

LIABILITY FOR THE SALE OF MEDICINE VIA INTERNET ACCORDING TO TURKISH LAW

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ABSTRACT

Selling medicines via internet or in any other electronic form is not allowed in Turkish Law. As a distance contract via online for a medicinal product is contrary to law, sales contract for medicines via internet is null and void. So the injured clients cannot have claims because of the sales contract concluded with their supplier according to Turkish Law. But, the injured clients and other members of the distribution chain can bring an action based on tort against the supplier. So at first legal principles of civil liability for sale of medicine via internet are analyzed in the scope of the study. After that, whether or not it is possible to protect consumers buying a medicinal product online is explained. Then, protection of the owners of the pharmaceutical trademarks because of the sale of trademarked medicines on internet without their permission is described. Finally, information according to Turkish Criminal Law is given about the criminal liability for selling medicines on Internet. In this regard, anyone who sells toxic and chemical substances or medical medicament and preparations without permission is sentenced according to the Turkish Criminal Law. Anyone who produces, holds, sells or transfers substance that involves poison and depends on permission to produce, to hold or to sell without permission is sentenced to imprisonment for two months to one year.

Keywords- Law of health, Medicine, Sales of medicine via internet.

Abbreviations

Art.	: Article
C. O.	: Code of Obligation no 6098
No.	: Number
Pp.	: Pages
s.	: Sentence
Vol.	: Volume

INTRODUCTION

Medicine which is an invention is also an indispensable product for humanity. And medicine law is a new discipline for Turkish Law. Although the issue of Internet based medicine criminality and liability is an actual topic in Turkish Legal System, it has not been directly detailed analyzed yet. There are only few judgments regarding to the medicine criminality. But these are related to the selling unlicensed medicine. And there is not any directly publication related to the (internet based) medicine criminality.

I. Civil Liability

1.1. Liability Because of Sale of Medicine via Internet

1.1.1. Conditions of Liability Because of Sale of Medicine via Internet

Selling medicine via internet is prohibited according to Act about the Pharmacists and Pharmacies no 6197 in Turkish Law. The Article 24, 1 st paragraph, 3 rd and 4 th sentence of the Act states: “the medicines cannot be sold via internet or in any other electronic form. Website cannot be set up in the name of pharmacists and pharmacies”. So selling medicine on internet is unlawful in Turkish Legal System.

As a distance contract via online for a medicinal product is null and void from the beginning, the injured clients and other members of the distribution chain cannot have claims under the sales contract concluded with their supplier in Turkish Law. A contract that is null and void does not give any right by reason of contract. However, the buyer who fulfills its performance can demand restitution based on the unjust enrichment (C. O. 77-82) from the other party because of null and void sales contract. And injured party can demand compensation because of null and void sales contract for medicine via internet on the basis of liability for culpa in contrahendo if the other party has fault.

Moreover, the injured clients and other members of the distribution chain can bring an action against their supplier by reason of tort as the right of personality is infringed. When the medicines are sold on internet, injured party can demand the damage according to provisions related to the tort liability (C. O. Art. 49-76). The conditions which are necessary to hold supplier responsible for tort are unlawful action, fault, damage and causal connection. First of all, contradiction to law is necessary to be able to compensate the material damages. Otherwise, the act will be suitable according to the law. And material damage has to occur because of contradiction to law. If there is no material damage, action for material damages cannot be brought. An unlawful act is necessary to be able to bring an action for material damages. Omissions may also be adequate for an action like this. The defendant has to have fault. It is not important whether it is intent to an act or negligence. So the negligence is enough to compensate the material damage. If there is a tort, injured party has to prove that the other party has negligence at least [1].

Ineffectiveness of a medicinal product constitutes a basis for such a liability if damage occurs. And, ineffectiveness of a medicinal product is identical with the effectiveness of a medicinal product [2]. Thus, pharmacist or the seller should be responsible for the ineffectiveness of a medicinal product, too. Court of Appeal states that if the medicine does not benefit for patient, the entrepreneur has to compensate the damage of patient. And Art. 18 of Act related to the Pharmacy and Medical Medicament no 1262 states administrative fines for ineffectiveness of a medicinal product.

1.1.2. Protected Persons Because of Medicine Sold Via Internet

Anyone who suffers damage because of medicine sold via internet is within the scope of protection of Turkish Civil Code no 4721 and the Code of Obligation no 6098. Because personality right involves life, bodily integrity and health as well [3]. Act against personality right sets also an example for tort. As a rule, anyone who suffers damage because of medicine sold via internet is protected by Article 24-25 of Turkish Civil Code and Article 49 of Code of Obligations. Injured party can demand material and immaterial damages when the medicine

harms her/him. Material damages which can be demanded from other party are current material damages and lost profits.

Moreover, when the bodily harm is serious or the injured party is death, persons who have close ties with her/his can even demand their own immaterial damages from the court, too. So also indirectly parties are protected by Code of Obligations, too. And the persons who are deprived of support of deceased person can demand their own material damages from the court in accordance with the Art. 53/3 of Code of Obligation no 6098. And they can also demand funeral expenses, medical treatment expenses and losses related to the strength to labour (Art. 53/1-2). All these provisions aim to protect the personality of injured party.

1.1.3. The Burden of Proof of the Conditions of Liability

Party in breach is the obliged party according to the contractual provisions. As a rule there must be a contract between parties to be able to implement the contractual provisions. When the falsified medicinal products are produced or sold by a pharmacist, she/he is responsible according to the contractual provisions. In this regard, the pharmacist has to prove that she/he has no fault. Otherwise, the pharmacist has to compensate the material and immaterial damages of patient.

On the other hand, when the medicine is sold on internet, injured party can demand compensation for the damage according to provisions related to the tort liability (C. O. Art. 49-76). If there is a tort, injured party carries the burden of proof about the conditions of liability for an action for damages. Injured party has to prove that the other party has negligence at least. And injured party has to prove that she/he suffers damage. Moreover injured party has to prove that there is a casual link between intake of medicine and damage [4].

Selling medicine on internet is not a type of strict liability. As the injured party carries the burden of proof of the conditions of liability, the liable party can be exempted from the liability when the injured party cannot success to prove the conditions of the tort liability.

1.1.4. The Legal Consequences of Civil Liability Because of Internet Based Medicines

The judge renders a judgment exactly or in cash in an action for material damages. But when an attack against personal value occurs exactly compensation is not possible generally. So the judge renders a judgment in cash in an action for material damages.

The judge sets the type of compensation freely (C. O. Art. 53/I). Paying is the general consequence of an action for damages for mental anguish.

There is no particular limit on the maximum amount of damages. But compensation cannot get over material damages and damages for mental anguish. Moreover damages for mental anguish has to be paid in one go.

On the other hand, the contributory negligence of the patient is taken into consideration in Turkish Law in accordance with the Article 52/I of the Code of Obligation (C. O.) no 6098. The Article 52/I states that while judge is setting the amount of compensation, she/he also takes into consideration contributory negligence of the aggrieved person, too. If the patient impact on rising or increasing the damage, the judge can reduce the compensation or reject demand of

compensation (Art. 52/I). The condition for the contributory negligence to be taken into consideration is aggrieved person to be effective about the rising of damage or increasing of it. So the contributory negligence is taken into consideration in case law by judges as well. The Court of Appeal states that defendants (hospital and the doctor) are responsible for the all damages as the plaintiffs (parents) has no contributory negligence about the loss of eyes of their premature born baby. And the judge can only make a reduction about the amount of compensation in accordance with the Article 51 and 52 of Code of Obligation.

And the competent court is determined in accordance with the Judicial Code no 6100 in case of tort claims. So actions related to the tort can be brought in the court where the defendant has the domicile (Art. 6/I). And these action can be brought in the court where the tort is committed or the damage occurs or the plaintiff has the domicile, too (Article 16). If the plea as to jurisdiction is not offered by the defendant related to action about the tort, the action is even adjudicated by unauthorized court, too (Art. 19).

Article 73/6 of Act Relating to the Consumer Protection no 6502 states that consumer organizations, relevant public authority, relevant public organizations and relevant ministry can bring a declaratory judgment action, action for prevention and action for prohibition in consumer court if a dispute occurs related to the consumers.

1.1.5. The Importance for the Claims Whether the Medicine Itself Only or Its Packaging Were Subject To Changes

There is a classification for the error concept relating to responsibility of medicine producer. Warning error is one of them. Responsibility for the warning error is grounded on the error for ticketing of medicine packing and using information for the patients or specialization information for the pharmacist or doctor. The medicine producer is responsible for the declared registration of medicine and the damages because of using the medicine on the scopes that are shown on prospectus.

Compensation because of erroneous packaging can be demanded from the pharmacist [5]. But, it must be taken into consideration that the pharmacist is liable for tort. She/he has to be fault to compensate the damage. But selling medicine on internet is prohibited according to Turkish Law. There is no binding contract between injured party and pharmacy or anyone who sells medicines on internet. So, seller is obliged to compensate damage of other party because of medicines packaging on the basis of tort if it is sold on internet.

1.2. Liability of the Manufacturer of the Original Because of Sale of Medicine via Internet

Turkey is a candidate country for European Union. In this regard many adjustment laws enter into force in Turkey. An act which is appropriate to the Directive 2011/62/EU is foreseen to enter into the force in Turkey in the second period of 2015. But the legal norms have not been adopted yet.

On the other hand the By-Law about the Factories for the Human Medicinal Product is in force. But there is not any specific legislation relating to this issue that would form basis of liability of the manufacturer of the original.

There is neither a code regarding the liability of producers nor a special medicine code in Turkish Law. So the issue is controversial in Turkish Doctrine, too. Besides, the Code of Obligations no 6098 entered into force in 1 July 2012. The liability for danger is put in order in the Code of Obligation no 6098 with a general provision (Art. 71). So according to an opinion in the doctrine [6] the damaged party can bring an action based on the liability for danger. Inevitable, out of ordinary and uncontrolled danger which is a particular type of concept of general danger characterizes the responsibility of the producer of medicine [7]. On the other side, there is no particular regulation related to the responsibility of producer of medicine in Turkish Law. But there is a general provision for the liability of danger in Code of Obligation (Article 71). So the liability of danger which is regulated generally in the Code of Obligation no 6098 can be accepted as the legal basis for the responsibility of producer of medicine [8].

The liability for danger is a type of the strict liability. The basic condition for the liability for danger is danger to be the reason for damage by occurring characteristic danger of an object, activity or enterprise [9]. Whether the liable party has fault or not is not important related to the compensation for the liability of danger [10]. The first condition of liability for danger is existence of a value under the threat of danger which is highly probable to realize. Second condition is the danger to violate this value by realizing. Finally, damage to occur because of this reason is the last condition for liability for danger.

If the damaged party brings an action based on the liability for danger (Art. 71), she/he needn't prove fault of manufacturer. But the conditions which are necessary to hold manufacturer responsible for this type of claim are unlawful action, damage and causal connection. The damaged party has to prove all of these conditions (unlawful action, damage and causal connection).

II. Possibility of Protection of Consumers Buying a Medicinal Product Online Because of the Legislation related to the Consumers

2.1 Liability in Case of Losses Caused by the Usage of Falsified Medicinal Products

Article 4 of abrogated Act relating to the Consumer Protection no 4077 was amended in 2003 appropriate to the Directive 85/374/EEC. So Turkey has adopted the directive 85/374/EEC on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products. But Act Relating to the Consumer Protection no 6502 has entered into force instead of Act no 4077. However manufacturer's liability is not regulated in the Act no 6502, too. Manufacturer's liability is regulated in the By-Law Related to the Responsibility for the Damages Related to the Defective Good in parallel with the Directive 85/374/EEC. The conditions of manufacturer's liability are product to be defective, damage to occur, contradiction to law and causal link between the defectiveness and the damage. Manufacturer has to compensate the damage without the need for her/his fault if the defective good is reason for a person to die or to be injured or a good to damage (Article 6/I of the By-Law). Aggrieved person has to prove the defect of the good, the damage and the causal link between the defect and the damage (Article 6/II of the By-Law).

If two or more persons are responsible because of the damage of the defective good they are all liable jointly (Article 6/III of the By-Law). Contractual provisions for non-liability related to the waiver of consumer's rights or contractual provisions for restriction or termination the

obligations of manufacturers derived from this By-Law are invalid (Article 8 of the By-Law). All types of demands because of the damage of the defective good are subject to the time limit for three years beginning from learning date of the defect and manufacturer (Article 9 of the By-Law). And claims for compensation against all types of damages because of defective good can be asserted in ten years beginning from the date of introducing to the market of the injurious good (Article 10 of the By-Law).

Moreover when the falsified medical products are sold on internet, injured party can demand the damage according to provisions related to the tort liability (C. O. 49-76). If there is a tort, injured party has to prove that the other party has negligence at least. As the selling medicine on internet is not a type of strict liability.

2.2. Possibility of Right of Withdrawal

Turkey has adopted the Directive on Consumer Rights 2011/83/EC that introduces the full harmonization of the right of withdrawal with the Act Relating to the Consumer Protection no 6502. And distance contracts are regulated in the Act Relating to the Consumer Protection no 6502 in conformity with the Directive 2011/83/EC. The Article 48, 1 st paragraph of the Act no 6502 states: “Consumer has the withdrawing right for the contract in fourteen days without paying the penalty clause and needn’t any reason for it”.

But consumers cannot buy a medicinal product online with a right of withdrawal according to the Turkish Law, as the medicines cannot be sold via internet or in any other electronic form. A distance contract via online for a medicinal product is null and void from the beginning. On the other hand the consumers have the possibility to get the paid price back on the basis of the unjustified enrichment on the side of the seller in accordance with the Code of Obligation no 6098. Because the obligation of the restitution arises if the enrichment is based on an invalid reason (C. O. Art. 77/II).

III. Protection of the Owners of the Pharmaceutical Trademarks Because of the Sale of Trademarked Medicines on Internet without Their Permission

3.1. Generally

To be able to adapt the Turkish Intellectual Property Law with EU, 7 th Chapter which is named as “Law of Intellectual Property” is opened to negotiation with the letter of EU Presidency in 16 th April 2008. In this regard Directive 2004/48/EC is one of the directives which is foreseen to be adopted into Turkish Law in 2016. So Turkey has not adopted the IP Rights Enforcement Directive 2004/48/EC or any other EU legislation in the scope of the intellectual property law yet.

However registered pharmaceutical trademarks are protected according to the Executive Order Related to the Protection of Trademark no 556. Owner of a registered trademark can bring an action for prevention, declaratory judgment action, action for prohibition and action for damages against the persons who sell the trademarked medicines without permission (Art. 62). Action for prevention, action for prohibition and declaratory judgment action can be sued even if the defendant does not have fault. However, defendant has to have fault to be able to sue the action for damages [11]. However, defendant has to have fault to be able to sue the action for damages. Internet service provider is accepted as fault when she/he does not remove

unlawful issue from website in spite of a notice which is given by the competitor. And Court of Appeal shares the same opinion with doctrine.

Moreover the owner of a registered trademark can sue for seizing the medicine or other objects related to the infringement of the trademark. And the owner of the registered trademark can demand to be assigned property of the products which are seized. Crossing off the trademark or destruction of medicine can be demanded by the owner of trademark if it is inevitable for preventing the infringement of registered trademark (Art. 62/e) [12].

On the other hand unregistered pharmaceutical trademarks are protected according to the general provisions of Turkish Code of Commerce no 6102. In this regard, provisions (Art. 54-63) related to the unfair trade in Turkish Code of Commerce are applicable for unregistered pharmaceutical trademarks. Deceptive or any other dishonest behaviors and commercial practices which effect the relations between the competitors, providers or customers are unfair and unlawful in accordance with Article 54/II of Turkish Code of Commerce no 6102. The other condition of unfair trade is damage or danger of damage at least. There is no unfair trade if the damage or danger of damage does not occur in the end of the act. Third condition for unfair trade is the casual link between the damage and the dishonest behaviors or commercial practices. On the other hand fault is not a condition for unfair trade. But offender has to have fault to be able to be brought action for damage because of unfair trade [13].

The owner of an unregistered pharmaceutical trademark can bring an action for prevention, declaratory judgment action, action for prohibition and action for damages against the persons who sell the trademarked medicines without permission (Art. 56). And the owner of an unregistered trademark can sue for seizing the medicine or other objects related to the infringement, too (Art. 56/I, c) [14].

3.2. Protection of Competitors against Selling Copied Medicines on Internet

Deceptive or any other dishonest behaviors and commercial practices which effect the relations between the competitors, providers or customers are unfair and unlawful in accordance with Article 54/II of Turkish Code of Commerce no 6102. The situations which constitute unfair trade are regulated in Article 55 of Turkish Code of Commerce no 6502. These situations are not limited. So competitors can demand protection against copying in accordance with unfair trade as above mentioned (Article 54-63). Because obtaining advantageous position for himself/herself any other third party by making unreal or misleading statements is contrary to the principle of honesty, too (Article 55/I, a. 2). Moreover trying to create the assumption of owner of superior talent even though he/she does not have any decree, diploma and reward or to use incorrect occupational names or symbols constitutes unfair trade, too (Article 55/I, a, 3). And Court of Appeal states that selling copied products constitutes unfair trade and compensation can be demanded by plaintiff. The owner of a copied product can bring an action for prevention, declaratory judgment action, action for prohibition and action for damages (Art. 56). And the owner of a trademark can sue for seizing the medicine or other objects related to the infringement, too (Art. 56/I, c).

Firstly plaintiff can be the persons who are affected because of unfair trade in accordance with Article 58/I. These persons can sue for all actions mentioned in Article 56. Secondly customers can bring the all above mentioned actions if they suffer damage or experience the danger of damage economically because of unfair trade. But customers cannot demand seizing

the medicine or other objects related to the infringement (Article 56/II). Thirdly vocational and economical associations, public authorities and non-governmental organizations can bring a declaratory judgment action, action for prohibition or can demand seizing elements related to the infringement (Article 56/III). However they cannot bring an action for compensation.

Moreover patent grants a monopoly right to the owner for producing, using and importing the invention which is subject of patent according to the Executive Order no 551 (Art. 73/II). Producers of registered medicines can prevent invention-oriented impingement of third parties by courtesy of protection of patent. They can prevent third parties from producing of chemical formula which are qualified as invention, selling, using, importing and holding medicines for any other reasons (Art. 73/II).

IV. Criminal Liability

4.1. Generally

As above mentioned, sales contract for medicine via internet is contrary to law according to Act about the Pharmacists and Pharmacies no 6197 in Turkish Law (Art. 24/I, s. 3, 4). The medicines are not allowed to be sold via internet or in any other electronic form. Setting up website in the name of pharmacists and pharmacies is prohibited. And criminal liability occurs in case of fulfillment of the conditions of liability. Moreover, the Art. 43, 1 st paragraph of the Act no 6197 states: “Selling toxic and chemical substances or medical medicament and preparations without permission is prohibited. Anyone who sells these without permission or holds these in the pharmacy shop to sell is sentenced according to Art. 193 of Turkish Penal Code”. Art. 193 of the Turkish Penal Code states: “Anyone who produces, holds, sells or transfers substance that involves poison and depends on permission to produce, to hold or to sell without permission is sentenced to imprisonment for two months to one year” [15].

4.2. The Criminal Liability for the Counterfeited Medicines

Counterfeited medicines and imitation medicine are the terms which are defined in Turkish Civil Law Doctrine [16]. On the other hand the issue of the liability of the manufacturer of the original medicinal product for counterfeited medicines has not been widely discussed in Turkish Civil Law [17]. But the criminal liability about this issue is regulated in Turkish Penal Code. Article 187 of Turkish Penal Code states: “Anyone who produces or sells medicine by placing at risk persons’ life and health is sentenced to imprisonment for one year to five years and judicial fine. If the crime is committed by a doctor, a pharmacist or a person who has official position, the penalty is increased one-third rate”.

The subject of this crime is medicine in accordance with the lawful cause of this Article. The crime occurs when the medicine is produced or sold by placing at risk someone’s life and health. A medicine to be able to place at risk persons’ life and health is enough for the medicine to be able to be the subject of this crime. Quack remedy, original medicine or generics medicine can be the subject of this crime if the conditions occur. Offender of the crime can be anyone in accordance with the Article 187/I as any specialty for the offender is not searched for the crime. As producing or selling medicine is an abstract endangerment, the judge have to search only whether the medicine is placing at risk persons’ life and health or not. If the judge determines that the medicine enable placing at risk persons’ life and health it is enough for the offender to be sentenced. And the crime to produce or to sell medicine by placing at risk persons’ life and

health can be committed only deliberately. Finally contradiction to law is another condition for the crime. So action occurs lawful and offender cannot be sentenced if there is a reason for lawfulness in accordance with the Article 24 et seq. of Turkish Penal Code [18].

V. Results

Medicines have an important role for humanity to be protected from illnesses. As the Turkish Legislator takes into account this particularity of medicines, it is illegal to sell medicines on internet in Turkish Law. And making a contract for sale of medicine on internet is null and void. So the basis of civil liability of seller is tort that is regulated in the Code of Obligation no 6098. So, the injured party has to prove the conditions of liability for an action for damages. And consumers cannot buy a medicinal product online with a right of withdrawal as the sales contract via internet related to the medicine is invalid.

And it is submitted in the doctrine that the damaged party can bring an action based on the liability for danger about the liability of the manufacturer of the original because of sale of medicine via internet. So the liability of danger which is regulated generally in the Code of Obligation no 6098 can be accepted as the legal basis for the responsibility of producer of medicine.

Protection of the owners of the pharmaceutical trademarks because of the sale of trademarked medicines on internet without their permission is granted in Turkish Law. In this regard, registered pharmaceutical trademarks are protected according to the Executive Order Related to the Protection of Trademark no 556. Unregistered pharmaceutical trademarks are protected according to the provisions related to the unfair trade of Turkish Code of Commerce no 6102.

Finally, criminal liability for sales of medicines based on internet is granted in Turkish Law, as well. Producers, holders, sellers and transferors of substance that involves poison and depends on permission to produce, to hold or to sell without permission are sentenced to imprisonment.

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STRATEGIC POSITIONING FOR SHOPPING MALLS: AN EMPIRICAL STUDY ON SHOPPING MALLS OF ANTALYA, TURKEY

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ABSTRACT

‘Agora’ the oldest and most structured concept of shopping centre was evolved in ancient Roman period where different shops were selling different goods. In current days not only in cosmopolitan cities rather almost all cities have shopping centers. This study is aimed to explore the appropriate strategic positioning of the shopping malls to differentiate with competitors. In order to address the most effective positioning strategies we developed a conceptual framework in line with the literature. This paper also addresses the impact of strategic positioning on achieving competitive advantages. In our proposed model we identified six successful shopping mall positioning strategies like: Location, Architectural Design, and Promotional activities, Property Management, Convenience and Entertainment. Based on that we conducted an extensive research on the shopping malls of Antalya which is one of the biggest and most attractive touristic places of Turkey. In our study we got enough evidences to support our propositions. Another objective of the study is to identify the competitive strategies and make an assessment of the extent to they are available in malls of Antalya. We also focused on the organizational arrangements of shopping malls and what are the major advantages or drawbacks of operating in Antalya region.

Keywords: Strategic positioning, RBV, Competitive advantages, Shopping mall, Strategy, Antalya

BLACK SWANS IN THE GCC STOCK MARKETS

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ABSTRACT

This paper investigates if the long term performance of investors depends on a few outliers (black swans) of the best and worst trading days. Our evidence from six Gulf Cooperation Countries (GCC) shows that missing the best 10 days reduces returns by 45%. Can GCC investors successfully time the market? Based on our findings, we recommend that GCC investors remain invested in the stock market at all times. Buying and holding stocks wins out at the end.

Keywords: *Black swans, GCC, Emerging markets, Outliers, Market timing*

DESIGNING AN ELECTRONIC PERFORMANCE SUPPORT SYSTEM FOR MEDICAL STUDENTS

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ABSTRACT

The concept of electronic performance support system (EPSS) has been gradually evolving since it first emerged in the late 1980s. It is defined as computer-based environment that facilitates skill and knowledge acquisition within a particular domain of study. EPSSs are often developed over a relatively short period of time by a small group of innovative individuals with skills in multiple areas. There are a lot of design models to create an EPSS. One of them is called the ED4 model. This model was developed by Brown (1996). It has four phases: EPSS Define, Design, Develop and Deliver. In addition this, there are three different considerations when creating or selecting an EPSS. These are minimal, mid-level and high- level EPSSs. In this study, according to students' needs and our aims, mid- level EPSS was chosen and designed. For mid- level EPSS, standalone electronic support tools and less complex networked.

In this context, the aim of this study was to design an EPSS for medical students. Medical students who studying Hacettepe University Faculty of Medicine in the 2015-2016 spring semester were participants in this study. EPSS was designed for the Good Medical Practices Program. The Good Medical Practice program has been designed on the communication skills training base, supported by related topics of ethics/professionalism, evidence based medicine, physical examination training, medical humanities, clinical visits and interprofession collaboration and patient safety.

There were four different phases to this five month study. (1) Define phase: In this phase it was assessed at what level needs of students, define the EPSS goals, requirements, technical functionality and plan the development process. Delphi method was used to define students' needs. After delphi process, semi-structured interviews were conducted with students. (2) Design phase: In this phase, it was created storyboards of the detailed design according to analyze reports. (3) Develop phase: In this phase it was done development and testing of a functional prototype. Help system needed for EPSS was also created during this phase. (4) Deliver phase: In this phase prototype was used by medical students and feedback was taken from participant. Majority of the participants had positive feedback about designed EPSS. They reported that this designed system was very effective for increased performance.

Keywords: Electronic Performance Support System, Good Medical Practices, Delphi Method.

**RESIDENTS' ATTITUDES TOWARD SCREEN TOURISM: A CASE STUDY OF
BOZUYUK, MUGLA-TURKEY**

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ABSTRACT

This study examined the relationship between residents' socio-demographics and benefits sought on their attitudes and perceptions to screen induced tourism in Bozuyuk, Mugla, a small community where tourism is in its very initial development stage as an emerging destination. Bozuyuk town, which has become famous thanks to the screen series "Guzelkoylu" is the focus of the study. Residents' attitudes toward screen tourism were measured by adapting 28 items from the model of Perdue et al. (1990) The survey was conducted in Bozuyuk town and responses were analyzed by SPSS 21.0.1.

Key words: Screen induced tourism, attitudes toward tourism, tourism development.

PREDICTABILITY OF PROBLEM SOLVING SKILL BY INTEGRITY FEELING AND SPOUSE SUPPORT IN THE FAMILY

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ABSTRACT

In this study, whether feeling of family integrity, spouse support predicts problem solving skills or not has been analyzed. The study group consists of 292 women and 271 men, totally 563 married people, residing in Konya. In the study group, "Personal Information Form" in order to obtain personal data of married people, "Family Integrity Feeling Scale" in order to determine family integrity points, "Spouse Support Scale" in order to show spouse support points and "Problem Solving in Marriages" in order to state points of problem solving in marriages have been employed. In analysis of data, correlation and multiple regressions stepwise have been used. Data has been tested on .05 relevance level.

According to research results, it has been found out that there is a negative correlation between manageability, which is one of the lower dimensions of family integrity scale of married people, and problem solving skills in marriages; there is a meaningful negative correlation between financial aid and information support lower dimension of family integrity of married people, spouse support of married people and problem solving skills in marriages; there is meaningful negative correlation between lower dimension of spouse support scale (financial aid and information, social interest, appraisal, emotional) and problem solving skills in marriages; and social interest support, meaningful extent of family integrity feeling, financial aid and information support and manageability lower dimension of family integrity feeling has been found to be an important predictive of problem solving skills in marriages.

Keywords: problem solving in marriages, spouse support and family integrity feeling

BEING OUTSIDER INSIDE THE OUTSIDE

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ABSTRACT

The presentation is based on two important questions concerning the act of migration and the troubles the immigrants encounter after World War II: how can migrating from hometown/native country to another place be examined under the circumstances of civilization? How can the problems of identity, assimilation, integrity, hybridism, and hopelessness be explained within the impacts of migration or Diaspora? The study focuses on the paradoxical word civilization itself and the victims of the civilized hunters. It includes the memories told by the immigrants themselves, the interviews made with them and social analysis done by the professional sociologists and psychologists so as to justify the thesis statement; Adapting to a new and different culture is so difficult that people encounter various troubles during getting accustomed there. The consequences of migration incorporating children in particular within the frame of generational conflicts and contradictions are emphasized as well. Additionally the study presents the family life of the couples having hybrid children and expresses the seriousness of the troubles faced after migration. Finally, each essential point described above is so significant that they justify the argumentation based on “being outsider inside the outside” that is to say “getting the slave of freedom which is geçerli just for the natives”.

JEWISH ULTRA-ORTHODOX AND THE SMARTPHONE: A STORY OF THE DOMESTICATION OF TECHNOLOGY

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SUMMARY

Even in modern-day Israel, The Ultra-Orthodox Jewish community is separated and disconnected from the general public. One aspect of the segregation of this "enclave culture" is reflected in their complex attitude to the media. On the one hand, the media is perceived as a symbol of modern life and representative of the values of the permissive, secular society from which the community is trying to remain separate (Campbell, 2004; 2005;). On the other hand, the Ultra-Orthodox community welcomes technological innovations – including new media – on condition that they are not perceived as an existential threat and adopts them for its own needs. Hence we can see that television was rejected outright, because it represents the negative potential of dangerous exposure to the secular values of Western culture. However, CDs are warmly accepted and are even used for mass dissemination of religious material, both within and beyond the community (Rashi, 2011).

The most extreme response directed toward the internet. The official stand of the community leaders was absolute rejection of the Internet, which they view as a destructive tool that is likely to expose users to forbidden and harmful content. Exposure to unmoderated online content is perceived as a threat to their culture and to their survival as an enclave culture. However, even here one can see that it was not possible to reject the Internet outright. Despite the official stand of the leadership, there was a slow spread of the Internet – most of the time a filtered version of the internet - by a few individuals and sub-groups within the community, especially those who need the internet to their daily work and jobs.

At the beginning of 2005, Jewish ultra-Orthodox leaders in Israel staged a massive campaign whose objective was to ban use of ordinary cellphones among members of their communities, and to encourage them to use *kosher cellphones*, devices enable voice calls only (Campbell, 2007). This campaign's goal was to seal the ban on Internet use among the ultra-Orthodox, as exposure to unmoderated online content was perceived therein as a threat to their culture and to their survival as an enclave culture and to deliberately created

technological gap between the Israeli ultra-Orthodox (some 800,000 in number) and the rest of Israeli society, with the latter's high propensity to rapidly adopt technology innovations (Cohen, Lemish & Schejter, 2008).

In its early years, it actually appeared that the ultra-Orthodox struggle was a success (Barzilai-Nahon & Barzilai, 2005). Yet with the advent of the smartphone, "dual devices" spread rapidly: Many ultra-Orthodox youngsters officially use a kosher device, identifiable by a stamp on the device's surface and by a phone number with a dedicated prefix; in addition to a smartphone enabling them free Internet access despite rigorous monitoring by the community.

In this study, which combines questionnaires and in-depth interviews, I shall study a number of factors behind the change; and I shall propose conclusions relating to both the smartphone's unique characteristics (Ito et al., 2005) and its function as a medium that bridges the digital divide and enables communication access to cultural enclaves. I believe that this test case constitutes another model (similar to dictatorship countries) for a reality wherein the digital divide is deliberately formed by "those on top", while the attempt to bridge it grows from the bottom up as a grassroots rebellion.

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CHILDREN'S WEBSITES EVALUATION IN QATAR: HOW DEVELOPMENTALLY APPROPRIATE ARE THEY?

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ABSTRACT

The present study aimed at assessing children's educational websites in Qatar in accordance with developmentally appropriate websites criteria. A developmental scale was designed by the researchers to assess children's educational websites. The scale was also field-tested in terms of validity and reliability. Thirty-eight children's educational websites was selected from fifty Qatari independent and private schools involved in the study. The children's educational websites were assessed against the developmental scale. Results indicated that children's websites used in the Qatari schools showed high level of appropriateness. Most of the children's educational websites elements implemented were developmentally appropriate for children's age and individual. Furthermore, statistically significant differences were found in the children's educational websites due to type of websites. These findings and their implications were discussed accordingly.

Keywords: Educational websites; children, developmental scale.

MEDICAL HOTELS: ROLE OF MEDICAL HOTELS AS A DRIVER FOR MEDICAL TOURISM EXPLORATORY STUDY IN THE MIDDLE EAST

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Abstract Today's literature view medical tourism as an emerging phenomenon. The figures has proved that medical tourism is not a fad; it is a growing viable tourism niche.

Medical tourism is considered a new phenomenon yet its roots are well established in history. Travelers seeking cure and health development used to stay in associated accommodation. Spas that go back to ancient Greek and Roman times offered accommodations to its visitors.

This study identifies the possible outcomes of staying in a medical hotel which can be distinctive from regular accommodation/hotel, as perceived by medical tourists. The study is based on a quantitative approach testing the perceived outcomes based on four factors; financial savings, convenience, medical service and hospitality product.

Despite the fact that there has been an increase in medical establishments in Lebanon, there has not been any study so far about medical hotels in Lebanon. Therefore, the study will be targeting Lebanon as a destination for medical tourism. This work is established with reference to literature review of several publications in medical hotels and medical tourism industry.

The main purpose of this study is to identify and analyze whether medical hotels will increase the number of inbound medical tourists. Also, whether marketing and advertising will affect the medical tourists' decision making and behavioral intention.

The study will assess the above variables in the view of medical tourists and torchlight marketing emphasis procedures.

Keywords: Medical tourism, *Medical hotel, Lebanon, inbound medical tourists, behavioral intention.*

THE MAGNIFYING GLASS OF RURAL INVESTING ASSESSMENT

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ABSTRACT

Investing earned remittances to entrepreneurial activities has received a lot of attention from policy makers, economist and social researchers. Considering the significance of a good business environment in investing remittances, a crucial understanding of migrant families' decision-making about spending, and filial responsibility and dynamics are major influences for these remittances to be engaged in investment. In this context, overseas families look at themselves and their surrounding when making an investment decision. It is to note that rural investment is a risky place to invest given the limited markets and level of development. Economic actions, such as investing in the local community, are not only driven by a good business environment, but also by structure of relationships, emotions, traditions and culture. The human phenomenon behind the families' engagement or non-engagement to rural investing is assessing. The Magnifying Glass of Rural Investing Assessment looks on the overseas migrant and family assess four areas before engaging in any kind of rural investment in their birthplace/hometown: *personal* assessment, *family* assessment, *financial institution* assessment, and *environmental* assessment. Also, this paper uses a tool called *Remittance Investment Climate Analysis in Rural Hometown* (RICART) that aims to give an economic picture of the locality, and will provide guidelines on how overseas Filipinos invest in their hometown.

Keywords: hometown investment, migration and development, Philippine migration, rural assessment,

TOURISM IMPACT AND RESIDENTS QUALITY OF LIFE: THE CASE OF AQABAA IN JORDAN

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ABSTRACT

The purpose of this study was to investigate the role of tourism impacts on the quality of life of residents in Aqaba city. The study investigates how tourism affects the quality of life (QOL) of residents in tourism destinations that vary in the stage of development. A household survey based on a random sample was conducted in Aqaba for 3 weeks during 2014 summer. 397 questionnaires were completed from 450 respondents. An exploratory factor analysis using principal component analysis was carried out to identify the respondents' perception of the impacts from tourism. Findings from data analysis suggested that tourism in Aqaba has provided more benefits than costs to the residents. This main finding is consistent with the social exchange theory that is widely used to measure residents' attitude toward tourism impacts.

Key Words: Quality of life, Local community, Tourism, Aqaba.

INDUSTRIAL RESEARCH STUDY: ACHIEVING OPERATIONAL EXCELLENCE IN STEEL PLANT THROUGH TPM

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ABSTRACT

With the aim of establishing Zero Loss philosophy in a steel plant near Mumbai, India, a research study was undertaken as a model, for applying the Japanese principles of Total Productive Maintenance (TPM). The plant under the case study was a special steels plant and the organisation was in immediate need for attention to achieve operational excellence. The existing inefficient panorama in terms of productivity, quality, cost and safety could be thoroughly verified by forming task forces at various levels and collecting regular data, such that a reference point for each could be known, for ascertaining quantified benefits over annual deadlines.

The methodology applied by the author, as the task force leader, was based on the following strategy :

- # Improving machine performance to achieve zero breakdowns
- # Focussing on each major operating factor like productivity, quality and delivery, to excel in efficiency
- # Ensuring zero accidents to maintain safety standards to elevate employee morale
- # Training of employees to ensure value-added skills

To implement the above, companywide creative project undertaken involving kaizens, Ishikawa, root cause analysis, why-why analysis, 5W-1H, PDCA, Pareto, SQC, P-M Analysis, Pokayoke, Q-A Matrix, Taguchi , FMEA, etc.

Major research findings over a 3-year study reflected reduction in machine breakdowns from 680 to 85 hours/month, improvement in Overall Equipment Efficiency from 47 to 77.7(%), reduction in accidents from 11 to 1 (per year), reduction in product rework from 1.73 to 0.2(%) and productivity rise from 19.1 to 25.7 (MT×10⁴/year). Conclusively: TPM satisfactory but management sincerity and employee motivation require consistent attention.

Keywords: Excellence, Productivity, TPM

INFLUENCE TACTICS: TYPES, CATEGORIES AND POSSIBLE OUTCOMES

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ABSTRACT

Influence tactics is the generic name for behaviors aimed at influencing the attitudes or behaviors of people. The history of influence tactics as an issue of concern dates back to 1950's, and, as a result of this, it has been one of the well-researched and elaborated concepts of administrative science. During this period of time, a number of influence tactics were identified by various researchers and their researches revealed the importance of the subject by shedding light on the possible outcomes of each tactic. However, these tactics appeared in separate studies and it is not an easy task for anyone to get to know them at a glance. Starting from this need, the purpose of this study is twofold: The first purpose is to present various influence tactics and tactic categories that were developed to make sense of them and the second one is to explain the possible outcomes of influence tactics based on an extensive review of the relevant literature.

Keywords: influence tactics, organizational behavior, administrative science

EXAMINATION TO REJECTION BEHAVIORS OF FATHERS HAVING WITH MENTALLY DISABLED CHILD

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SUMMARY

Many studies in literature was studied on mothers and families. In this study, it was aimed to examination to rejection behaviors of fathers having with mentally disabled child. Data in this study was collected from an rehabilitation center in Konya, where was reviewed 50 fathers. During gathering the data, information form and Parental Acceptance Rejection Questionnaire was used. For tested fathers' rejection behavior to differentiate whether sex, age, educational level and income or not, we were used Kruskal Wallis and Mann Whitney U tests. Total rejection score of 50 fathers was found rather high. The fathers' rejection was differentiated according to the income levels. The rejection behaviour of the fathers with low and high income was found significiantly. The other factors were not important on the rejection.

Keywords: Mental disability, Parental Acceptance, Parental Rejection

OPINIONS OF TURKEY EDUCATIONAL SYSTEM OF FOREIGN STUDENTS FAMILY (THE CASE OF ANTALYA/TURKEY)

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ABSTRACT

In the globalizing World Turkey also allows immigrations from abroad. With the immigrations made as a group new learners come to our country. While seeking an answer to the questions which problems those foreign learners encounter and whether they could take place in the system of education in our country, the most influential result took me to the problem of language. Language the fundemantal factor in communication is seemed as the most basic factor in foreign learners' successes in lessons and their communicating with somebody and the language seems as a big problem to overcome in our country. In this study, it is intended to take opinions of the foreign learners' families about the system of Turkish education and to put forward some proposals.

Keywords: Foreign learner, the system of education

Dizzying developments are occuring in political, economic and especially due to technological factors in the world. These developments have important effects on countries, communities and individuals. As a natural consequence of this, concepts like globalization, nationalism, locality, national culture, intercultural rapprochment, multiculturalism, multilingualism, international harmony, inter-religious tolerance are being widely discussed.(Polat, 2009: 1)

Education has objectives in the scope of cognitive, affective and psychomotor. It aims to improve individuals in these scopes. Education and training services offered in schools should target students benefit from training environment in the best way.

The disintegration of the Eastern area has led to a large number of immigrants come to Turkey from these countries. A part of these immigrants are under the age of 18 and in education age. Children of immigrant families continue their education according to Turkish education system. However, migration to another country is causing lots of problems and changes. It has also positive affects for both country and people who migrate.

Aim of this investigation is to examine opinions of children' families who study in Turkish education. Thus, it will help addressing these issues to draw the route of steps to be taken with problems of foreign students in our country. My research will lead actions to be done with foreign students being educated.

Aim of this research is determined to examine opinions of children' families who study in Turkish education.

To achieve this goal, here are the following questions.

Research Model

In this study, according to Kansar (2009), descriptive scanning model was used to describe a situation and subject separately. Qualitative research technique was used to perform this description in depth. Qualitative research is defined as a "process of research in perceptions and events are being followed in natural environment of data collection methods such as observation, interview and document analysis" by Yıldırım and Şimşek (2005)

Then, structured interview was applied for the parents of students. This interview was defined as an interview that is pre-made interview and what kind of questions will be asked and how they will be asked in detail.

Study Group

A primary school in Kemer which has a number of foreign students was chosen while creating a working group of research. However, there is no name of that school in research due the unwillingness of the school administration to give the name of school.

RESULTS

Language problem

Language is a natural tool for agreement between people, a living with its own laws and being developed within the framework of these laws, a collusion system laid the foundation for unknown time, a social institution built with sound. (Ergin 2002)

The importance of language may be summarized in these materials in life of individuals and society as follows:

Language is a tool to understand and explain. It is a communication tool in other words.

Language is the tool of thinking and creative thinking.

Language is the basic element forming the nation. It provides feelings and thoughts between people speaking the same language, allows formation of national consciousness and reinforce awareness.

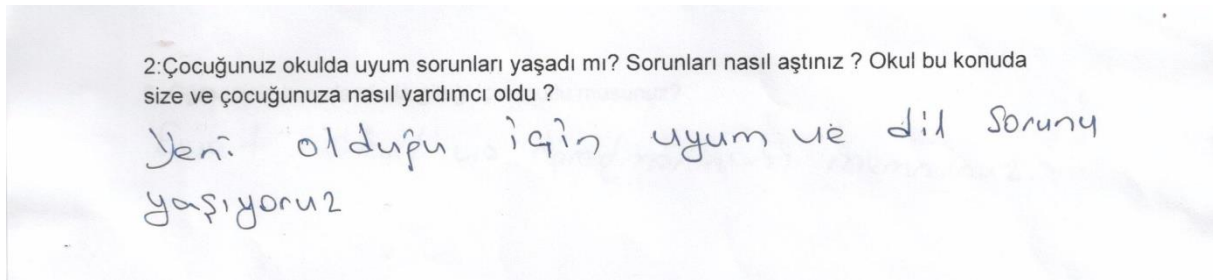
Language is the most effective tool transmitting cultural heritage of the nation and humanity. (Sever, 2004: 5).

Budak (2000) expresses the importance of having a wealth of words and concepts in these words: " The wealth of words and concepts refers to fluency and intellectual richness in process of thinking. In a sense, words create the basic steps in functioning of communication process, formation and sharing of thoughts. In the light of these thoughts and opinions it is obvious that language forms the basis of communication and we can have a better deal while increasing our vocabulary. However, it is the main factor to communicate to be successful in environment relationships and to adapt to living environment. It is necessary for a student to adapt himself there and to get used to be successful in school. Then it is necessary to communicate with teachers and friends in school. Student who can't communicate will be unsuccessful because of considering textbooks as Turkish. Student will fail to be reached objectives which are necessary.

We can understand the most important problem of families of students is language problem when we collect the questions under the theme of language after asking questions in our research. Parents think that language is the basic problem that forms the problems students have with their school, teacher and friends. (Example 1)

Parents of foreign students indicated that students have problems in courses of Math and Turkish because they do not know Turkish enough. They consider that the cause of this problem is not to know Turkish phrases, terms and has low vocabulary. (Example 2) (Example 3) (Example 4) (Example 5) (Example 6)

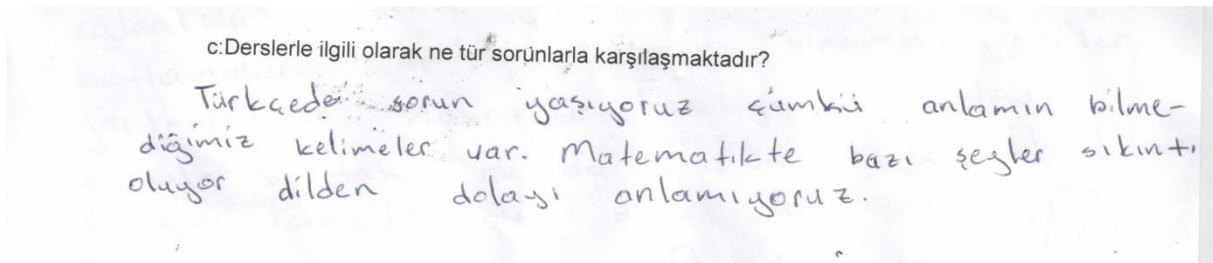
When parents are asked the assistance of school while learning Turkish, two parents (%18,18) indicated that school did not help them. (Example 7) (Example 8) Four parents indicated that school help them while learning Turkish. (%36,36) (Example 9)



2. Did your child have rapport problem? How did you overcome problems? How much did school help you in this subject?

We're having some rapport problem because of being new.

(Example 1)



What kind of problems do you have about lessons?

We're having problems with Turkish. There are lots of words that we don't know the meaning of them. We have also problems with Math.

(Example 2)

5: Öğrenciniz derslerde anlama zorlukları çekmekte midir? Çekmekte ise bu eksikliğini gidermek için okulunuz veya siz neler yaptınız?

Şu an çekmekte nedeni de Türkçe az bilmesi.

Does your child have understanding problems with lessons? What did you and school do to overcome these problems?

My child doesn't know Turkish enough.

(Example 4)

c: Derslerle ilgili olarak ne tür sorunlarla karşılaşmaktadır?

Genellikle terimlerin ve deyimlerle sorunun yaşıyor...

What kind of problems do you have with lessons?

In general, we have problems with phrases and idioms.

(Example 5)

c: Derslerle ilgili olarak ne tür sorunlarla karşılaşmaktadır?

Bazı zaman bilmediğimiz kelimeleri internette araştırarak anlayabiliyoruz.

What kind of problems do you have with lessons?

We can understand some words by searching on internet.

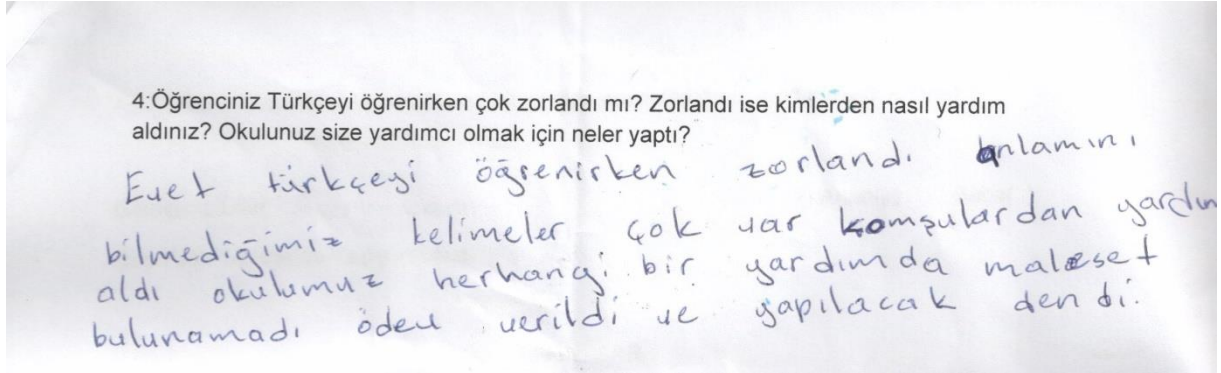
(Example 6)

4: Öğrenciniz Türkçeyi öğrenirken çok zorlandı mı? Zorlandı ise kimlerden nasıl yardım aldınız? Okulunuz size yardımcı olmak için neler yaptı?

Evet zorlandı. ben deneyimli yurt dışındaki öğrencilerimle, annemle konuştu annem rusçe konuştuğu için. türkçede çok zorlandı. okulunuzda rica etmeme rağmen çok yardımcı oldular.

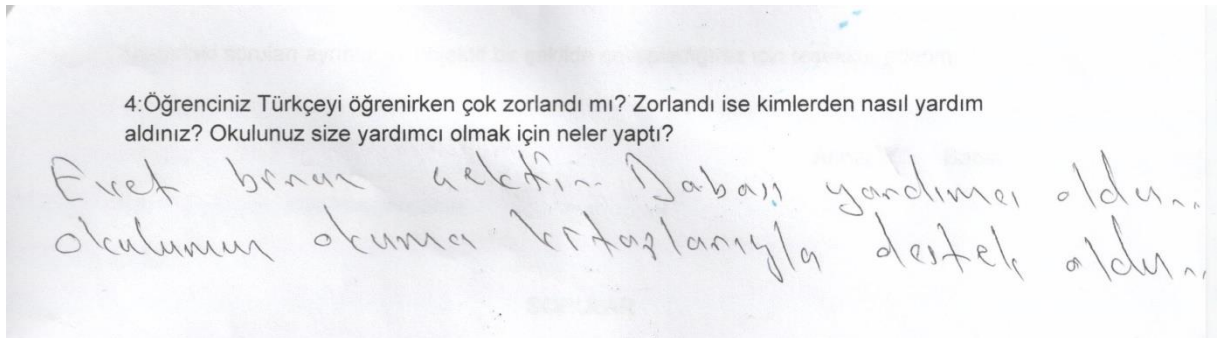
Did your child have problems while learning Turkish? What did school do to help you?
Yes, my child did. Because I'm on abroad, my child talked with his mother. School didn't help enough inspite of our request.

(Example 7)



Did your child have problems while learning Turkish? What did school do to help you?
There are lots of words in Turkish he doesn't know the meaning of them. School has just given some homeworks to be done.

(Example 8)



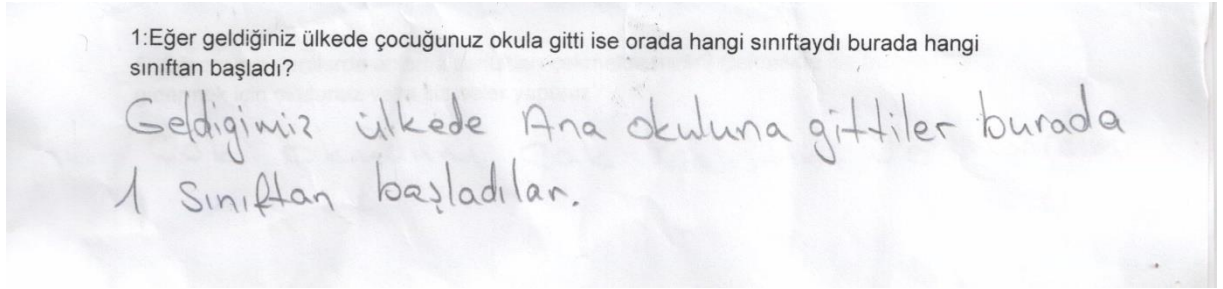
Did your child have problems while learning Turkish? What did school do to help you?
Yes. His father helped with reading books.

(Example 9)

Equivalence Problem:

Equivalence: It signs that the carnet taken from primary and secondary schools abroad, education by examining documents like transcripts, education certificates, certificate, leaving certificate and diploma, which one equals the classes in primary and secondary schools class / department in Turkey. Equivalence processing held by domestic provincial directorates of national education in Turkey, consultancy on abroad. Applications are made to these institutions. (MEB, 2004)

Equivalence processing is done with documents like transcripts, education certificates, certificate, leaving certificate and diploma, but they are in loose, it can be done with photocopies of them (MEB 2004)



Which grade was your child when you came?

They were at pre-school and they started at first grade here.

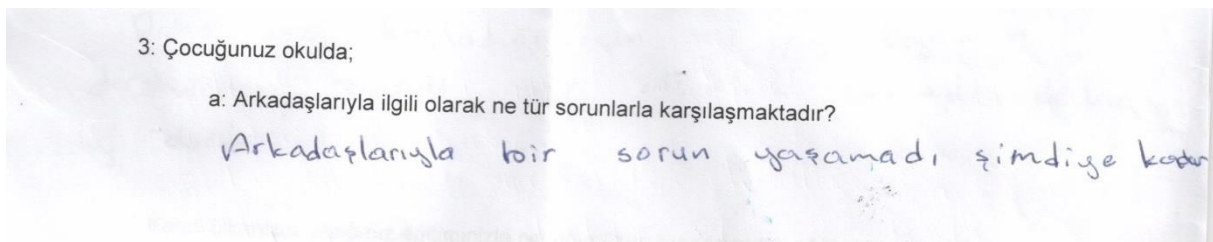
(Example 10)

Environmental Relations:

Each system lives in an environment. System could work if its environment is conducive. The more environment is conducive the more it can provide. Each system has both a special and general environment. It is the society which school lives in. Cultural structure of society, political system, administrative units, economic structure, social change and trends, resources, legal regulations, scientific and technological development affects the school. The special environment of school is the other organizations by received entries, sent graduates, affected and affect. These are the education organizations, other schools, community, families, organizations and etc. The school has input and output that's why they can't exist without them. (Başaran, 2000, 45).

When a person learning, social and cultural environment has also effects. Because person is a social being. Cultural environment that raises person affects his opinion, comments and thoughts. Because learning is based on thought and action, it is supposed to pay attention the factors are affected these difficulties. (Ergün ve Özdaş, 1997)

One of the main factors of school success relies on the interaction of students and school. Students interact with other students, teachers and students of other schools. We discussed important issues under the theme of language occurs in this interaction. When foreign students were asked what kind of problems did they have with other students, 9 parents (%81,81) indicated that they had none. (Example 11) Two parents indicated that they experienced problems due to speaking Turkish problems. When parents of students asked, 7 parents (%63,63) indicated that they did not have any problems (Example 12). One parent also said they loved teacher. (Example 13) Two parents adressed language problem. One parent said they had a problem about teacher paid attention other students instead of their child. (Example 14) One parent said a teacher forced their child to enter the classroom but they said it was not true method to join child to class. (Example 15) One parent also said all students started to run stairs and their child is afraid of others' impact of him. (Example 16)



(Example 11))

3: Çocuğunuz okulda;

a: Arkadaşlarıyla ilgili olarak ne tür sorunlarla karşılaşmaktadır?

hiç bir sorunla karşılaşmadı

b: Öğretmenleriyle ilgili olarak ne tür sorunlarla karşılaşmaktadır?

hiç bir sorun yoktur.

(Example 12)

b: Öğretmenleriyle ilgili olarak ne tür sorunlarla karşılaşmaktadır?

Öğretmenimize çok seviyoruz

(Example 13)

b: Öğretmenleriyle ilgili olarak ne tür sorunlarla karşılaşmaktadır?

Bu okulda herhangi birsey söyleyemeyiz. çünkü henüz yeni başlı, ama eski okulu olan güven kedejinde ki sükuneti öğretmenlerin, belli başlı öğrencilerle daha çok ilgili olmaları idi.

(Example 14)

b: Öğretmenleriyle ilgili olarak ne tür sorunlarla karşılaşmaktadır?

BEN SORU ÇIKARTTIM -
ÇUNKİ ÇOCUĞUN ZORLA OKUL
ODA SOKMA ÇALISTI - BEN KARSIYA
ÇIETLİM - OLMAZ - ÇOCUK İSTEREK
CELMEŞİ ÇEREKT
GİRMEK

c: Derslerle ilgili olarak ne tür sorunlarla karşılaşmaktadır?

(Example 15)

8: Kendi ülkenizde aldığınız eğitiminizle çocuğunuzun burada aldığı eğitimi karşılaştırırsanız olumlu ve olumsuz yönleriyle neler söylersiniz?

Benim aldığım eğitim daha farklıydı. ~~burada~~
Bizim ülkede daha çok ödev veriliyor ve
daha zor bir eğitim sistemi var ama çocuklara
eğlenceler düzenleniyor mesela sınıfta bayram
kutlamaları yapılıyor. Tiyatro, sinema, geziler
yapılmaktadır. masraflar veliye ait olmak
şartıyla burdaki okulda olursa başka etkinlikler
çocuklar için iyi olur diye düşünüyorum.

(Example 16)

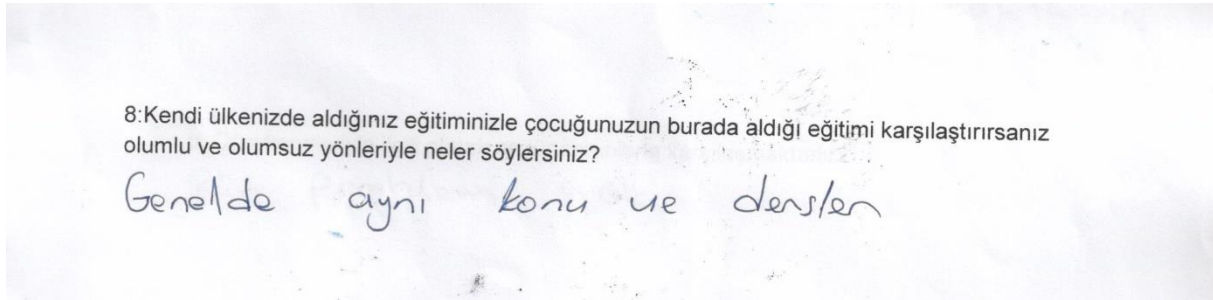
Comparisons of parents of foreign students Turkey and their own country's education

First of all, the question about are they happy about their child is studying in Turkey, 9 parents (%81,81) indicated that they were happy. 2 parents (%18,18) said that they had not decided yet. This also shows parents are satisfied with the education of our schools in Turkey.

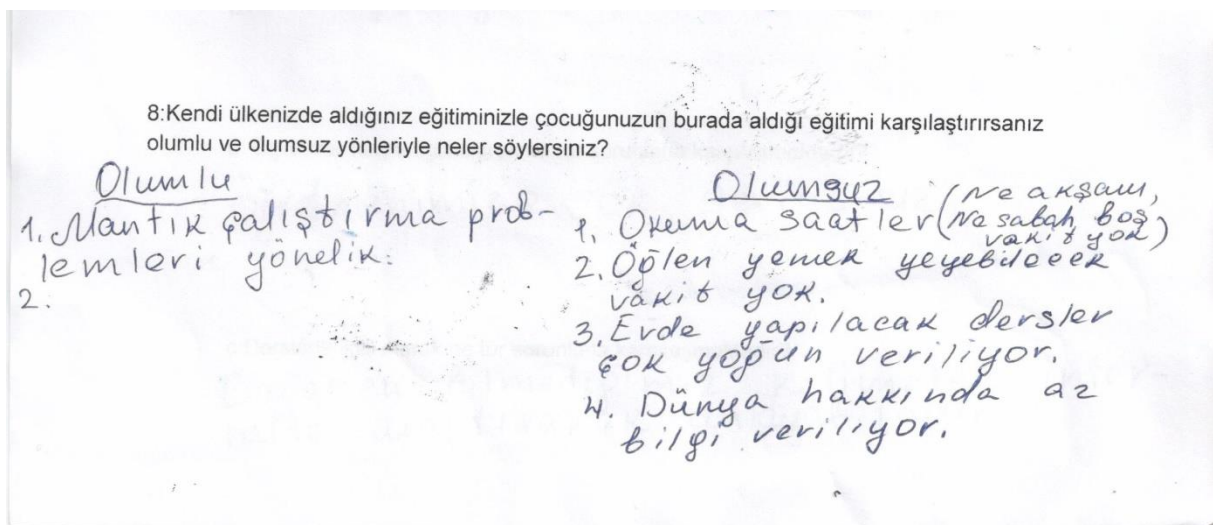
In this context, when the question is asked to parents "What would you like to say if you compare your country and Turkey in terms of education with pros and cons?" 3 parents did not give any answer that question.

One of parents each of Kazakhstan and Lithuania indicated that the education of their own country is almost the same with Turkey. (Example 17) Another parent from Lithuania indicated that the education system is completely different of two countries but each of them has positive aspects. Another parent from Kazakhstan said that education of Turkey is better than theirs. A parent from Azerbaijan said that education of Turkey is different, they have much more homework in Azerbaijan but they have opportunity to have social activities like celebrations, theatre trips. It will be better if organizations like them are arranged in Turkey including the cost from parents. A parent from Russia indicated that lessons are different in their own country, their child has opportunity to attend music lessons, ballet, swimming and piano lessons. He also indicated there is one garden of school and it is not enough for children, there is less reading lesson, foreign class and classes are different from each other. Another parent from Russia indicated that the positive aspect of Turkish education is the orientation of

logic problems, the negative aspect of Turkish education is there are lots of class for reading, there is no time for lunch, lots of homeworks and less information about world. (Chart 18)



(Example 17)



(Example 18)

3.1 Conclusion and Recommendations

First of all, foreign people do not have equivalence problem in Turkey. They are able to continue at the class where they are. But they are complaining about paperwork and register of their child in Turkey. In general, it was discovered that they do not have adjustment problems that is the problem they have is due to less knowledge about speaking Turkish and communication problems. Children do not have any problems with their friends, teachers and schools apart from speaking Turkish and communication. The problems are indicated by parents caused by less knowledge of Turkish. %55 of parents indicated that Turkish is the basic problem they have. Phrases, terms, deficiencies in vocabulary and math are the main problems faced by students in class. It is an important detail that parents experienced the problems. %18

of parents indicated that school did not help them, %18 of parents indicated that school helped them. We can understand that school hasn't got opportunity to help every students in the same amount. %81 of parents indicate that they are happy to go to school in Turkey, this is a pleasing result for us. Parents are satisfied the Turkish education in general. Parents indicated that Turkish education met their demands and expectations in general. There are also some parents who complain about homeworks and education based on memorization. They complain about the less social activities are done in Turkey. The most obvious problem they faced by students is inability to speak Turkish. Opening language classrooms for foreign students in our schools will be an important step to overcome this deficiency. Also there can be opened for parents. It is also important for parents to learn Turkish because they are helpful to their children in terms of lessons. There may be extra courses for foreign students to improve their capability of Turkish. Because their parents may not be helpful enough. Because some parents indicated that there is not enough social activity in our education system there may be much more activities to get them socialized each other. There will be positive results to increase social activities in our schools.

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PUBLIC SCHOOL PRINCIPALS' INTERCULTURAL COMPETENCE INTERACTING WITH ABORIGINAL LEARNERS IN ABITIBI- TÉMISCAMINGUE, QUEBEC

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ABSTRACT

Considering the current demographic context of ethnocultural diversity in Quebec, the focus on social cohesion, the concept of living together, and the discourse on the integration of indigenous cultures in education, do public school principals develop the necessary intercultural competence to achieve the inclusion of Aboriginal learners? In 1998, the Quebec Ministry of Education published “School of the Future: Policy of School Integration and Intercultural Education” and “The Action Plan on Educational Integration and Intercultural Education” to assist school stakeholders in the development of intercultural competence in the context of educational activities. Its goal was to train all staff of educational institutions in ethnocultural, linguistic and religious diversity and the socialization of learners. In 2001, the same ministry proposed the integration of a cultural dimension in teaching and learning, drawing upon significant cultural references of societies yesterday, today, here and elsewhere. However, this cultural dimension is missing in Quebec universities’ training of school principals. Since the 1970s, the Brotherhood of Canadian Indians has called for the transmission of Aboriginal languages and cultures to the new generation to promote their inclusion and educational success.

This study aims to describe the intercultural competence as perceived by principals of ten in Abitibi-Témiscamingue, Quebec primary and secondary schools with Aboriginal learners. The results show that these school principals lack sufficient knowledge of the intercultural concept and indigenous cultures. Nonetheless, they display attitudes of openness to Aboriginal learners and indigenous cultures. Since their skills in intercultural communication are not strong enough, these school principals wish to be involved in ongoing training to develop intercultural competence and become more familiar with Aboriginal cultures. However, the results of the study cannot be generalized because they are limited to only one region of Quebec.

INTRODUCTION

There are demands for the development of intercultural competence training for future educational managers and school principals, and further research on the subject to improve Quebec training in school administration, with a focus on inclusive management of ethnocultural, linguistic and religious diversity. Therefore, it is appropriate to pay attention to this issue, and develop the intercultural competence of future educational managers and allochthones school principals dealing with Aboriginal learners in Abitibi -Témiscamingue, a region of the Canadian province of Quebec. Canada is a federation of ten provinces, including Quebec, and three territories. On July 1, 2015, its population was estimated at 35.9 million. Canada's history of settlement and colonization has resulted in a multicultural society made up of three founding peoples-Aboriginal, French, and British, and of many other racial and ethnic groups. It is one of the world's most ethnically diverse and multicultural nations. The land has been inhabited for millennia by various Aboriginal peoples. Aboriginal peoples include First Nations (status and non-status Indians), Métis and Inuit. In 2015, the population of the province of Quebec was 8.264 million with 141,915 Aboriginal people [1].

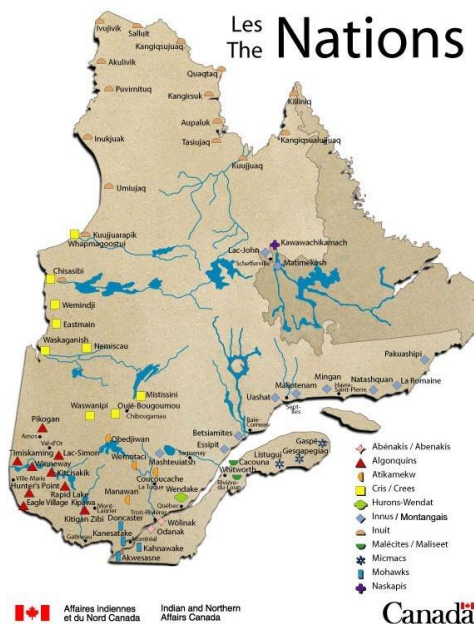


Figure 1: The First Nations in the Province of Quebec, Canada

In Abitibi-Témiscamingue, a region of Northwestern Quebec, the majority of Aboriginals are Algonquin-Anishinabeg and Cree. In 2013, the community of Algonquin-Anishinabeg had 7,454 people and included seven communities: Pikogan, Kitcisakik, Lac Simon, Timiskaming First Nation, Winneway, Hunter's Point and Eagle Village-Kipawa. Each is unique, with its own particular characteristics, history and culture. Since the 1970s, the Brotherhood of Canadian Indians has asked for the transmission of Aboriginal languages and cultures to the new generation to promote the inclusion and educational success of the latter.

Six primary and secondary schools are located in Timiskaming, Winneway, Pikogan, Kitcisakik and Lac Simon (two schools). In 2010-2011, 1,114 Aboriginal learners were attending school in Abitibi-Témiscamingue. Of this number, 801 attended a community school. The other 313 were enrolled in educational institutions of the Quebec school network and included in the statistics of regular learners. These institutions are managed by allochthonous school principals. Given the difficulties encountered and their lack of familiarity with Aboriginal cultures, many leave [2].

This fact is largely explained by a lack of training in intercultural competence and a disregard for learners' historical and cultural background [3]. In 1998 and 2001, taking into account the ethnocultural, linguistic and religious diversity in Quebec, the Quebec Ministry of Education issued documents to guide those involved/school actors in the development of intercultural competence. However, training to develop intercultural competence and knowledge of Aboriginal cultures has been limited in the domain of school administration in Quebec universities, although the leadership of school principals has a clear impact on learners' success. This study aims to describe the intercultural competence as perceived by ten school principals (of primary and secondary schools with Aboriginal learners) in Abitibi-Témiscamingue, Quebec. This research topic is highly relevant to both academia and educational practice. It is inspired by influential works such as the United Nations Declaration on the Rights of Indigenous Peoples in 2007, the Final Report of the Truth and Reconciliation Commission of Canada in 2015, and the Report of the Royal Commission on Aboriginal Peoples in 1996, as well as the inclusive management of ethnocultural, linguistic and religious diversity in educational institutions in Quebec. The results will be used to create a course for the development of intercultural competence, as well as a course on indigenous cultures, to be included in the training of school administrators in Quebec universities. Commissioner Murray Sinclair of the Truth and Reconciliation Commission of Canada stated that, "We have to start addressing the way that we teach our children about Aboriginal people." The Commission has identified the role of leadership and education as the way forward [4]. This study sought to answer the following question: What is the intercultural competence as perceived by school principals interacting with Aboriginal learners in Abitibi-Témiscamingue, Quebec?

THEORETICAL FRAMEWORK AND RELATED WORK

Interculturality is a broad concept due to the prefix "inter," which is associated with "interaction, sharing, openness, reciprocity, solidarity." The term intercultural was selected given the polyvalent meaning of the prefix "inter," as well as the anthropological significance of the word "culture." [5]. Interculturality is often referred to as both a medium and as an ability of school staff in general and school management, in particular, to reduce segregation and to work towards integration, and as a means to increase equality in terms of results within the education sector. Interculturality can be regarded as a starting point and a working approach when it comes to developing schools with diversity in mind. Culture is a set of distinctive spiritual characteristics, material and intellectual traits characteristic of a society or

social group, embedded in lifestyles, value systems, identities, beliefs and traditions. It has been a central variable in all societies in building and implementing macromodels of change, an indicator of their efficiency and practically the essence of overall development [6].

The history of encounters between Aboriginal and Euro-Canadian cultures, however, is more than a series of unfortunate events. Residential schools were set up under the guise of “civilizing and educating” the “Indian” child. The actual results were the destruction of culture and language. The negative impacts and cycles of abuse are still felt today among individuals, families, communities and nations. Children were forbidden to practice their culture and language. Instead, the forces of colonization consciously set out to eradicate indigenous culture. Culture and cultural identity are so central to Aboriginal education. Aboriginal Peoples in Canada have long advocated their own values, cultural traditions and ways of knowing. Their perspective on learning reflects an enduring philosophy and way of living that integrates all knowledge and experience throughout each stage of a person’s life. Aboriginal learning is a highly social process that nurtures relationships within the family and throughout the community. These relationships serve to transmit social values and a sense of identity, and also help to ensure cultural continuity. As a result, the value of individual learning cannot be separated from its contribution to collective well-being [7]. School principals have to develop intercultural competence and become familiar with some aspects of Aboriginal cultural traditions and learning style in order to manage the inclusion of Aboriginal learners in their schools. Research has shown that Aboriginal learners succeed when their cultures are taken into account in educational activities [8].

Intercultural competence is defined as “the ability to communicate effectively and appropriately in intercultural situations based on one’s intercultural knowledge, skills and attitudes” [9]. Intercultural competencies are the knowledge, skills and attitudes that comprise a person’s ability to get along, work and learn with people from diverse cultures. Staff within higher education and schools are well positioned to acquire and develop these skills, and to encourage student development of such skills. The work of several authors defines intercultural competence as the knowledge, skills and attitudes necessary to work in an educational context of ethnocultural, linguistic and religious diversity [10]. Knowing the population diversity of Quebec, school principals need to be aware of and understand intercultural competencies and knowing Aboriginal cultures. Dealing with others and learners from different cultures that are unknown is not easy. It can create misunderstanding if one’s own and other’s cultures are not learned or understood. Awareness and understanding of intercultural competencies can ensure school principals to work together happily. Several authors emphasize the importance for school principals of possessing intercultural competence in order to promote the inclusion of diversity and students’ educational success [11].

Aboriginal research has repeatedly affirmed that “the First Nations seek the development of more spiritually based, more natural, and culturally whole approaches to education. One of the formal ways to develop intercultural competence in education is training. Researchers conclude that school principals are generally not trained to provide intercultural management, or work in an ethno cultural, linguistic and religious context [12]. Concerning the amount of training, the results of the few studies conducted in the United States and Canada

show that school principals' intercultural competence is not always developed, because the training offered is limited, non-existent or optional [13]. It is within this context, that this study has been conducted. It involved perceptions on intercultural competence of school principals interacting with Aboriginal learners in Abitibi-Témiscamingue, Quebec. The components of intercultural competence are knowledge, attitudes, and skills [14].

METHODOLOGY

Research carried out by the author was of a qualitative nature. It focuses specifically on public school principals' intercultural competence dealing with Aboriginal learners in the region of Abitibi-Témiscamingue, Quebec, Canada. The respondents consisted school administrators from ten selected schools (five primary schools and five secondary schools). The school representatives did not agree to provide names of their schools due to concerns about the sensitive Aboriginal question in Quebec, and Canada. Purposive sampling was used. Only principals with at least two years' experience in their current or past school interacting with Aboriginal learners were selected as respondents. As measuring instruments, the study used an interview scenario with an average degree of standardization and a voice recorder. Interviews were tested for content validity, and were half open-ended in nature [15]. The questions included in the research problem consisted of the following thematic component and sub-components as described in the theoretical framework: knowledge, attitudes, and skills. Interviews were carried out in the period from September 2015 to January 2016. They lasted between 1-2 hours.

RESULTS AND DISCUSSION

The study has been planned in order to describe the public school principals' intercultural competence interacting with Aboriginal learners in Abitibi-Témiscamingue. Research findings have been presented under three components: Knowledge, attitudes, and skills.

Knowledge: Within the first of the analyzed knowledge, related to their perception of intercultural, there were a variety of opinions and definitions among the ten schools principals as to what constitutes intercultural: knowledge of others; knowledge of self; skills to interpret and relate; skills to discover and/or to interact/or to communicate; valuing others' values, beliefs, world knowledge, foreign language proficiency, cultural empathy, approval of foreign people and cultures, ability to practice one's profession in an international setting and behaviors; and relativizing one's self. Most preferred an institutional definition that works with all learners in all situations. However, the majority of respondents gave a clear answer about their insufficient knowledge about the politics, and government documents on intercultural. Though these terms are similar, there remain subtle differences in their definition. They indicated intercultural competence is pressing, relevant, and requires significant attention. For example, one respondent commented: It's quite an important thing within education, because we are getting a more and more diverse culture as time goes on. Most of the respondents had a consensus about the importance of intercultural competence in education.

In their definitions of the Aboriginal cultures, the respondents refer to the land, oral tradition, spirituality, medicine wheel, powwows, elders, animals, communities, the circle, history, values, identity. According to them, the cultural and traditional Aboriginal method of educating children has been nurtured through thousands of years and it is still found today in the oral traditions and cultural practices of Aboriginal people. However, the lack of Aboriginal curriculum has been acknowledged in government documents. Published books which contain false information on First Nations people are a major problem. It certainly a dangerous situation when First Nations learners are exposed to the inaccurate information which leads to negative attitudes about their people and themselves as First Nations people. The respondents added that schools have a vital role in providing the opportunity for Aboriginal people to learn about their own history, culture and language. The school principals had also recognized the critical need to incorporate First Nations content in the school curriculum. Schools should not only offer First Nations content to First Nations students but also to non-Native students as well.

Attitudes: The respondents tend to have positive attitude, and influence towards Aboriginal learners in their schools. They facilitate meaningful discussions to promote their acceptance. They indicated that they developed intercultural attitudes through their practices. One of them reported that after he overheard one learner made a racial comment to a First Nations learner in the school, he talked to the learner individually and discussed racism and with the whole class immediately. A majority of the schools principals developed an awareness of racism and discrimination that minority Aboriginal learners experience and are watchful for insensitivity in their communities. At the same time, they showed their focus on discriminatory attitudes as the key form of discrimination, as opposed to attending to systemic or institutional forms of privilege. They realized that being aggressive and standing up for oneself does not reflect universal values. Such critical insights allowed the schools principals to see the world through someone else's cultural and experiential lenses. In addition, the field experience gave respondents a much more critical perspective of issues facing culturally diverse and Aboriginal learners.

Skills: The respondents were aware of their Aboriginal learners' experience of discrimination and racism, they worked to become agents of change for these learners in order to create inclusive learning environments. They were able to take the initial steps to begin integrating advocacy and social action into their professional roles. This implies that an understanding about intercultural competence can be leveraged for the purpose of educational improvements for learners who are disadvantaged by social, economic and/or political forces. The majorities of the respondents that theory and research provided abstract ideologies that are difficult to transfer into their practice. They did not feel adequately equipped to respond to diversity in their schools, and to include Aboriginal learners. They found intercultural competence to be a complex dynamic that could not easily be practiced. In this case, they must be trained to practice it. They must also be trained to know how to include Aboriginal learners.

The themes that emerged from the interviews inspire a call to action. New constructs for leadership, indigenous pedagogical practices, Aboriginal perspectives and content were among the wealth of ideas expressed as to how the education system has to move forward, at the level of individual schools, as well as that of the province as a whole/both on an individual and a collective level. Schools have a vital role in providing the opportunity for First Nations people to learn about their own history, culture and language. Schools should offer First Nations content, not only to First Nations learners, but also to non-native learners as well.

CONCLUSION AND FUTURE WORK

School administration engagement in training to develop intercultural competence and knowledge of indigenous cultures is generally minimal across Quebec universities. Innovative practices are required to engage and sustain school principals' participation in the inclusive management of ethnocultural, linguistic and religious diversity in educational institutions in Quebec. School principals have the potential to play a crucial role in the development of intercultural competence and in the preservation of Aboriginal languages and culture. Given the challenges facing Aboriginal peoples as a whole, and learners in particular, it is important that school administration programs in Quebec prepare school principals to become intercultural messengers and cultural mediators, while also providing their Aboriginal learners the skills needed to succeed in the Western culture that surrounds them, and to know and live in their own culture.

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