers.” A variety of resources are listed in Materials in order for students to gather information on this current event.</p> <p data-bbox="131 705 789 810">An organized, structured investigation is the best way to gain an understanding of an issue. A good strategy uses these five steps:</p> <ol data-bbox="131 831 789 1251" style="list-style-type: none"> 1. Identify the stakeholders – the people who are involved with or concerned with the issue. 2. State the issue as clearly as possible. 3. Determine the viewpoints of each group or individual. Assess the relevant “facts” and significant “opinions”, being aware of “bias”. 4. Evaluate the viewpoints of each stakeholder. Consider outcomes and consequences of each viewpoint. 5. Decide for yourself what would be the best course of action on the issue <p data-bbox="131 1272 789 1335">Key: Exercise impartiality until you are able to form an informed opinion.</p> <p data-bbox="131 1356 789 1587">As a class, discuss issues that may have involved students’ homes, school, or community (eg. curfews, dress codes, etc). As a class, choose an issue to investigate in order to complete the Issues Analysis Approach Organizer. For example, the class may choose to explore the effects of a proposed development project in the local area.</p> <ol data-bbox="131 1608 789 1881" style="list-style-type: none"> 1. State the issue 2. Give your viewpoint or position on the issue. 3. Give 3 facts or opinions that you used to support your viewpoint. 4. Give other important viewpoints or positions on the issue. 5. If the issue was resolved, explain how it came to be resolved, identify the things that are preventing a resolution. 	<p data-bbox="789 233 1492 275">Consider...</p> <p data-bbox="789 296 1492 516">Teachers may wish to use a jigsaw approach with this activity as it is a cooperative learning technique that may help in reducing racial conflict and increasing positive educational outcomes. The students in the Civics class are divided into small groups of five or six students each to research assaults against Asian Canadian anglers in Ontario.</p> <p data-bbox="789 537 1492 726">Every member of the group will be assigned a stakeholder. Each student is responsible for presenting a well-organized report about their stakeholder’s viewpoint to their jigsaw group. The jigsaw group can evaluate each stakeholder’s viewpoint and make an informed decision concerning a potential resolution of the issue.</p> <p data-bbox="789 747 1492 810">Quick Tip:</p> <p data-bbox="789 831 1492 978">Producing an exemplar as a class will help maximize student success as it will assist students in the completion of the organizer using SmartIdeas or on the provided worksheet.</p> <p data-bbox="789 999 1492 1146">Teachers may choose to have the class pursue a different type of issue. For example, potential environmental issues associated with the development of Ontario’s Greenbelt (Oak Ridges Moraine, Niagara Escarpment, etc.)</p> <p data-bbox="789 1167 1492 1356">Teachers may wish to use the extension activity Country in the News as a daily or weekly activity. For example, every Civics class starts with a student’s presentation of a country in the news, which requires the use of the Issues Analysis Approach (see worksheet).</p>

Here are some questions to consider when looking at facts used to support a viewpoint.

- How was the data collected?
- Who collected it?
- Would someone else gathering data produce the same “facts”?
- What facts were not given as evidence?

Bias is a one-sided or slanted view of an issue. It is an opinion, preference or inclination formed without any reasonable justification. Here are some things you should look for in the arguments of stakeholders:

- The use of emotionally-charged words or phrases can indicate that a view is biased.
- The omission of important details to oversimplify the issue is another indicator.
- The use of an important or high profile person to influence others about an issue can indicate bias.
- The use of sweeping generalizations is a good indication that the view is biased.

To evaluate an issue you must critically examine the evidence that has been offered and consider the potential outcome of each viewpoint on an issue.

- Has the viewpoint been presented honestly?
- Have the holders of this view been fair in their use of evidence?
- Who will benefit if this viewpoint succeeds?
- Who will be harmed if this viewpoint succeeds?

Action! (Explore & Explain)

Whole Class > Explicit Teaching

Explain that this is a sensitive issue that needs to be examined carefully and critically.

Including All Students

To include students of all abilities in this lesson, teachers may need to convert some of the activity information to other formats, such as scanning it for Premier or Kurzweil, enlarging the print size on materials for blind/low vision students, and possibly use of an FM System or providing additional copied notes for deaf students.

Discuss the distinction between racism, racial profiling, and a hate crime (See Glossary from Introduction). The OHRC's *Fishing Without Fear* report states that racial profiling may occur on a more subtle level. A person may not be fully aware that he or she is operating on the basis of stereotypes attributing group characteristics to individual from different backgrounds. An example of racial profiling occurs in many of the articles as local anglers claim that Asian Canadians are responsible for decreasing fish stocks due to overfishing. At one point, local anglers were encouraged to demand to see the fishing licences of Canadian Asian anglers.

In contrast, hate crime activity demand an overt motive. As mentioned in the articles it has become clear that there are racial undertones in the claims against Canadian Asian anglers. Many of the assaults against Canadian Asians were due to racism and had very little to do with concerns over resource conservation. Do concerns over overfishing justify vigilantism and physical assaults against Asian Canadian anglers?

Explore past examples of overt racism in Canada. For example, the internment of Japanese-Canadians during World War II. Did other groups receive the same treatment by the Canadian government? Why were Japanese-Canadians primarily targeted as potential threats even though they were Canadian citizens (many were born in Canada, not Japan)?

Whole Class > Guided Practice

Using a SmartBoard or LCD projector, demonstrate how to complete the **Issues Analysis Approach template** using SmartIdeas. If teachers would prefer not to use SmartIdeas, have the students complete the **Issues Analysis Approach Organizer** that was provided for the assaults against Canadian Asian anglers case study.

Whole Class > Summative

Students will use the SmartIdeas to create an ideas web to show the different viewpoints in the assaults against Canadian-Asian anglers issue. The ideas web will include details about the various positions held. If teachers would prefer not to use SmartIdeas, have the students complete the **Issues Analysis Approach Organizer** that was provided for the assaults against Canadian Asian anglers case study.

For students affected by Autism Spectrum, particularly Asperger Syndrome, group participation and interaction may be difficult. Concrete instruction related to their role in a group, or an alternate activity may be needed.

Consolidation (Elaborate, Evaluate, Extend)**Individual > Case Study Analysis**

Students should have access to an exemplar of the Issues Analysis Approach as they have completed a case study as a class. Have students utilize the same approach on an assigned social-cultural issue (Japanese – Canadian internment during WWII) or environmental issue (development of Canada's Greenbelt). Teachers may choose to have students use SmartIdeas to complete the provided **Issues Analysis Approach template** or simply have the students complete the provided organizer previously used for the assaults against Canadian-Asian anglers case study.

Individual > Extensions

Students present a daily **Country in the News** using the template provided, which incorporates the Issues Analysis Approach. See the attached files for a **Country in the News** worksheet, assessment, and schedule.

In order to complete the assigned worksheet students will need to be aware that there are many different types of issues:

- **Economic issues** – how money is earned and spent
- **Cultural issues** – the relationships among groups of people
- **Social issues** – how society functions, who makes decisions, who has influence
- **Environmental issues** - the relationship between humans and nature
- **Political issues** – how decisions are made

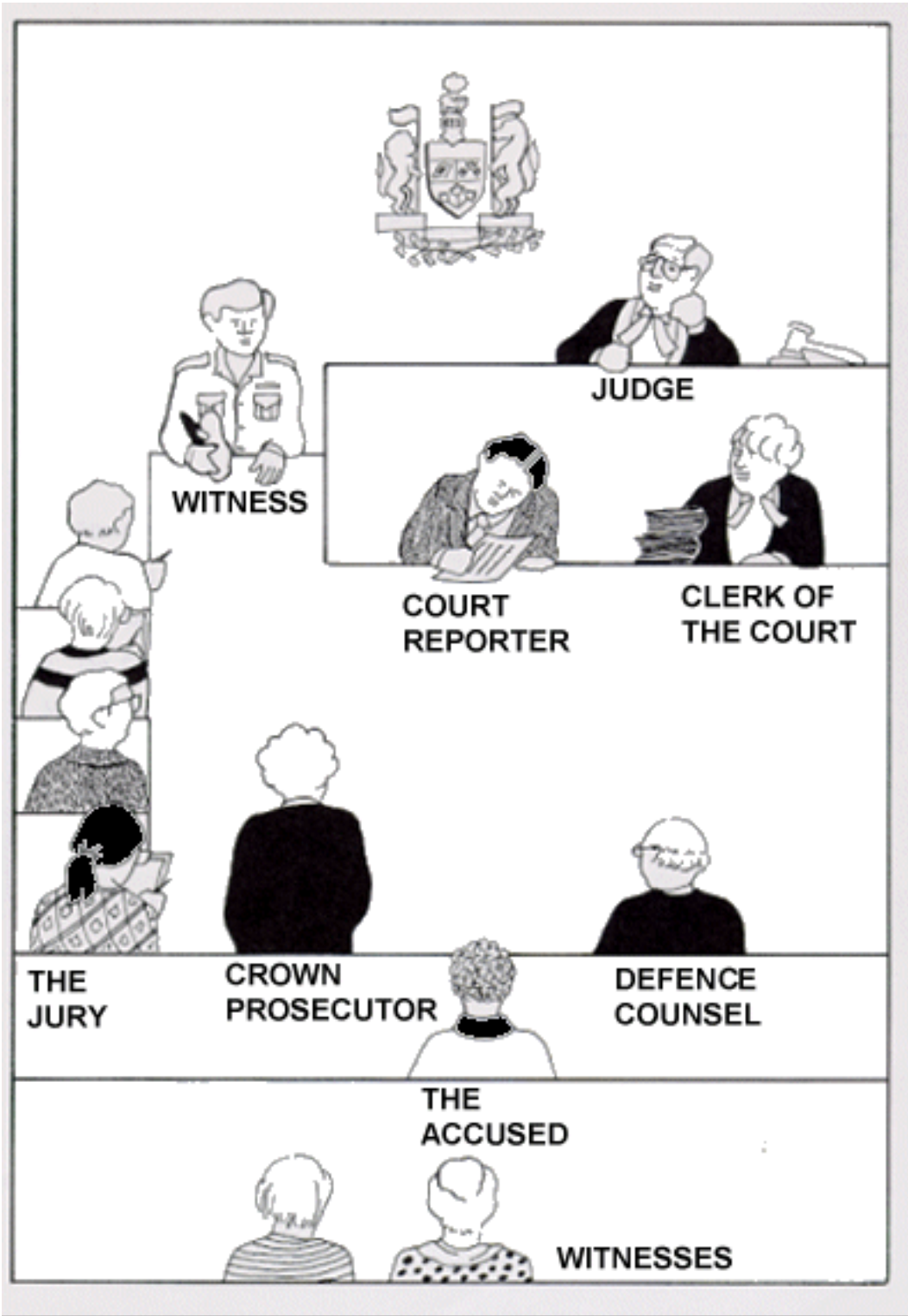
Lesson 3: Mock Trial
Appendix A: Lesson Plan

Grade 10 Open Civics	
Critical Learning	Guiding Questions
<ul style="list-style-type: none"> To examine the legal issues surrounding hate, hate speech, and hate crime To illustrate the impact of hate speech and hate crime To draw comparisons between a simulated case and student actions 	<ul style="list-style-type: none"> What is a hate crime? What is hate speech? What responsibility do citizens have regarding free speech and hate speech? What are the consequences of hate speech?
Curriculum Expectations	Learning Goals
<p>The Ontario Curriculum, Grades 9 & 10: Canadian and World Studies, 2005 (Revised)</p> <p>Civics, Grade 10, Open (CHV20)</p> <p>Overall Expectations By the end of this lesson, students will:</p> <ul style="list-style-type: none"> explain the legal rights and responsibilities associated with Canadian citizenship <p>Specific Expectations</p> <ul style="list-style-type: none"> demonstrate an understanding of the beliefs and values underlying democratic citizenship demonstrate an understanding of the various ways in which decisions are made and conflicts are resolved, and the various ways in which individual citizens participate in these processes 	<p>(Unpacked Expectations) At the end of this lesson, students will be able to</p> <ul style="list-style-type: none"> understand the consequences of hate speech understand definition of hate speech understand the criminal trial process
Instructional Components and Context	
<p>Readiness</p> <ul style="list-style-type: none"> an introduction to the issue of hate crime (see Lesson 1) a general understanding of the court system and how it works. <p>Terminology</p> <ul style="list-style-type: none"> hate crime hate incident crown defence prosecution persecution 	<p>Materials</p> <ul style="list-style-type: none"> Photocopies of mock trial scripts for each participant classroom space

Minds On Approximately 15 minutes	Pause and Ponder
<p>Review of Criminal Code definition of hate crime, including clarification of incidents and offences, and procedures taken in respect to each.</p> <p>Divide students into 3 teams. The remainder of the class will be given over to preparation for a mock trial that will occur on Day 3 The teacher will decide on the number of students in each group according to the size of the class.</p> <p>The split can be as follows: Crown's Legal Team: A group of 5-8 students which includes 2 witnesses. There is one script each for 6 lawyers but if you have a smaller legal team, each lawyer can take on 2 scripts (for example Lawyer #1 would read the Opening Statement and conduct the Cross Examination of Defence's witness#2)</p> <p>Do make sure that you make 2 copies of each Direct Examination as both the lawyer and the witness will require a script copy.</p> <p>Select students for roles according to relative skills: a student conducting a cross-examination should be bold and quick to pick up on the replies of the witness whereas a student reading the Opening Statement need not be equally bold.</p> <p>Defence's Legal Team: follow the instructions given above</p> <p>Jury: should be composed of the remaining students.</p> <p>Activities: Legal Teams will practice their roles and run through direct examinations so that they will be polished in their presentations.</p> <p>Jurors will examine two cases that deal with the topic of Hate Crime: R. v. Keegstra and R. v. Zundel. There are attached fact sheets that students can examine in a small group or individually and then complete a question handout on one or both cases, or</p> <p>Prepare a short presentation of both sides that could be given on Day 4.</p>	<p><i>This lesson can be done as either a formative assessment or as a summative (scoring sheets have been included). It can also be conducted for experience instead of assessment.</i></p> <p>For more resources on conducting mock trials, visit the Ontario Justice Education Network (OJEN): http://www.ojen.ca/</p> <p>Link and Layer <i>This lesson can build on to previous lessons on hate crimes and the criminal justice process.</i></p>

Action! Approximately 75 minutes	<p>Including All Students</p> <p>To include students of all abilities in this lesson, teachers may need to convert some of the activity information to other formats, such as scanning it for Premier or Kurzweil, enlarging the print size on materials for blind/low vision students, and possibly use of an FM System or providing additional copied notes for deaf students.</p> <p>For students affected by Autism Spectrum, particularly Asperger Syndrome, group participation and interaction may be difficult. Concrete instruction related to their role in a group, or an alternate activity may be needed.</p>
<ul style="list-style-type: none"> • The marking sheets for each legal team would be in and the marks and comments are recorded as each member of the team completes one step of the legal trial process (eg. as the student reads the opening statement one would assess voice level, clarity, body posture, delivery, and content and give an overall mark out of /10. • Each student acting as a juror should record a fact sheet of the evidence (on lined paper), a decision of either guilty or not guilty, and an explanation of why she/she reached the particular decision. • You may choose a judge if you wish but it is often easier for the teacher to act as the judge and mark simultaneously. Do add a court clerk if you wish to arraign the accused. • The order of presentation follows the number on each of the script sheets. 	
Consolidation Approximately 20 minutes	
<ul style="list-style-type: none"> • Follow up: ask students to reflect in a discussion • Key questions: what did you learn? What surprised you? What was effective about the episode? • Did the class agree with the verdict? Why or why not? • Can they think of examples of how what gets said or written can be understood as hateful? 	

Appendix B: Courtroom Roles and Layout
(from <http://www.oaknet.ca/node/20>)



Clerk of the Court

- is the judge's assistant
- says "all rise" when the judge enters the courtroom
- will ask the witness to take an oath or to make an affirmation promising to tell the truth
- calls witnesses by name to take the stand and asks them to give their full name for the court reporter to record it properly

Court Reporter

- sits in front of courtroom near the judge
- records (usually via computer) everything that people say while the trial is going on

Crown Prosecutor

- acts as the defender of society, not as the witness's lawyer. The accused is seen as someone who may have committed a crime against the values of society. Thus, the Crown Prosecutor defends society's values. (You will also hear the Crown Prosecutor called the Crown or the Prosecutor. These terms mean the same thing.)
- does NOT represent the victim
- decides whether the case will proceed
- will not drop a case at the victim's request
- will get at the truth. If there is not enough evidence, the Prosecutor will likely recommend that the trial not proceed.
- is very busy and will probably not contact you unless you are a key witness and s/he needs to talk to you
- refers to the other lawyer as "my friend" as a sign of respect
- must be informed of any new evidence or information that you may have

Defence Counsel

- represents the person accused of breaking the law
- may try to find out if a witness is confused or making things up
- asks the witness questions when the Crown Prosecutor has finished (referred to as cross-examination)
- may ask you the same questions in different ways
- tests the credibility of each witness' evidence

Judge

- listens to everyone's story and fits the pieces together like a puzzle until s/he understands the whole picture
- when there is no jury, decides whether the accused is, or is not, guilty
- is called "Your Honour," "Your Lordship," "My Lord," or "My Lady"
- asks you to stand down when you have finished testifying and being cross-examined
- decides on the appropriate sentence when the accused is found guilty

Jury

- may or may not be there (depending on the nature of the crime and the decision of the accused)
- is composed of 12 adult Canadian citizens, men and women, selected for jury duty
- acts as "finder of fact"
- makes a decision independently. Jury verdicts must be unanimous for the court to act.

Security Guard

- maintains a safe environment in the courtroom
- wears a uniform that looks similar to a police officer's uniform

Witnesses

- A witness is called to give evidence in court in order to discover the truth. It is important that you answer honestly.
- You have been called as a witness because you have valuable information about the case. Your contribution is important so that the courts can make a fair decision.
- A witness is subpoenaed by the court. A subpoena is a court order that requires or compels a witness to attend.
- Witnesses are not expected to be experts in court process. They are expected to tell what they saw or know.

Appendix C: Cast of Characters

The Accused:

Edward Nosferatu (a.k.a. Howard Stunned)

- radio broadcaster (“Shock Jock”)

Witnesses:

Kreva Ohlanda:

- Canadian citizen
- Member of the Floman ethnic group
- Fled persecution in Pottsylvania

Officer Whitenight:

- member of the Special Joint Forces Hate Crime Unit

Sarah Connor:

- producer of The Howard Stunned radio show

Appendix D: Order of Presentation

1. Announce the opening of the Court
2. Arraignment: Reading of Charge—accused must rise and will be addressed by court clerk who reads the charges and asks the accused to enter a plea: which will be, of course, NOT GUILTY
3. Crown Opening Statement
4. Direct Examination of the Crown's First Witness (Kreva Ohlanda)
5. Defence Cross-Examination of Kreva Ohlanda
6. Direct Examination of the Crown's Second Witness (Officer Whitenight)
7. Defence Cross-Examination of Officer Whitenight
8. Defence Opening Statement
9. Direct Examination of the Defence's First Witness (Edward Nosferatu)
10. Crown Cross Examination of Edward Nosferatu
11. Direct Examination of the Defence's Second Witness (Sarah Connor)
12. Crown Cross-examination of Sarah Connor
13. Defence Closing Statement
14. Crown Closing Statement
15. Judge's Charge to the Jury
16. Deliberation
17. Announcement of the Verdict

Appendix E: Script

1. Announce the Opening of the Court

Clerk of the Court:

(When all participants have taken their places, you will usher in the judge and announce): “Order, all rise. Mr. Justice/Madame Justice _____ presiding. Oyez, Oyez, Oyez. Anyone having business before the General Division of the Ontario Court of Justice for the Province of Ontario and come now forward attend upon Her Majesty the Queen. Will the Crown Prosecutor and Defence Counsel please identify themselves.”

2. Arraignment: Reading of the Charge

Clerk of the Court:

“Edward Nosferatu, also known as Howard Stunned, you stand charged that, between the 1st day and the 5th day of July 2011, in city of Yourtown, in the region of Yourtown, you did, by communicating statements against the Floman ethnic group, incite hatred against the Floman ethnic group, with a likelihood of leading to a breach of the peace, contrary to the Criminal Code Section 319 (1) and therein commit an indictable offence. How say you to this charge? Do you plead guilty or not guilty?”

Edward Nosferatu:

“Not guilty.”

3. Crown Opening Statement

Crown Prosecutor:

Your Honour, honourable ladies and gentlemen of the court, Edward Nosferatu, also known as Howard Stunned, stands charged that he, between the 1st day and the 5th day of July 2011, both days inclusive, in a public place, to wit: the city of Yourtown, in the region of Yourtown, did by communicating statements against the Floman ethnic group, incite hatred against the Floman ethnic group, with a likelihood of leading to a breach of the peace, contrary to the Criminal Code Section 319(1).

In this courtroom today, the Crown will prove beyond a reasonable doubt that Edward Nosferatu, also known as Howard Stunned, has committed the *actus reus*⁷ and had the required mental element as such, should be convicted of inciting hatred. It is a deplorable crime that targets the weakest and most disadvantaged of our society. To do so as a radio host, in order to increase ratings is a despicable action. Canadians take pride in our multicultural society and to violate the protection our Charter accords recent immigrants, for personal gain is an action that is indeed criminal in intent.

Crown will call on its first witness, Kreva Ohlanda, a victim of Mr Stunned’s willingness to communicate statements on air that would incite hatred against the ethnic group to which she belongs. Ms. Ohlanda having fled from a dictatorship in order to provide a safer environment for herself and her family, suffered an attack within days of having celebrated Canada Day. She will testify under oath that she heard a group of young men outside and came out of the shelter where she and her family were staying in order to speak with the group. Ms Ohlanda will attest

⁷ *Actus Reus*: Before convicting an accused person, the Crown must prove two things, first, that the accused person did the act that constituted the criminal activity, and second, that the accused person had the intention (i.e. guilty mind or *mens rea*) to do so. *Actus reus* is the Latin term that refers to the first component – doing the illegal act (Ontario Justice Education Network).

to the fact that she was faced by a rowdy group holding signs, one of which read “Death to Pixies”. This young woman who did nothing to provoke the action was assaulted with a weapon and she will speak under oath of being hit by a bottle or brick which was immediately followed by someone yelling “Howard is right”. Crown can assume that the reference could only be to Howard Stunned the accused who stands before you today.

You will also hear the testimony of Officer Whitenight who is a founding member of the Special Joint Forces Hate Crime Unit. This Force is a combined effort of the RCMP, Ontario Provincial Police, and Yourtown Police and has a mandate to investigate all offences which are motivated by hatred of any group, whether a visible or invisible minority. Officer Whitenight also holds a Master’s degree in sociology and has completed a thesis on “Policing and Hate Crime”. This officer, who has been a police officer for fifteen years, has been recognized as an expert witness in hate crime investigation. Officer Whitenight will testify that Yourtown has been the site of several very ugly incidents of hate crime. As part of his investigation of the hate crime increase, the officer monitored the Howard Stunned radio show. He will testify to the fact that the intended programming for the last week of June 2011 could violate the Criminal Code hate crime provisions. Under oath the Officer will explain that derogatory jokes, comments such as the “Pixies Suck Tax” and remarks saying that the Floman ethnic group should go home were made by the accused. Officer Whitenight will also testify that to him “this program was like a Ku Klux Klan meeting with commercials, and the tone of the program was an attack on the Floman people.”

The Crown will show, by the testimony provided by these two witnesses, that Edward Nosferatu, also known as Howard Stunned, met the criteria of *actus reus*, and did knowingly incite hatred through his broadcast leading to the assault upon Kreva Ohlanda.

4. **Direct Examination of the Crown’s First Witness (Kreva Ohlanda)**

Clerk of the Court (to the witness):

Do you solemnly affirm that the evidence to be given by you to this court shall be the truth, the whole truth, and nothing but the truth?

Witness responds.

Crown Prosecutor:

Would you identify yourself to the court?

Kreva Ohlanda

My name is Kreva Ohlanda, but people call me Chris.

Crown Prosecutor:

Where do you live?

Kreva Ohlanda:

I live in Yourtown.

Crown Prosecutor:

When did you come to Canada?

Kreva Ohlanda:

I came to Canada in 2006.

Crown Prosecutor:
Why did you come to Canada?

Kreva Ohlanda:
My family and I came to Canada to get away from persecution in Pottsylvania. The dictator of the country hates my people, the Floman.

Crown Prosecutor:
How were the Floman people persecuted in Pottsylvania??

Kreva Ohlanda:
We are attacked and abused by the police, we cannot own land, and the government has tried to ban our religion and our culture.

Crown Prosecutor:
How are you and your family finding it here?

Kreva Ohlanda:
We thought it would be safe to be in Canada, but we have had some problems.

Crown Prosecutor:
What kinds of problems have you had?

Kreva Ohlanda:
We do not speak English very well, and we have had problems finding work.

Crown Prosecutor:
Do you have training for a specific career?

Kreva Ohlanda:
Yes, I was trained as an engineer, but I can only find work as a labourer.

Crown Prosecutor:
Have you become Canadian citizens at this point?

Kreva Ohlanda:
Yes, we became Canadian citizens in 2010.

Crown Prosecutor:
Let's go back to the day of the incident. When and where did it occur?

Kreva Ohlanda:
It occurred just after Canada Day, outside of the place we were living.

Crown Prosecutor:
Does Canada Day have any significance for you?

Kreva Ohlanda:
Yes, we always celebrate this day as a way of thanking Canada for giving us a home.

Crown Prosecutor:
Could you tell us what happened?

Kreva Ohlanda:

We were at a shelter at the time, and there were a bunch of young men outside. They had a bunch of signs and were yelling.

Crown Prosecutor:

What happened next?

Kreva Ohlanda:

I went outside to see what was happening.

Crown Prosecutor:

Can you remember what was on the signs?

Kreva Ohlanda:

One of the signs had the slogan, "Death to Pixies." Pixies is an insulting and derogatory name for my people.

Crown Prosecutor:

Do you remember what they yelled?

Kreva Ohlanda:

I remember that someone in the crowd yelled, "Howard is right."

Crown Prosecutor:

What happened next, if anything?

Kreva Ohlanda:

I was hit by something.

Crown Prosecutor:

What were you hit with?

Kreva Ohlanda:

I think it was a brick or a bottle that someone threw.

Crown Prosecutor:

Were you able to tell who threw it?

Kreva Ohlanda:

No, I don't know.

Crown Prosecutor:

What, if anything, occurred after that?

Kreva Ohlanda:

The next thing I know is that a police officer was standing over me and facing the crowd. She had her gun drawn.

Crown Prosecutor:

How did that make you feel?

Kreva Ohlanda:

Afraid at first, because I remembered how I was treated in my old country.

Crown Prosecutor:

Did you continue to have that fear?

Kreva Ohlanda:

No, because I saw that the officer had her gun towards the crowd and was protecting me.

Crown Prosecutor:

What, if anything, happened next?

Kreva Ohlanda:

There were a lot of police officers there. Some of the young men were arrested, and others ran away.

Crown Prosecutor:

Does the phrase "Howard is right" mean anything to you?

Kreva Ohlanda:

No, only that someone in the crowd yelled it.

5. **Defence Cross-Examination of Kreva Ohlanda**

Note: The Defence Counsel asks the following questions. Witness responds to the questions in a manner that is consistent with their previous testimony.

Good Morning, Ms (Mr) Ohlanda. May I call you Chris?

You left Pottsylvania because of the persecution of your ethnic group. Was that the only reason?

Could you describe some of the persecution you experienced?

That must have been a horrible situation. I imagine that those experiences will always haunt you?

So I imagine that would have shaped the way you remember the events on Canada Day. Would that be true?

After all, didn't you testify that you were frightened of the officer who was protecting you?

So, Chris, is there a chance that you could have mistaken the actions of the young men who were just outside of the shelter?

Wouldn't your fear of demonstrations in Pottsylvania cause you to assume that men outside the shelter would signify danger?

Perhaps you assumed immediately that they were rowdy and yelling?

Now when something hit your head and you fell down, you likely suffered a mild concussion?

But you were also knocked out for several minutes. Those symptoms would likely indicate a memory loss so are you sure that someone threw something at you or perhaps did someone accidentally drop a water bottle?

Is it possible Ms Ohlanda that being afraid of demonstrators, coming from a country where you suffered persecution, and a memory that was affected by trauma, that you may have misunderstood what was said, and even what was happening?

No further questions, Your Honour.

6. Direct Examination of the Crown's Second Witness (Officer Whitenight)

Clerk of the Court (to the witness):

Do you solemnly affirm that the evidence to be given by you to this court shall be the truth, the whole truth, and nothing but the truth?

Witness responds.

Crown Prosecutor:

Good day, could you identify yourself to the court?

Officer Whitenight:

I am Officer Kennedy Whitenight.

Crown Prosecutor:

Officer Whitenight what posting do you currently hold

Officer Whitenight:

I am a member of the Special Joint Forces Anti-hate Crimes Unit.

Crown Prosecutor:

Special Joint Forces is specifically...?

Officer Whitenight:

The RCMP, Ontario Provincial Police and Yourtown Police Force have joined together in order to establish this Anti-Hate Crimes Unit.

Crown Prosecutor:

Could you describe to the court the mandate of the unit?

Officer Whitenight:

Our mandate is to investigate all offences that are motivated by hatred of any group.

Crown Prosecutor:

Have you investigated many offences which fit in that category?

Officer Whitenight:

Yes, several have occurred in Yourtown.

Crown Prosecutor:

Since it is obviously a concern of Yourtown, has anything else been done to address the issue?

Officer Whitenight:

The Mayor and the Chief of Police have made strong statements, and a high profile campaign was launched by many major civic, sports and entertainment figures.

Crown Prosecutor:

So the media is aware of this, and would monitoring media be part of your job.

Officer Whitenight:

Yes, for example, I am aware of the Howard Stunned radio show on CKYU 1317.

Crown Prosecutor:

What sort of program is it?

Officer Whitenight:

The program seems to specialize in outrageous conduct by the host, where guests are verbally attacked, and racist and sexist comments are made.

Crown Prosecutor:

How do you determine if the content is legal?

Officer Whitenight:

It is legal if it does not violate the Criminal Code.

Crown Prosecutor:

Have you ever become concerned that the host has stepped over the line in terms of content?

Officer Whitenight:

During the last week of June 2011 there was some intended programming that I thought might violate the hate crime provisions of the Criminal Code.

Crown Prosecutor:

Could you describe the possible offences to the court?

Officer Whitenight:

Ads were run in the Yourtown Sun with pictures of Mr. Stunned and banners with phrases such as, "Pixies, you are next" and, "It's Howard versus the Pixies Next Week."

Crown Prosecutor:

Did you listen to the program that had been advertised?

Officer Whitenight:

Yes, I did tune in on July 1.

Crown Prosecutor:

July 1, that would be Canada Day. Could you tell us what was said?

Officer Whitenight:

Comments were made that they should go home or they will be sent home one way or another, and that the dictator of Pottsylvania was OK by the hosts.

Crown Prosecutor:

Officer, would you provide some examples?

Officer Whitenight:

Yes, at one point, some phrases such as, "Pixies Suck Tax!", and jokes, including "What do you call 50 Pixies at the bottom of the ocean? A start!"

Crown Prosecutor:

Overall, your assessment of the program would be?

Officer Whitenight:

To me, this program was like a KKK meeting with commercials.

Crown Prosecutor:

And its tone?

Officer Whitenight:

It was nothing but an attack on the Floman people.

Crown Prosecutor:

The phrase "Hey, we are just having fun here" was used. Why do you think that was?

Officer Whitenight:

It was an attempt to excuse his conduct.

Crown Prosecutor:

Have you ever encountered this sort of commentary before?

Officer Whitenight:

Yes, I have at public meetings of skinheads who are known to be a racist group.

Crown Prosecutor:

Was there anything else that was included in your investigation?

Officer Whitenight:

Yes, I was involved in the investigation of the attack on Krevia Ohlanda at the municipal shelter.

Crown Prosecutor:

Did any facts in respect to the incident fit in with your investigation of the Howard Stunned show?

Officer Whitenight:

Yes, when I heard that before the victim was struck. One of the crowd yelled something in support of the Stunned radio program, I realized the incident and the program were connected.

Crown Prosecutor:

What, if anything, happened next?

Officer Whitenight:

I determined that charges of inciting hatred should be laid.

7. Defence Cross-Examination of Officer Whitenight

Note: The Defence Counsel asks the following questions. Witness responds to the questions in a manner that is consistent with their previous testimony.

Good Morning, Officer Whitenight. I am glad that you can be with us in court today.

Officer, you are a member of the Special Joint Forces Anti-Hate Crime Unit is that true?

And why was the unit set up?

So you have been experiencing anti-hate crimes in the area?

And I imagine that your role is to make sure that individuals are prosecuted and hopefully, convicted?

So might that make you somewhat hyper-vigilant? That perhaps you see situations which are really quite normal, such as radio talk shows, and assume that there might be discrimination and the broadcasting of hate?

But society does have several radio show hosts who make outrageous comments on air in order to get listeners involved, NOT to spread hatred. Is it possible that when you listen to a program without having followed the series that you might be misinterpreting the discussions that are occurring?

If you found the advertisements offensive why didn't you lay charges at that time?

Perhaps it was also because you likely realized that they were not serious enough for charges. Is there a possibility that is true, Officer?

And you do realize that the connection between Mr Nosferatu's show and the suggestion that perhaps someone shouted out the name of Howard, is pretty far fetched?

To sum it up, Officer, there really is no obvious or direct connection between the experience had by Krea Ohlanda and Mr Nosferatu's radio broadcast, is there?

In fact, there is no concrete evidence that the injury Ms/Mr Ohlanda suffered was even deliberate or from an action of one of "Howard's" listeners.

No further questions, Your Honour.

8. **Defence Opening Statement**

Defence Counsel:

Your Honour, honourable members of the jury, and ladies and gentlemen of the court. Today, Edward Nosferatu, also known as Howard Stunned, is before the court facing a single charge. We the defence are here to prove that Edward Nosferatu is innocent, and as such, should be acquitted of this charge. It is already clear that the Crown has failed to prove that Edward Nosferatu should have even been charged for the incident between July 1st and 5th 2011.

Our first witness will be my client, Edward Nosferatu, a radio broadcaster with CKYU 1317. My client was hired by CKYU 1317 to build the ratings of a station that was desperate for revenue. Mister Nosferatu did extensive research as to what type of programming would have the most impact on ratings, and proceeded to build a program that would generate the most entertainment and money for the station. Under oath, he will explain that his "Shock Jock" model was a successful formula, as the more outlandish the behaviour, the bigger the audience. He will testify to the fact that the nature of his job is to build the ratings of CKYU 1317, and that he did so by creating a program that, while some may feel is in poor taste, is essentially harmless entertainment. My client could not have known that the show would have any negative outcome. Therefore, he is not responsible for a very unfortunate incident that has no direct relationship to his program.

Our second witness will be Sarah Conner, an employee of CKYU 1317 and producer of the Howard Stunned show. Having a Masters in journalism and 20 years experience, she will testify to the business of producing the show. Ms. Conner will explain the difference between my client,

the man, and the persona he is required to play for his show. She will also address under oath the creation of the Canada series, and how this arose out of a regular programming meeting. Ms. Conner will speak to the extensive monitoring of the program by the CRTC, and the consequences for violating human rights complaints. She will testify that no one at the station could have known that there would be any negative outcomes from the show, and in fact made an effort to avoid this by making the program so outrageous and cartoonish that the show could not possibly be taken seriously.

The Defence will show, by the testimony provided by these two witnesses, that Edward Nosferatu, did not meet the criteria of actus reus, and did not knowingly incite hatred through his broadcast leading to the assault upon Krevia Ohlanda. He is an innocent, concerned family man who was simply doing his job.

9. **Direct Examination of the Defence's First Witness (Edward Nosferatu)**

Clerk of the Court (to the witness):

Do you solemnly affirm that the evidence to be given by you to this court shall be the truth, the whole truth, and nothing but the truth?

Witness responds.

Defence Counsel:

Could you state your name for the court, please?

Edward Nosferatu:

Edward Nosferatu

Defence Counsel:

Mr Nosferatu, could you describe yourself?

Edward Nosferatu:

I am 35 years old, married, and have two young children and I work for CKYU 1317 radio.

Defence Counsel:

What position do you hold with the company?

Edward Nosferatu:

I am a radio show host.

Defence Counsel:

Is yours a local show?

Edward Nosferatu:

No, my program is based in Yourtown but is nationally syndicated.

Defence Counsel:

And how long has the show been running?

Edward Nosferatu:

This is its fourth year of broadcasting.

Defence Counsel:

Why were you hired for this show?

Edward Nosferatu:

I was brought in to bring up the ratings.

Defence Counsel:

How did you go about this?

Edward Nosferatu:

I decided to look to other stations and programs and see what worked for them. The station needed a certain income and so I chose a formula that would earn the dollars.

Defence Counsel:

Could you describe the formula?

Edward Nosferatu:

I looked to the U.S. where talk radio is big and the more outlandish the hosts the bigger the audience. That is the old "shock jock" formula.

Defence Counsel:

What was your goal then?

Edward Nosferatu:

I had no intention of actually discriminating against anyone and I certainly did not want anyone to get hurt.

Defence Counsel:

Did you reach your goal then?

Edward Nosferatu:

I certainly did not want anyone to get hurt and no-one could have known that would happen. We have done far more outlandish things on our programs.

Defence Counsel:

Could you give us some examples?

Edward Nosferatu:

I have people on and then spend most of the time making fun of them. We also have had some weird people. If we are guilty of anything, it is bad taste.

Defence Counsel:

How do you select your topics?

Edward Nosferatu:

We choose things that would get a reaction. That is what we want.

Defence Counsel:

Why do you want a reaction?

Edward Nosferatu:

That is what a talk show is all about. People tune in then.

Defence Counsel:

So why did you choose immigration as a topic?

Edward Nosferatu:

We knew that immigration was a sore point with some people and there is always controversy around it. There are bigots who say keep everyone out, there are others who say let everyone in. We knew we would get a reaction. That is what we wanted.

Defence Counsel:

Did you give any consideration as to how the public might react?

Edward Nosferatu:

People tune in when the topic is interesting and can be debated. Sure, we considered the program as to how far we could go. We did not want anyone to get hurt.

Defence Counsel:

Did you ever think someone might be victimized in some way?

Edward Nosferatu:

There are skinheads and those types in the City, I won't deny that. But I am not one of them and was not trying to encourage them. In fact, when some of them were on the show I ripped them apart.

Defence Counsel:

Do you specifically choose the dates on which you air certain shows?

Edward Nosferatu:

Yes, we chose Canada Day week as a way to get the most ratings.

Defence Counsel:

And what happens after a program is aired?

Edward Nosferatu:

Radio is always on the move so as soon as one is aired we move on to other programs.

Defence Counsel:

What, if anything, happened next?

Edward Nosferatu:

Two weeks after the program aired, the police arrived and gave me a summons to appear in court.

Defence Counsel:

How did you react?

Edward Nosferatu:

I didn't know and still don't know why I was charged. The show was simply jock banter.

10. **Crown Cross Examination of Edward Nosferatu**

Note: The Crown Prosecutor asks the following questions. Witness responds to the questions in a manner that is consistent with their previous testimony.

Clerk of the Court (to the witness):

Do you solemnly affirm that the evidence to be given by you to this court shall be the truth, the whole truth, and nothing but the truth?

Witness responds.

Crown Prosecutor:

Good Day Mr Nosferatu. I have reached an understanding that you take your job very seriously, is that true?

So your main goal is to have a program that earns a great deal of money?

Now this program is syndicated so there is additional revenue going to your company and to you personally?

And you have adopted a persona as a shock jock? In fact, that shock jock is well-known as Howard Stunned?

So it could be said that you are known as Howard Stunned?

How do you feel about people thinking Howard Stunned's opinions are yours?

How old are your children Mr Nosferatu?

Would you want them listening to your show if they were 12 or 13 years old?

Is Howard Stunned as he appears on the air, the sort of parent you want to be to your children?

I assume that you don't worry about what other people might think and especially what they might do because of your comments?

So it didn't bother you that a gang of young guys decided to harass an individual from the Floman ethnic group and actually assault that woman with a rock or bottle?

Are you not somewhat embarrassed now that you have seen that woman testify and explain how her family emigrated to this country so that they could be safer and have a new life?

And you were part of a board meeting that decided to continue running the show even after you had heard that someone had been injured and that injury could be directly connected to your show? Is that right?

And you excuse the damage done to another human being by saying "all we were doing is talking"?

11. Direct Examination of the Defence's Second Witness (Sarah Connor)

Clerk of the Court (to the witness):

Do you solemnly affirm that the evidence to be given by you to this court shall be the truth, the whole truth, and nothing but the truth?

Witness responds.

Defence Counsel:

Could you state your name for the court?

Sarah Connor:
Sarah Connor.

Defence Counsel:
Ms Connor, what field do you work in?

Sarah Connor:
I have been in the broadcasting business for over 20 years.

Defence Counsel:
Where have you worked?

Sarah Connor:
I was with CBC radio for ten years, had my own company as a ratings consultant for several years, and three years ago became the producer of the Howard Stunned show.

Defence Counsel:
Can you tell us a bit about the show?

Sarah Connor:
Yes. Howard had been working on the show for about one year before I came on board. It was getting okay ratings, but not great. But we have worked together to improve those ratings.

Defence Counsel:
How important is the host to the ratings?

Sarah Connor:
Very and he or she must be controversial so that the station will get a larger market share.

Defence Counsel:
And the host's real personality...

Sarah Connor:
Howard plays a guy who is always getting more controversial. I want to make that clear, he plays a part!

Defence Counsel:
So you are indicating that Howard is not like that in real life.

Sarah Connor:
No, Howard is not as he appears on the radio but those people who call in on the show think Howard is really as nutty as a fruitcake. In reality, he is a very shrewd businessman.

Defence Counsel:
How did you come up with the Canada series?

Sarah Connor:
The idea of a Pixies theme came out of one of our regular programming meetings. This was going to be a week-long theme, so advertising had to be arranged, research done to give some basic facts about these people and so on.

Defence Counsel:
Are you ever worried about human rights complaints?

Sarah Connor:

Well, we do have to keep them in mind because the Canadian Radio and Telecommunications Authority monitors our programming.

Defence Counsel:

What should happen if the CRTC found a violation within a broadcast.

Sarah Connor:

Oh, well, then we get fined and we broadcast that, too. And then our ratings go up.

Defence Counsel:

Were there any other questions raised in respect to possible violation?

Sarah Connor:

Yes, one of the staff said what if someone there took this seriously.

Defence Counsel:

What did you do in respect to this concern?

Sarah Connor:

We figured that we would just make our comments more outrageous, that would show how cartoonish all this was.

Defence Counsel:

It must have surprised you that an individual was hurt.

Sarah Connor:

Absolutely and we were very sorry about that but it wasn't anything we did. We were so far over the top, no-one could take us seriously.

12. **Crown Cross-examination of Sarah Connor**

Note: The Crown Prosecutor asks the following questions. Witness responds to the questions in a manner that is consistent with their previous testimony.

Clerk of the Court (to the witness):

Do you solemnly affirm that the evidence to be given by you to this court shall be the truth, the whole truth, and nothing but the truth?

Witness responds.

Crown Prosecutor:

Good day, Ms Connor. Ms Connor, do you enjoy working in the broadcasting business?

There must be a great deal of pressure working in programming where the ratings must always be going up. Do you not find that stressful?

Now, the shock jock formula is used quite often, is it not?

That would mean that a syndicated show such as The Howard Stunned program would encounter a great deal of competition, is that true?

That would mean, then, that you must always be beating out the competition.

To stay on top you would have to become more controversial and take more risks in respect to the shows you air, is that true?

Is that why you took such a big chance with the Canada Day programming?

I mean, after all, your own staff worried about the CRTC fining you and that there might be human rights complaints. Isn't that true?

So, obviously, there were concerns?

And yet, instead of addressing those concerns, you just decided to make the program more outrageous. Is that also true?

You are a capable woman, Ms Connor, surely you realized that action would just increase the risk of a violation or a further action incited by the program causing injury?

What do you think the effects of your program might have on people such as the Floman?

Do you think it possible to get your audience's attention without putting groups at risk?

And then when an injury did occur, you just continued with the intended programming. As you said in your statement "We thought about whether the remaining programs should be stopped, but there was way too much money invested in the week." Such a callous response to a woman injured because of an outrageous attitude taken on by Howard Stunned, all in the name of making more money?

Ms Connor, you have also been quoted as saying that "None of us (in reference to the people working on the Howard Stunned Show), would ever allow our kids to listen in, isn't that right?"

13. **Defence Closing Statement**

Defence Counsel:

Your Honour, honourable members of the jury, ladies and gentlemen of the court, you have heard four witnesses testify as to what occurred during the week of July 1st to the 5th, 2011 and now it is time for the jurors to make their decision. Should Edward Nosferatu, the host of a radio show, be convicted of inciting hatred that resulted in a breach of the peace or should he be found not guilty of a crime that he did not commit.

Let's examine the evidence that you have heard in the court today. Crown has shown only that Krevia Ohlanda did suffer an assault and perhaps, some harassment, outside of a shelter on the 2nd or 3rd day of July of the current year. Although it was most unfortunate that this woman was hurt, there is little, if any, proof indicating that Edward Nosferatu was responsible in any way. Crown was unable to show two key facts:

First, that a member of the group did intentionally, or even unintentionally throw a bottle or rock at Ms Ohlanda.

And second, that the individual who may have thrown the bottle or rock, did so because of having heard Mr Nosferatu's radio show.

We realize that Officer Whitenight is a founding member of the Special Joint Forces Anti-Crime Unit and admire the work being done by these police officers. But, we must point out that

charging individuals in appropriately will not help the goals that we all agree should be of high priority.

We have shown you through the testimony of Mr Nosferatu and Ms Connor, respectively the host and producer of a popular syndicated show that their efforts were geared towards exposing the controversy in such a way that viewers would realize the outlandishness of the opinions expressed and in no way, taking anything said on air seriously.

14. **Crown Closing Statement**

Crown Prosecutor:

Your Honour, honourable members of the jury, ladies and gentlemen of the court. You have heard the facts of a case that deals with an unpleasant and deplorable crime that encourages hatred in our society. Edvard Nosferatu, without any concern in respect to the repercussions of his actions, presented a five day radio show dominated by discriminatory statements against a specific ethnic group. Not only did the accused make jokes and derogatory comments, he deliberately made his remarks outlandish and insulting in order to build controversy. And the reason for doing so: to increase the ratings of his syndicated show and generate increased revenue. Is it justifiable in a capitalist society to risk the safety and confidence of a person for such gains? No, in Canadian society, it is not, and for that reason, you have spent several hours listening to testimony in the provision of a fair trial.

You have heard Mr Nosferatu's explanation for his actions and his refusal to take any responsibility for the outcome. He appears untouched by the fact that a young woman, new to the country should be exposed to both harassment and an assault by a group of young men who acted after listening to the accused' on-air persona as host of The Howard Stunned Show. Edvard Nosferatu clearly identified his objectives were to increase revenue by using the shock jock formula. He also indicated that the greater the controversy, the higher the earnings. A parallel statement should be "the greater the controversy, the increased likelihood of harm coming to an innocent person." Mr Nosferatu chose to target the Floman ethnic group, ridiculed them with insulting comments and jokes, and yet defended his actions.

A similar approach was adopted by the second defence witness, Sarah Connor, who stated that when the station heard of the attack on Kreva Ohlanda, they continued to air the remaining programs as, "there was way too much money invested in the week." One has to wonder at what point, does human life become more important than making money?

Jurors, we ask you to review with us the Crown's proof of the direct connection between the Howard Stunned Radio Show, hosted by the accused, Mr Edvard Nosferatu, and the injuries, both emotional and physical, to Kreva Ohlanda. The Ohlanda family escaped persecution and abuse by coming to Canada. Do we want them to experience anything similar in a nation that takes pride in its multicultural nature and a Charter which provides rights and duties to its citizens. It is your civic duty to set an example to those whom abuse others, by finding Edvard Nosferatu guilty.

When there was some concern as to human rights violations, the attitude of the station was one of: when we are fined, the more money we make.

15. **Judge's Charge to the Jury**

Judge (to members of the Jury):

You have heard the evidence from both sides of the case. Now, without speaking with the other jurors, each of you should reflect upon what you have heard and write down your verdict. Explain

why you reached that verdict. Then, appoint a jury foreperson who will tally the verdicts in a report indicating the outcome to the court.

Clerk of the Court:

All rise. Court will now adjourn for 10 minutes.

16. **Deliberation**

The jury leaves classroom and jury foreperson polls each juror to determine the verdict. Since decision should be unanimous the foreperson will ask those jurors in the minority to explain their decision and will attempt to reach agreement.

17. **Announcement of the Verdict**

Clerk of the Court:

Court is now resumed. Please be seated.

Jury returns to seats, accused is asked to rise and face the jury and the foreperson delivers the verdict.

Appendix F: Activity for Jury Members**R.v. Zundel**

Case summary available: <http://www.ojen.ca>

Mr Zundel was charged with spreading false news under s. 181 of the Criminal Code which states that “every one who willfully publishes a statement, tale or news that he knows is false and causes or is likely to cause injury or mischief to a public interest is guilty of an offence. The charge arose because Mr Zundel had published a pamphlet titled Did Six Million Really Die?

Crown’s Case: When he published the booklet that had been previously released in the United States and England, Zundel added a preface and an afterword. The content of the pamphlet suggest that it has not been established that six million Jews were killed before and during World War II and that the Holocaust was a myth perpetrated by a worldwide Jewish conspiracy.

Defence’s Case: Mr Zundel used section 2(b) of the Charter as his defence.

1. Who is Ernst Zundel and what actions led him to break the law?
2. With what Criminal Code offence was Zundel charged?
3. How did Zundel try to defend his actions?
4. How would you decide in this case? Explain your answer.

R. v. Keegstra

Case summary available: <http://www.ojen.ca>

Mr Keegstra was a high school teacher in Eckville, Alberta from the early 1970s until 1982. In 1984 he was charged under s. 319(2) of the *Criminal Code* for unlawfully promoting hatred against an identifiable group by communicating anti-semitic statements to his students.

Crown's Case: Mr Keegstra's lessons did include comments in respect to Jewish people. He described Jews to his pupils as "treacherous", "subversive", "money-loving", "power-hungry", and "child-killers". He taught his classes that Jewish people seek to destroy Christianity and are responsible for depressions, anarchy, chaos, wars and revolution.

Defence's Case: Mr Keegstra applied to the court for an order quashing the charge on a number of grounds, the primary reason being that the charge was contrary to His Freedom of Expression, s. 2 (b) of the *Charter*.

1. Who is James Keegstra, and what actions led him to be charged with promoting hatred?
2. With what *Criminal Code* offence was Keegstra charged. Include section number and explanation.
3. How did Keegstra defend his actions?
4. Outline what your decision in this case would be and provide an explanation of why.

Appendix G: Mock Trial Marking Sheet, Crown Team

Opening Statement Lawyer _____	Content: Delivery:	/10
Direct Examination #1 Lawyer _____ Witness _____	Content: Delivery:	/10
Direct Examination #2 Lawyer _____ Witness _____	Content: Delivery:	/10
Cross-Examination of Defence Witness #3 Lawyer _____	Content: Delivery:	/10
Cross-Examination of Defence Witness #3 Lawyer _____	Content: Delivery:	/10
Closing Statement Lawyer _____	Content: Delivery:	/10
Overall Presentation		/15
Additional Comments		/75

Appendix H: Mock Trial Marking Sheet, Defence Team

Cross-Examination of Crown Witness #1 Lawyer _____	Content: Delivery:	/10
Cross-Examination of Crown Witness #2 Lawyer _____	Content: Delivery:	/10
Opening Statement Lawyer _____	Content: Delivery:	/10
Direct Examination #3 Lawyer _____ Witness _____	Content: Delivery:	/10
Direct Examination #4 Lawyer _____ Witness _____	Content: Delivery:	/10
Closing Statement Lawyer _____	Content: Delivery:	/10
Overall Presentation		/15
Additional comments		/75