



Governance and Policy Committee Meeting
October 25, 2021
6:00 - 8:00 p.m.
Virtual via Zoom

1. Call to Order
2. Land Acknowledgment
3. Declarations of Interest
4. Approval of Agenda
5. Approval of Revised Minutes – May 10, 2021 (page 4, section 8, sentence 2) (Pages 1 – 5)
6. Approval of Minutes – September 27, 2021 (Pages 6 – 8)
7. Human Rights Policy (Pages 9 – 102)
8. Review of Revised Draft Bylaws (Pages 103 – 153)
9. Review of Revised Draft Code of Conduct (Pages 154 – 189)
10. Date of Next Meeting
11. Adjournment





Governance Ad Hoc Committee Meeting

Monday, May 10, 2021 – 6:00 p.m., Virtual

Trustees: Patrice Barnes, Michael Barrett, Donna Edwards, Carolyn Morton, Linda Stone (Chair), Scott Templeton, Christine Thatcher, Darlene Forbes

Regrets: Chris Braney, Paul Crawford and Niki Lundquist

Staff Present: Director of Education Norah Marsh, General Counsel Patrick Cotter, Executive Officer Robert Cerjanec

Minutes: Patrick Cotter and Robert Cerjanec

1. Call to Order

Trustee Linda Stone, Chair of the Committee, called the meeting to order at 6:00 p.m.

2. Land Acknowledgment

3. Declarations of Interest

There were no Declarations of Interest.

4. Approval of Agenda

Motion to approve agenda.

Moved by: Trustee/Chair Linda Stone

CARRIED

5. Approval of Minutes – April 7, 2021

Moved by: Trustee Barnes

THAT THE GOVERNANCE AD HOC COMMITTEE MEETING MINUTES OF APRIL 7, 2021 BE APPROVED.

CARRIED

6. Term of Reference

Proposed Committee Names

Trustees were polled on their preferred committee name. The results of the poll were as follows:

- Governance and Policy Committee - 4
- Governance, Accountability and Policy Committee – 0
- Governance and Policy Management Committee - 1

Motion to name the committee the Governance and Policy Committee.

Moved by: Trustee Barnes

CARRIED

Naming Chair of Governance and Policy Committee

Motion to Nominate Linda Stone as Chair of Governance and Policy Committee

Moved by: Trustee Barrett

Nominations were called three times by Director Marsh. No other nominations were named. Trustee Stone was named Chair of the Governance and Policy Committee. A Vice Chair will be named at the next meeting.

Committee discussed and agreed that the terms of reference of the committee should confirm that a Chair and Vice Chair be elected at the first meeting of the committee following the annual board organizational meeting.

Proposed Mandate

The committee reviewed the proposed mandate of the Governance and Policy Committee, as set out in page 2 of the agenda package.

A discussion occurred over the timing of how often the committee should review policies. There was agreement among the committee that it is a minimum of every 5 years.

Committee discussed inserting another bullet point into the terms of reference on page 2 of the agenda package: Monitor the effectiveness of board policies in addressing human rights and equity in consultation with the Human Rights and Equity Advisor, through the Director.

Motion to Approve Revised Committee Mandate

Moved by: Trustee Edwards

CARRIED

ACTION ITEM: The terms of reference now go back to the Board for approval.

Timing of Meetings

A discussion occurred over the timing of meeting. Consensus is that meetings would be held regularly but does not necessarily need to be monthly.

Motion that the committee meets two times a year, to be incorporated into the terms of reference.

Moved by: Trustee Barrett

CARRIED

Committee Membership

Consensus that it is a standing committee of the whole board with the same quorum requirement as a standing committee. This will be included in the terms of reference.

General Counsel Cotter confirmed that the terms of reference will also be enshrined into the draft Consolidated by-law.

7. Consolidated By-Law

A request was made to change 3.4.6 “draw lots” with something more specific (i.e. drawing names out of a hat).

a) Adding Items to the draft Agenda (5.5.3 to 5.5.5)

General Counsel Cotter provided an overview with respect to providing Trustees with the opportunity to add items to the agenda and for the Chair to provide in writing to a Trustee, copying all Trustees as to why an item was not added to the Agenda.

A discussion occurred over whether the Chair, Vice Chair of the Board and the Vice Chair of Standing should meet with the Director and other staff with respect to considering and discussing the agendas of upcoming Board and Committee of the Whole – Standing meetings.

Consensus under 5.5.4, that a fourth Trustee be invited to join the monthly session to consider and discuss agendas for upcoming Board and Committee of the Whole – Standing meetings. Attendance to be scheduled annually in reverse alphabetical order by last name, with a new Trustee each month. Meetings are typically held during the lunch hour (12-1) following the monthly Board meeting. Language to be inserted into the draft consolidated by-law.

b) Committee Structure (Section 4)

A discussion occurred over the names and functioning of the various standing and ad hoc committees with no changes to the committee structure as proposed in Section 4.

c) Rules for Standing Committee

There was consensus that the Committee of the Whole – Standing be subject to the same rules as any other committee meeting with the exception that a seconder is required when moving motions. This will be incorporated into the revised draft.

d) Robert's Rules (Section 5.12)

Suggestion to include that a Trustee is required to declare their own conflict of interest under 5.12.11. Suggestion that Trustees do not comment during the Public Question Period for added clarity. This will be incorporated into the revised draft.

e) Notice and Start Time of Committee Meetings

There was previous agreement that 6pm is an appropriate time at the earliest to schedule a committee meeting.

f) Sections 10 and 11

Agreement to remove the old sections 10 and 11 (new sections 11, 12).

8. Political Policy

There was a general sentiment that Trustees should act with a singular voice and that the Chair speaks for the Board. Also, that Trustees can speak with other local representatives but need to be careful. General Counsel Cotter to bring forward some language that could be added to the Code of Conduct. Trustees and staff can look into and bring forward ideas that may work.

Suggestion to amend to read as follows: Also, that Trustees can speak with other local representatives but need to be careful not to speak on behalf of the Board or bind the Board into any commitments the Board has not agreed to collectively or through representation by the Chairperson.

9. Date of Next Meeting:

Administrative Assistant Adrienne Farooqui will send out a poll to determine the next meeting date.

Governance Ad Hoc Committee Meeting
May 10, 2021

10. Adjournment

The meeting adjourned at 7:51 p.m.



Minutes - Governance and Policy Committee Meeting
Monday, September 27, 2021, 6:00 p.m., Virtual

Trustees: Linda Stone (Chair), Donna Edwards, Carolyn Morton, Christine Thatcher, Michael Barrett, Chris Braney, Paul Crawford, Patrice Barnes

Regrets: Trustees Darlene Forbes, Niki Lundquist, Scott Templeton

Staff present: Associate Director Jim Markovski, General Counsel Patrick Cotter, Executive Officer Robert Cerjanec

Recording Secretary: Gillian Venning

1. Call to Order

Trustee Linda Stone, Chair of the Committee, called the meeting to order at 6:02 p.m.

2. Land Acknowledgment

Trustee Linda Stone read out the land acknowledgement.

3. Declarations of Interest

There were no Declarations of Interest.

4. Approval of Agenda

Moved by: Trustee Carolyn Morton

CARRIED

5. Approval of Minutes – June 14, 2021

Moved by: Trustee Donna Edwards

NO CHANGES TO MINUTES. APPROVED AS DISTRIBUTED.

CARRIED

6. Revision and Correction of Bylaws

- The Committee agreed to review the draft Bylaws section by section.

Provisions amended during the meeting:

- Committee agreed that throughout the Bylaws where there is reference to the Education Act or relevant legislation, the specific section of the Education Act or other legislation must be noted for ease of reference.
- 1.1 (Purpose and Application) amended from section 1.1 to section 1.0
- 3.4.13 (Election of Chair and Vice-Chair) amended from 'The term of office of a Committee Chair and Vice-Chair shall be one year' to 'The term of office of a Committee Chair and Vice Chair shall be one year, or, until the next Organizational Board meeting, whichever occurs first.'
- 5.5.3 (Scheduling and Agendas) amended from 'Agendas for Board meetings shall be determined by the Chair in consultation with the Director' to 'Agendas for Board meetings shall be determined by the Chair in consultation with the Director or their designate.'
- 5.5.3 – 5.5.7 (Scheduling and Agendas) amended to include 'draft agendas' instead of 'agendas' throughout as Committee agreed that all agendas are presented in draft until a motion to approve has been carried at either a Board or Committee meeting.
- 5.5.7 (Scheduling and Agendas) amended from '...by a majority vote of the members present and voting' to '...by a 2/3 vote of the members present and voting.'
- 5.12.5 (Debate/Voting) to be moved between sections 5.12.12 and 5.12.13 and amended from 'At any time before a motion is put to a vote, a member may request that the motion be read aloud' to 'At any time before a motion is put to a vote, it must be read aloud.'
- 5.12.16 (Debate/Voting) amended from 'Votes taken at Board meetings, but not at Committee meetings, may be recorded' to 'Votes taken at Board and Committee meetings may be recorded.'
- 5.12.33 (Extending Meeting Time): amended to indicate that a meeting will not extend beyond 11:00 p.m.
- 2.4.1(e) (Student Trustees) amended from TDSB to DDSB.
- 2.4.6 (Student Trustees) spelling error in word 'from'
- 2.2.2 (Chair/Vice-Chair): amended to include new provision (h) stating that impartiality of the Committee Chair should be conveyed as much as possible.
- 2.4.12 (Student Trustees) amended to add a space between 'the' and 'following'

Provisions that were discussed and which staff will propose amended language for review at the next meeting of the Committee:

- 5.12.13 (Debate/Voting): concern raised that the provision as currently written does not make it clear what options are available to Committee Chairs related to voting. Staff asked to reconsider this section and present a revision that would bring more clarity to the fact that while a Committee Chair is entitled to vote, they also have the opportunity to abstain.
- 5.13.14 (Public Participation in Meetings): Add "at the discretion of the Chair" with respect to whether questions shall not be entertained.

8

- New provision to be drafted (4.3.3) regarding term of appointed trustees to Audit Committee.
- 10.1.2/10.1.3: include qualifying statement about operations during a pandemic, reference regulation that informs this provision.

Provisions to be discussed at next meeting for further consideration:

- 5.5.7 (Scheduling and Agendas): Committee agreed this provision needs more time for consideration and discussion specifically around what point in time during a meeting items can be added to an agenda and the mechanism through which items can be added (e.g., motion to amend vs. new business).
- 5.12.7 (Debate/Voting): Committee discussed briefly and decided this requires more time for consideration before amendments can be proposed. Staff asked to compare this provision to the original Bylaw, which the Committee recalled gave two opportunities for speaking to a motion in committee meetings before a motion could be called to end debate.
- Trustee Responsibilities
- Following Bylaws discussion, Committee agreed that revisions to the Code of Conduct would be addressed at October 25, 2021 Governance and Policy Committee meeting.

7. Date of Next Meeting:

Confirmed to take place on October 25, 2021, 6:00 p.m.

8. Adjournment

The meeting was adjourned at 8:05 p.m.

**DURHAM DISTRICT SCHOOL BOARD
ADMINISTRATIVE REPORT**

REPORT TO: Durham District School Board
Governance and Policy Committee

DATE: October 25, 2021

SUBJECT: **Draft Human Rights, Anti-Discrimination and
Anti-Racism Policy**

PAGE: 1 of 4

ORIGIN: Norah Marsh, Director of Education and Secretary to the Board
Devika Mathur, Human Rights and Equity Advisor

1.0 Purpose

The purpose of this report is to provide the Governance and Policy Committee with the draft Human Rights, Anti-Discrimination and Anti-Racism policy.

2.0 Ignite Learning Strategic Priority/Operational Goals

- 2.1 The draft policy and supporting materials align with and contribute to the DDSB's strategic plan and operational goals:

Success – *Set high expectations and provide support to ensure all staff and students reach their potential every year.*

Well-being – *Create safe, welcoming, inclusive learning spaces to promote well-being for all students and staff.*

Equity – *Promote a sense of belonging and increase equitable outcomes for all by identifying and addressing barriers to success and engagement.*

Engagement – *Engage students, parents and community members to improve student outcomes and build public confidence.*

Innovation – *Reimagine learning and teaching spaces through digital technology and innovative learning resources.*

3.0 Background

- 3.1 The Durham District School Board recognizes Indigenous rights are distinct. In the exercise of those rights, Indigenous staff and students shall not be subjected to actions with the aim or effect of depriving these distinct rights.
- 3.2 The Durham District School Board is committed to learning and working environments that centre human rights and equity and that are safe, welcoming, respectful, equitable, accessible, inclusive and free from discrimination, oppression, harassment and harm.

Framework for Developing a Human Rights Policy and Consultation Plan

- 3.3 At the October 5, 2020 Board meeting, Trustees received a report on "Community Consultations on the Development of a Human Rights Policy." The report included a proposed approach and framework for developing a human rights policy and a consultation plan.

- 3.4 On October 19, 2020, the Board approved the plan to proceed with policy development and consultation.
- 3.5 Phase 1 of the community consultation process has been completed. The consultation process included wide engagement with students, families/caregivers, employees and DDSB communities as outlined in the consultation plan (Appendix A).
- 3.6 The policy development process was also informed by:
- Legislative requirements;
 - The Ontario Human Rights Commission's (OHRC) guidelines on developing human rights and anti-discrimination policies;
 - The OHRC's policies on preventing discrimination (including and not limited to policies related to race, disability, mental health disabilities, sexual orientation, gender identity and gender expression, creed and accessible education for students with disabilities);
 - The Anti-Racism Directorate's policies, strategies and data collection standards; and
 - Other organizations' and school boards' human rights policies and initiatives.
- 3.7 Based on the policy framework and feedback from the consultation process to date, a draft policy and accompanying procedures have been developed, along with an Accountability Framework addressing human rights roles, responsibilities and accountability.

Draft Policy and Procedures

- 3.8 The draft policy is attached for the Governance and Policy Committee's feedback prior to it moving forward to the Standing Committee of the Board.
- 3.9 The draft Accountability Framework and the main operational procedure are also attached to outline the proposed operational approaches to the implementation of the proactive and preventative requirements of the draft policy. The framework and procedure include both individual and system-wide actions to uphold human rights and to prevent all forms of discrimination in DDSB services, employment and learning and working environments.
- 3.10 Existing operational protocols as to the consideration of human rights accommodations and complaints are being enhanced and converted into procedures to support:
- Fair and accessible processes to effectively address student/community and employee human rights issues, incidents and complaints; and
 - Inclusive design and accommodation and to:
 - Foster inclusive environments for all DDSB community members, with a focus on unique inclusive design considerations related to disability, gender identity, gender expression and creed/religion; and
 - Outline principles and steps to fulfill the duty to accommodate Human Rights Code related needs to the point of undue hardship.

4.0 Analysis

- 4.1 The policy supports a proactive approach to:
- Uphold human rights for all DDSB community members; and
 - Identify, prevent and address discrimination and discriminatory barriers in DDSB services, employment and learning and working environments.

4.2 The accompanying procedure and accountability framework outline operational approaches to support:

- Individual and organizational human rights roles and responsibilities and how they apply in employees' day-to-day work and decision making; and
- Mechanisms to support an organizational culture of human rights that is accountable to DDSB communities.

5.0 Financial Implications

5.1 Operational resources to support policy implementation (e.g., a human rights investigator and the office of the Human Rights and Equity Advisor) of approximately \$346,882 are included in the current budget approved by the Board of Trustees. In addition, training costs are integrated with the professional development budget as the district works interdepartmentally within the operational plan to place Indigenous rights and human rights at the centre of all learning.

6.0 Evidence of Impact

6.1 The draft policy, procedures and accountability framework are expected to:

- Support the DDSB in meeting its legal obligations;
- Contribute to DDSB's strategic priorities and commitments; and
- Enhance equitable experiences, access and opportunities and prevent disproportionate and discriminatory outcomes for students and employees.

6.2 The policy framework includes a requirement to develop a human rights evaluation plan to measure, assess and report on the effectiveness of the policy and procedures in achieving the policy's objectives.

7.0 Communication Plan

7.1 Appendix A outlines the proposed plan to support community consultations. Revised proposed timelines are as follows:

DATE	ACTION
Oct 25, 2021	Present draft policy to Board Governance and Policy Committee
Nov 2021	Begin Phase 2 community consultations
TBD	Presentation to Standing Committee
Jan 2022	Revise and finalize policy package and communications materials based on consultation feedback
TBD	Present policy package to Board of Trustees for notice of motion and final approval

7.2 Planning is underway to develop communication strategies to support the launch of the policy, upon approval.

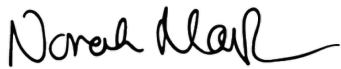
8.0 Conclusion and/or Recommendations

- 8.1 The draft policy is provided to the Governance and Policy Committee in accordance with the Board of Trustee's mandate for this Committee.

9.0 **Appendices**

Appendix A - Community Consultations on the Development of a Human Rights Policy
Appendix B - Draft Human Rights, Anti-Discrimination and Anti-Racism Policy
Appendix C - Draft Human Rights, Anti-Discrimination and Anti-Racism Procedure
Appendix D - Draft Human Rights Roles, Responsibilities and Accountability Framework

Report reviewed and submitted by:



Norah Marsh, Director of Education and Secretary to the Board



Devika Mathur, Human Rights and Equity Advisor

ADMINISTRATIVE REPORT

REPORT TO:	Durham District School Board	DATE:	October 5, 2020
SUBJECT:	Community Consultation on the Development of a Human Rights Policy	PAGE NO.	Page 1 of 4
ORIGIN:	Norah Marsh, Acting Director of Education Devika Mathur, Human Rights and Equity Advisor		

1. Purpose

The purpose of this report is to seek approval to proceed with community consultations on the development of a proposed human rights policy.

2. Ignite Learning Strategic Priority/Operational Goals

The consultation process and the proposed human rights policy contribute to the DDSB's strategic plan and operational goals:

- **Success:** Set high expectations and provide support to ensure all students and staff reach their full potential every year
- **Well-Being:** Create safe, welcoming, inclusive learning spaces for all students and staff
- **Equity:** Promote a sense of belonging and increase equitable outcomes for all by identifying and addressing barriers to success and engagement
- **Engagement:** Engage students, parents and community members to improve student outcomes and build public confidence
- **Leadership:** Identify future leaders, actively develop new leaders and responsively support current leaders

3. Background

Policy

In February 2020, the district hired a Human Rights and Equity Advisor in accordance with the terms of a transfer payment agreement with the Ministry of Education. The focus of this role is to:

- Provide advice and support to build and sustain a culture of human rights across the organization
- Oversee the development of a human rights complaint procedure.

This aligns with and supports the district's commitments to provide learning and working environments that are safe, welcoming, equitable, inclusive, respectful, accessible and free from discrimination and harassment. An organizational culture of human rights is essential to:

- Meet strategic priorities and organizational goals
- Deliver effective and responsive educational services to students
- Build trusting and collaborative relationships with all members of DDSB communities.

ADMINISTRATIVE REPORT

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To meet these objectives and commitments, the district proposes consulting with DDSB communities on the development of a human rights policy to set direction and expectations for human rights roles, responsibilities and legal obligations under the Human Rights Code, the Anti-Racism Act, the Accessibility for Ontarians with Disabilities Act, the Occupational Health and Safety Act and related legislation, and to align with the principles of the United Nations Declaration on the Rights of Indigenous Peoples and the Truth and Reconciliation Commission of Canada's Calls to Action.

Appendix A provides a proposed framework for the development of a human rights policy. It is expected that the policy will (among other things):

- Include human rights related concepts and principles (e.g., anti-racism, anti-discrimination, the duty to accommodate, addressing human rights complaints, and supporting respectful workplaces)
- Support individual and organizational roles, responsibilities and legal obligations to identify, prevent and address racism, ableism, homophobia, transphobia, sexism and other forms of discrimination in DDSB learning and working environments
- Align with the Ministry of Education's transfer payment agreement requirements.

Related procedures will also be developed to operationalize and support the implementation of key components of the policy.

Consultation and engagement

A detailed consultation process is an important part of the development of a human rights policy. The DDSB values the diverse identities, experiences, perspectives, strengths and needs of all members of the DDSB community, and is committed to engaging with students, employees, families, unions/federations, and community partners to include and honour these diverse voices, knowledge, identities and experiences.

Student, employee and community voices – and particularly those who are most impacted by historical and ongoing systemic discrimination - are critical and necessary to:

- Address the interests and needs of communities that experience marginalization
- Develop and implement a progressive and inclusive policy to support human rights, anti-racism, anti-discrimination, and respectful learning and working environments
- Collaboratively identify human rights related successes, challenges, gaps and opportunities to inform policy development.

Appendix B outlines consultation objectives, including:

- Engaging and building relationships with DDSB communities
- Seeking meaningful input on policy development
- Building support and promoting awareness and understanding of the proposed policy.

ADMINISTRATIVE REPORT

4. Analysis

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The development and implementation of a human rights policy and related procedures aligns with and supports legal requirements and the DDSB's strategic priorities and commitments. To support policy development, it is recommended that the DDSB engage in a consultation process that considers the diverse perspectives and voices of all DDSB community members.

The proposed consultation plan encourages engagement with and input from the DDSB community so that:

- All DDSB community members are invited to share their perspectives on the development of a human rights policy
- The policy is responsive to the needs of the DDSB community.

To maximize participation and address consultation limitations during the current pandemic (for example, the inability to conduct in person focus groups, lack of internet access for some community members, etc.), the consultation plan includes:

- Multiple opportunities and accessible mechanisms for members of DDSB communities to contribute to and provide input on the development of the policy
- Consulting on how best to consult and with whom so that broad voices and perspectives are included
- Reporting back to DDSB communities on the development of the policy and results.

5. Financial Implications

In the current virtual environment, there are no expected financial implications to proceed with community consultations. If current pandemic related restrictions are lifted, there may be some limited costs associated with hosting consultation events in DDSB communities. These costs would be covered by existing budgets, and additional financial resources are not required.

6. Evidence of Impact

The consultation plan is expected to support community relationship building and enhance community voices, perspectives and engagement on the policy. Once implemented, the policy and related procedures are expected to support the DDSB's strategic priorities and commitments to provide learning and working environments free from harassment and discrimination.

7. Communications Plan

To support the consultation process, a communications plan will be developed to invite feedback on the policy framework and consultation plan. This will include, among other things, information on the DDSB website and messages sent to DDSB community members to share information about and seek input on the policy development and consultation processes.

ADMINISTRATIVE REPORT

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Upon approval to proceed with community consultations, communications and consultations will begin. Appendix C outlines the proposed schedule for policy consultations, development and approval, and is summarized below:

DATE	ACTION
Oct 5, 2020	Seek the Board of Trustees approval of the proposed policy framework and consultation and implementation plans
Oct - Nov 2020	Share policy framework and consultation and implementation plans with internal and external DDSB communities and committees for input and feedback
Dec 2020 - Jan 2021	Draft policy and related procedures based on input from DDSB communities
Feb - Mar 2021	Share draft policy with DDSB communities for feedback Develop implementation supports (e.g., training, tools and resources)
Apr 2021	Finalize policy, procedures and implementation supports
May - Jun 2021	Present final policy to Board of Trustees for approval Report back to DDSB communities about results of consultation and final policy Launch policy

8. Conclusion and/or Recommendation

This report and appendices are presented to the Board of Trustees to seek approval to proceed with consultations on the development of a human rights policy.

9. Appendices

Appendix A: Proposed Framework for Developing a Human Rights Policy

Appendix B: Proposed Consultation Plan

Appendix C: Proposed Policy Implementation Plan/Critical Path

Report reviewed and submitted by:

Norah Marsh, Acting Director of Education

Devika Mathur

Devika Mathur, Human Rights and Equity Advisor



Appendix A: Proposed Framework for the Development of a Human Rights Policy

October 5, 2020

SUCCESS
We value
your achievements.

WELL-BEING
We value
how you feel.

LEADERSHIP
We value
how you grow.

EQUITY
We value
who you are.

ENGAGEMENT
We value
your involvement.

INNOVATION
We value
forward thinking.

Ignite Learning



Success

Set high expectations and provide support to ensure all students and staff reach their full potential every year.

Well-Being

Create safe, welcoming, inclusive learning spaces to promote well-being for all students and staff.

Leadership

Identify future leaders, actively develop new leaders and responsively support current leaders.

Equity

Promote a sense of belonging and increase equitable outcomes for all by identifying and addressing barriers to success and engagement.

Engagement

Engage students, parents and community members to improve student outcomes and build public confidence.

Innovation

Reimagine learning and teaching spaces through digital technologies and innovative resources.



Background and Context

- Human rights and workplace harassment prevention responsibilities and accountabilities are set out in various legislation and policies (see Legislative Framework).
- As a service provider and an employer, the DDSB has a legal duty to support and protect human rights for students and employees.
- DDSB has some policies and procedures to support human rights and equity (e.g., workplace harassment and sexual harassment, equitable and inclusive education, equitable hiring framework).
- However, these policies/procedures do not specifically set out human rights related requirements (or complaints processes) to meet legislative requirements and to support safe, equitable, respectful and inclusive workplaces and services.

SUCCESS

We value your achievements.

WELL-BEING

We value how you feel.

LEADERSHIP

We value how you grow.

EQUITY

We value who you are.

ENGAGEMENT

We value your involvement.

INNOVATION

We value forward thinking.

Legislative Framework

- United Nations Declaration on the Rights of Indigenous Peoples
- The Truth and Reconciliation Commission of Canada's Report and Calls to Action
- Human Rights Code
- Anti-Racism Act
- Accessibility for Ontarians with Disabilities Act
- Occupational Health and Safety Act
- Education Act and Policy/Procedure Memoranda

SUCCESS

We value your achievements.

WELL-BEING

We value how you feel.

LEADERSHIP

We value how you grow.

EQUITY

We value who you are.

ENGAGEMENT

We value your involvement.

INNOVATION

We value forward thinking.

Why Do We Need a Human Rights Policy and Procedures?

Supports system responsibilities:

- Sets direction
- Demonstrates commitment
- Defines expectations
- Clarifies roles and responsibilities
- Supports data collection and decision making
- Fosters confidence (with exceptions)

SUCCESS

We value your achievements.

WELL-BEING

We value how you feel.

LEADERSHIP

We value how you grow.

EQUITY

We value who you are.

ENGAGEMENT

We value your involvement.

INNOVATION

We value forward thinking.

Considerations

- Current policies (gaps and opportunities, priorities and sequencing)
- Ontario Human Rights Commission's policy guidelines
- Other boards and organizations (promising practices, challenges, reviews and recommendations)
- Services and workplace (students, parents/caregivers, community, employees)
- Culturally appropriate options
- Meaningful engagements and consultations
- Collective agreements
- Current climate (confidence in internal processes; data/trends from complaints, surveys, etc.)
- Resources and potential models (forms and functions)
- Education Equity Secretariat template (complaints procedures)
- Roll out (communications, training)
- Evaluation and reporting

Proposed Human Rights Policy

- Human Rights, Anti-Racism/Anti-Discrimination and Respectful Workplace Policy that covers:
 - Services for students, families and community members
 - Workplace/employment for employees, other workers, volunteers
- Proposed procedures (pending consultation):
 - Human rights, anti-racism and anti-discrimination
 - Accommodation
 - Human rights complaints and issues
 - Workplace harassment and conflict (revise existing procedure)

SUCCESS

We value your achievements.

WELL-BEING

We value how you feel.

LEADERSHIP

We value how you grow.

EQUITY

We value who you are.

ENGAGEMENT

We value your involvement.

INNOVATION

We value forward thinking.

Key Elements

- Organizational commitment statement
- Objectives and policy principles
- Application and scope
- Roles and responsibilities
- Human Rights Code and legislative requirements
- Key concepts and overview of procedural principles

SUCCESS

We value your achievements.

WELL-BEING

We value how you feel.

LEADERSHIP

We value how you grow.

EQUITY

We value who you are.

ENGAGEMENT

We value your involvement.

INNOVATION

We value forward thinking.

Organizational Commitment: Rationale

- DDSB commitments
- Connect to Human Rights Code preamble (inherent right to be treated with dignity and respect) and legislative framework
- Recognize the:
 - Impacts of historical and ongoing systemic colonialism, oppression and discrimination
 - Importance of and need for anti-colonial, anti-oppression, anti-racist and anti-discriminatory approaches
 - Importance of civility and respect in the workplace

* Note: To be further developed in policy

SUCCESS

We value your achievements.

WELL-BEING

We value how you feel.

LEADERSHIP

We value how you grow.

EQUITY

We value who you are.

ENGAGEMENT

We value your involvement.

INNOVATION

We value forward thinking.

Objectives/Purpose

- To promote safe, healthy, equitable, welcoming, respectful, inclusive and accessible learning and working environments free from oppression, racism and discrimination
- To outline the system's shared responsibility for discrimination-free services and workplaces
- To identify, prevent and address oppression, discrimination, harassment and racism (including anti-Indigenous and anti-Black racism)
- To respond to and address complaints fairly and effectively
- Focus on:
 - proactive, systemic approaches
 - responsibilities and accountability
 - sustainable outcome measures

* Note: To be further developed in policy

SUCCESS

We value your achievements.

WELL-BEING

We value how you feel.

LEADERSHIP

We value how you grow.

EQUITY

We value who you are.

ENGAGEMENT

We value your involvement.

INNOVATION

We value forward thinking.

Proposed Policy Principles

- Centre student voices and experiences (particularly those who are most impacted)
- Meaningfully engage with diverse student, employee and community groups
- Incorporate intersectionality and promote anti-discrimination into all analyses
- Affirm human rights is ongoing organizational work and a shared system responsibility
- Build capacity at all levels to identify and address discrimination
- Integrate human rights responsibilities across areas/portfolios and in all decision making
- Take systemic approaches to address disparities and disproportionate experiences and outcomes
- Implement and enforce policies and procedures in ways that do not reinforce inequities or further marginalize individuals/groups
- Respect and protect confidentiality
- Monitor, evaluate and report on progress

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Application and Scope

- All DDSB community members:
 - Trustees and board committee members
 - Director
 - Employees, contractors and volunteers
 - Students, parents/caregivers and other community members
- Services and learning environments
- Employment and workplace environments

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Key Concepts (Policy Content)

- Human Rights Code principles (Appendix A), grounds and social areas
- Individual and organizational roles, responsibilities and accountabilities
- Key definitions and concepts:
 - Discrimination: definitions and types (Appendix B), including racism (anti-Indigenous, racism, anti-Black racism, Islamophobia, anti-Semitism), ableism, sexism, homophobia, transphobia and other forms of discrimination
 - Anti-oppression, anti-colonialism, anti-racism and anti-discrimination
 - Duty to accommodate, undue hardship and key accommodation principles/process (Appendix C)

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Key Concepts (Continued)

- Overview of key steps to address issues (Appendix D) and complaints (Appendix E)
 - To be formalized when developing corresponding procedures
 - Consider separate simplified interim issue/complaint resolution process pending the development and approval of policy and procedures
- Right to pursue other avenues (e.g., grievance, application to the Human Rights Tribunal of Ontario)
- Data collection, evaluation, reporting and communications

Key Consultations Summary

- Wide input from diverse partners
 - Students
 - All employees and key portfolio leads
 - Unions and federations
 - Employee groups (networks and affinity groups)
 - Board committees
 - Parent/caregiver and community groups, school councils
 - Critical friends

* General overview only - see separate consultation plan

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Communications and Evaluation Plans

- To be developed in consultation with key partners/stakeholders

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Appendix A: Human Rights Principles

- Primacy
- Dignity and respect
- Equal rights and opportunities
- Full participation
- Rights and responsibilities
- Duty to accommodate
- Intersectionality
- Anti-oppression, anti-colonialism, anti-discrimination and anti-racism
- Targeted universalism
- Effect/impact versus intent
- Proactive prevention
- Corrective, responsive and remedial

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Appendix B: Discrimination

- Direct and indirect
- Adverse effect
- Harassment (including sexual)
- Poisoned work environment
- Because of association
- Systemic
- Reprisal
- Hate
- Failure to accommodate
- Condoning

Appendix C: Accommodation Principles

- Accept in good faith
- Timely
- Confidential
- Dignity
- Individualized
- Integration and participation
- Inclusive design
- Options
- Shared responsibility

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Appendix D: Issue Resolution

- Take the matter seriously
- Act immediately
- Stop, interrupt, intervene and correct
- Consult (internal, community)
- Provide supports (including safety)
- Take action (corrective, responsive, remedial)
- Restore
- Document, report and communicate
- Monitor
- Act on lessons learned (knowledge build, mentoring, coaching, etc.)
- Confidentiality

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Appendix E: Complaints Process

- Complaint submission
- Assessment/fact-finding
- Interim measures (if required)
- Early resolution (mediation, other action)
- Investigation
- Investigation report
- Post investigation
- Restoration and other action
- Monitoring
- Focus on human rights and legislative requirements, procedural fairness, safety and due diligence

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Appendix B: Proposed Consultation Plan for the Development of a Human Rights Policy

October 5, 2020

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Ignite Learning

Success

Set high expectations and provide support to ensure all students and staff reach their full potential every year.

Well-Being

Create safe, welcoming, inclusive learning spaces to promote well-being for all students and staff.

Leadership

Identify future leaders, actively develop new leaders and responsively support current leaders.

Equity

Promote a sense of belonging and increase equitable outcomes for all by identifying and addressing barriers to success and engagement.

Engagement

Engage students, parents and community members to improve student outcomes and build public confidence.

Innovation

Reimagine learning and teaching spaces through digital technologies and innovative resources.



Consultation Objectives

1. Engage students, employees and communities

- Include diverse voices and perspectives on the development and implementation of the policy and related procedures
- Build collaborative, authentic partnerships and relationships

2. Seek meaningful input

- Identify policy and procedure content/requirements (key themes and issues, including current successes, gaps, opportunities, challenges, solutions, and outcomes)
- Include Indigenous and other perspectives, approaches and culturally relevant and responsive options
- Identify other consultations/engagements required (consult on *how* and *with whom* to consult)

3. Build support

- Promote awareness and understanding of the proposed policy (and that it is part of a broader approach to strengthen human rights)
- Support champions

Target Consultation Groups

- **Wide input from diverse partners:**
 - Students
 - Parents/caregivers
 - Employees
 - Community partners/groups and the general public

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DDSB Community Consultations

- Students, Student Trustees and Indigenous Student Advisory Committee
- Employee networks/affinity groups:
 - Keenanow
 - Durham Black Educators Network (DBEN)
 - Muslim Educators Network of Durham (MEND)
 - Durham Educators Network for South Asians (DENSA)
 - Durham Pride Network
 - Accessibility Committee
- Diversity Council
- Unions/federations
- Employees (principals/vice principals, managers and all district staff)

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DDSB Community Consultations (continued)

- Parents/caregivers
- School councils
- Board and other committees:
 - Equity ad hoc Committee
 - Special Education Advisory Committee
 - Parent Involvement Committee
- Community groups and agencies
- Critical friends
- General public
- Additional (as identified through consultations)

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Phased Consultation Approach

Oct - Nov 2020:

- Consult on the proposed policy framework and consultation plan

Feb - Mar 2021:

- Consult on the draft policy

Jun 2021:

- Report back to DDSB communities about the results of the consultation and the final policy

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Consultation Methods

- Virtual meetings and emails
- Board committees and other groups (Equity ad hoc, Parent Involvement, Special Education Advisory Committee, school councils)
- Website and social media
- ThoughtExchanges and surveys
- Written, video or audio submissions
- School newsletters
- Other methods as identified through consultations
- In person meetings/focus groups (when permitted)

Preliminary Consultation Questions

- What key themes, issues or content need to be considered in a human rights policy or related procedures (see draft proposed framework/outline)?
- What successes, gaps, opportunities, challenges, solutions, and outcomes should be addressed in policy and/or procedures?
- What Indigenous and other perspectives, approaches and culturally relevant and responsive options need to be considered in the policy and/or procedures?
- What resources, promising practices, research or “model” policies should inform the development of a human rights policy?
- Which other areas/groups should be involved in the consultation? Whose voices are missing?

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Consultation Questions (continued)

- How can we consult and engage widely and inclusively while maintaining physical distancing? And when current restrictions ease?
- What are ways to support successful roll out and implementation of (and communications about) the policy? What do you see as anticipated opportunities, challenges or concerns?
- What key features of evaluation should be included in the policy and related procedures?
- What other consultation questions should be asked?*

* Note: Additional questions may be added based on preliminary consultations and as the policy is developed.

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Appendix: Summary of Consultation Plan

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APPENDIX A

WHAT	To seek DDSB communities' input and perspectives on the development of a human rights policy			
WHY	To seek input on the: <ul style="list-style-type: none"> Proposed policy framework/development and consultation plans Draft policy before it is finalized for Board approval To share information about the development of the policy To engage and build relationships with DDSB communities			
HOW	Through emails, virtual meetings, webpage, surveys, newsletters, social media and existing committees and councils Featured on webpage and direct email to students/families and employees			
WHEN	Oct to Nov 2020: consultation on proposed policy framework/development and consultation plans Feb to Mar 2021: consultation on draft policy June 2021: report back to DDSB communities on the results of the consultation and final policy			
WHO	Four key target audiences:			
	1. Students	2. Parents/guardians	3. Employees	4. Community partners/groups
	Student Trustees	Parents/guardians	All employees	Board and advisory committees
	Students	School councils	Unions/federations	Agencies/associations
	Indigenous Student Advisory Committee		Employee networks and committees	General public



POLICY

STUDENTS, EMPLOYEES AND COMMUNITY

DRAFT Human Rights, Anti-Discrimination and Anti-Racism

1.0 Rationale

- 1.1 The Durham District School Board ("DDSB") adopts this policy to protect, uphold and promote human rights and to proactively prevent discrimination and discriminatory barriers in all DDSB service, employment and learning and working environments. As a publicly funded school board, this is foundational to the DDSB's mandate and obligations to support equitable experiences, access and opportunities and to prevent disproportionate outcomes for students and employees.
- 1.2 This policy refers to certain terms related to human rights and equity and, as such, a glossary of key terms is attached at Appendix "A".
- 1.3 The DDSB is committed to learning and working environments that centre human rights and equity and that are welcoming, safe, respectful, equitable, inclusive, accessible and free from discrimination, oppression, harassment and harm.
- 1.4 This policy must be read in conjunction with the DDSB's Indigenous Education Policy which acknowledges the distinct rights of Indigenous Peoples. Indigenous Peoples may elect to pursue any right or remedy under this policy and related procedures or under the Indigenous Education Policy and procedures, as they may deem appropriate in any given circumstance.
- 1.5 Protecting, upholding and promoting human rights are necessary to create and foster a culture of care where students and employees can thrive and have a sense of safety, well-being, mattering, engagement and belonging.
- 1.6 Systemic discrimination and racism exist in the DDSB and stem from discriminatory and racist ideologies, systems, cultures and the structural dominance of white supremacy, sexism, ableism, heteronormativity, cisnormativity/cisgenderism, cissexism and faithism. In adopting this policy, the DDSB confirms its commitment to understanding and combatting:
 - a) the impacts of historical and ongoing colonialism, systemic discrimination and oppression, including but not limited to the legacies and ongoing intergenerational effects of residential schools, enslavement and discriminatory structures, policies and practices against people based on ancestry, race, disability, sex, sexual orientation, gender identity, gender expression, creed, age, other Human Rights Code prohibited grounds, combination of grounds and socioeconomic status; and
 - b) the impacts of discriminatory ideologies including but not limited to white supremacy, racism, xenophobia, patriarchy, sexism, ableism, heteronormativity, homophobia, cisnormativity/cisgenderism, cissexism, biphobia, transphobia, faithism, ageism and classism which are pervasive, deeply entrenched and operate in society, institutions, structures, policies and standards, including in educational institutions and which result in, perpetuate and/or uphold inaccurate and negative information, biases, attitudes, stereotypes, stigmatization and discriminatory structures and barriers for people based on Human Rights Code grounds, combination of grounds and socioeconomic status.

- 1.7 The DDSB recognizes and acknowledges that the education system and the DDSB's learning and working environments are not neutral as they are based on colonialism, oppression, and systemic discrimination, and that this results in, upholds and sustains structures, policies, practices, standards, rules and decision making and that have serious negative consequences including the following:
- a) creating unique, compounding and intersecting forms of oppression, marginalization and discrimination against, and discriminatory barriers, experiences and outcomes for, people with stigmatized and minoritized identities;
 - b) causing deep and lasting harm and trauma to individuals, families, communities, the DDSB and society;
 - c) negatively affecting physical, emotional, psychological and spiritual safety, mental health and well-being, achievement and success;
 - d) centring dominant narratives, identities, beliefs and ideologies including white supremacy, racist, ableist, sexist, gendered, heteronormative, cisnormative, cissexist, faithist and classist assumptions, stereotypes, beliefs, narratives and language;
 - e) perpetuating inaccurate deficit ideologies, low expectations and negative depictions of the histories, accomplishments, strengths, abilities, and identities of Indigenous Peoples, Black peoples, racialized peoples, people with disabilities, people who identify as members of 2SLGBTQI communities, people who are members of religious/faith communities that are discriminated against, marginalized and minoritized, and other groups protected by the Human Rights Code;
 - f) erasing, suppressing or diminishing many students' and employees' identities, voices, knowledge, culture and experiences; and
 - g) creating, maintaining and/or imposing barriers, inequities, disparities and disproportionate educational, employment/career, social and other opportunities, experiences, processes and outcomes.
- 1.8 In light of the foregoing, the DDSB recognizes that if it does not actively and appropriately address discrimination in a timely manner in its learning and working environments, it is complicit in ongoing discrimination.
- 1.9 The DDSB recognizes, affirms and values the diverse lived realities, identities, experiences, perspectives, strengths, abilities and needs of the diverse communities within the District. The DDSB is committed to engaging with students, employees, parents/caregivers/families, unions/federations, and community partners to include and honour diverse voices, knowledge, identities and experiences.
- 2.0 **Policy Objective**
- 2.1 This Policy is adopted to protect, uphold and promote human rights and prevent discrimination in the context of the statements and acknowledgements, and in fulfillment of the commitments made, in the preceding paragraphs.
- 2.2 The DDSB is expressly adopting a proactive human rights, anti-discrimination, anti-oppression and anti-racism framework and approach to education and employment that will centre the work of the DDSB. The DDSB affirms its commitment to continue to:
- a) foster and sustain a climate of mutual understanding that recognizes and respects the dignity and worth of all DDSB community members and where DDSB community members have equal rights and opportunities, feel welcome and included, are treated with dignity and respect and can fully participate in DDSB services and employment, without discrimination;
 - b) meet its duty to accommodate Human Rights Code related needs to the point of undue hardship, in manner that recognizes and respects individual identities, strengths, abilities and needs and that maximizes inclusion, integration, participation and independence;
 - c) identify, prevent and address individual and systemic discrimination and discriminatory

barriers in all aspects of the district's operational/service-related and employment-related policies, procedures, practices, planning and decision making;

- d) intentionally address anti-Indigenous racism, anti-Black racism, anti-Asian racism, anti-Latin American racism, all other forms of racism, Islamophobia/anti-Muslim hate, antisemitism, other forms of religious discrimination, ableism, homophobia, biphobia, transphobia, and all other forms of discrimination and hate in DDSB learning and working environments; and
- e) build a culture of human rights through transparent organizational approaches and actions that support system accountability.

2.3 The DDSB recognizes and accepts the principle of targeted universalism. That is, although certain initiatives may be designed to support specific groups (i.e., communities who have historically been or are currently discriminated against, marginalized and minoritized), these initiatives will improve access and remove discriminatory structures and barriers to everyone's benefit.

2.4 The purpose of this policy is to adopt a human rights approach to education and employment with the following key objectives:

- a) centre student voices and experiences, particularly students who are most impacted by historical and ongoing oppression and systemic discrimination;
- b) promote decision making and actions that:
 - uphold the rights of the child/student and the rights of employees;
 - are in the best interests of the child/student;
 - are asset-based;
 - are not discriminatory; and
 - do not cause or perpetuate harm;
- c) have meaningful engagement with diverse student, employee and community groups on initiatives that affect them ("nothing for/about us without us");
- d) embed human rights, anti-oppression, anti-discrimination, anti-racism, Universal Design for Learning (UDL), inclusive design and accessibility principles, approaches and actions in all aspects of services, employment and learning and working environments;
- e) promote anti-discrimination and incorporate intersectionality and targeted universalism in decision making;
- f) value, affirm and reflect students', families' and employees' diverse identities, family structures, cultures, communities, histories and achievements, and honour and support the expression of their identities, strengths, skills, experience, perspectives and talents;
- g) provide caring and safe learning and working environments that respect and protect human rights, that promote high expectations and achievement and that remove barriers to success;
- h) affirm that protecting and promoting human rights is ongoing organizational work and that all employees have individual and shared organizational roles, responsibilities and accountabilities to uphold human rights and prevent discrimination;
- i) integrate human rights responsibilities across all system areas/portfolios and build capacity to embed human rights into all decision making;
- j) take proactive and systemic approaches to identify, prevent and address discriminatory structures and practices to support equitable experiences, access and opportunities and to prevent discriminatory outcomes for students and employees;
- k) communicate about the effectiveness of the policy and procedures through ongoing evaluation and public reporting;
- l) better align DDSB policy and district procedures with applicable legislation including the Canadian Charter of Rights and Freedoms, Ontario Human Rights Code, Accessibility for Ontarians with Disabilities Act, Anti-Racism Act, Employment Standards Act, Occupational Health and Safety Act, and the Education Act; and
- m) adopt a human rights policy that is consistent with the key principles as found in the United Nations Declaration on the Rights of Indigenous Peoples, the Truth and

Reconciliation Commission of Canada's Calls to Action, the Child, Youth and Family Services Act (CYFSA) which built upon the principles expressed in the United Nations Convention on the Rights of the Child (CRC) and which incorporated many elements of Katelynn's Principle, and that it also consistent with the United Nations Proclamation of the International Decade for People of African Descent (2015-2024), United Nations Convention on the Rights of People with Disabilities, the Yogyakarta Principles, and other United Nations documents and instruments that reference requirements to prevent all forms of discrimination in education and employment.

3.0 Policy

- 3.1 This policy establishes the foundation and principles for the District's procedures and initiatives to support human rights, anti-oppression, anti-discrimination and anti-racism.

Application and Scope

- 3.2 This policy is for the benefit of all DDSB community members in all DDSB learning and working environments. Under this policy, DDSB community members are: members of the Board of Trustees, board committee members, employees, students, parents/families/caregivers, permit holders, vendors, service providers, authorized visitors and any other person who lawfully enters DDSB learning and working environments or spaces.
- 3.3 All DDSB community members have the right to be treated with dignity and respect and to services, employment and learning and working environments that are free from discrimination and harassment.
- 3.4 All DDSB community members have a right to be free from discrimination and harassment at DDSB meetings, events, activities, in learning or working environments and spaces. This may also include meetings, events and activities that take place outside of usual learning and working spaces and environments, or outside of usual learning and working hours, when engaged in activities that are sufficiently connected to DDSB learning environments or the workplace (e.g., conferences, training events, school trips, online and social media interactions, school activities and extracurricular events).
- 3.5 All DDSB community members have a responsibility to comply with the terms of this policy and to treat others with dignity and respect in all DDSB environments.
- 3.6 All DDSB policies and procedures shall be interpreted and applied in a manner consistent with the terms of this policy in order to prevent discriminatory structures, barriers, experiences and outcomes. To the extent that the terms of any DDSB policy or procedure contradict the terms of this policy, the terms of this policy shall govern.
- 3.7 All DDSB processes, programs, practices and initiatives shall comply and shall be consistent with this policy.

A. Human Rights Code

- 3.8 The Human Rights Code has primacy over all other provincial legislation (unless the other law specifically states otherwise), and District policies and procedures.

Prohibited Grounds of Discrimination

- 3.9 This policy prohibits discrimination and harassment in the delivery of services, in employment and in DDSB learning and working environments based on the following prohibited grounds under the Human Rights Code:

- age

- ancestry (includes Indigenous ancestry)
- citizenship
- colour
- creed (religion, includes Indigenous spiritual practices)
- disability (includes mental, physical, developmental and learning disabilities and addictions)
- ethnic origin
- family status [being in a parent-child or equivalent relationship (includes childcare and elder care responsibilities)]
- gender identity (which may be the same or different from a person's birth assigned sex)
- gender expression (how a person publicly presents their gender)
- marital status
- place of origin
- race
- receipt of public assistance (in housing only)
- record of offenses (in employment only)
- sex (includes pregnancy and breastfeeding/expressing breast milk)
- sexual orientation.

- 3.10 The prohibited grounds of discrimination under this policy shall be deemed amended to reflect any changes to the Ontario Human Rights Code or expansion of analogous grounds as determined by a court of competent jurisdiction.
- 3.11 The grounds of race, ancestry, citizenship, colour, creed, ethnic origin and place of origin are sometimes collectively referred to as "race related" grounds because of how the effects of discrimination based on these grounds are often linked to race.
- 3.12 Although language is not a prohibited ground under the Human Rights Code, language/language-related needs may be connected to one or more of the race related grounds or to disability. Therefore, in some cases where there is a connection to a race related ground or to disability, language/language related needs may be protected under the Human Rights Code and under this policy.
- 3.13 Under the Human Rights Code, receipt of public assistance is a ground of discrimination in the social area of housing only. Although the Human Rights Code does not include socioeconomic status or poverty as a prohibited ground of discrimination in services or employment, the DDSB recognizes that people who are affected by poverty:
- a) are discriminated against, marginalized and minoritized;
 - b) disproportionately identify based on one or more Human Rights Code ground(s); and
 - c) are disproportionately affected by classism and poverty-related discrimination.
- 3.14 Therefore, poverty-related discrimination/classism, where there is an intersection with a prohibited ground of discrimination, is covered by this policy. The impacts of classism will be considered when implementing and addressing the requirements of this policy.
- 3.15 Consistent with the Human Rights Code, this policy also prohibits discrimination and harassment based on:
- a) association or relationship with a person who identifies based on one or more Human Rights Code ground(s);
 - b) the perception that a person identifies based on one or more Human Rights Code ground(s) (for example, perceived ancestry, race, creed/religion, disability, sexual orientation, gender identity, etc.); and
 - c) any combination of two or more grounds where systems/structures may impose distinct discriminatory barriers and/or individuals may be affected by distinct forms of discrimination

and harassment based on the unique intersection of these grounds (i.e., intersectionality, where the determination of potential discrimination, harassment or discriminatory structures, barriers, effects or impacts includes critical intersectional analyses).

Policy Violations

- 3.16 DDSB community members shall not engage in any form of discrimination under the Human Rights Code or this policy against any DDSB community member in DDSB learning or working environments.
- 3.17 The following behaviours (refer to Appendix A for definitions) are prohibited and are violations of this policy:
- a) discrimination;
 - b) harassment, bullying and cyberbullying;
 - c) sexual harassment and sexual solicitation;
 - d) hate activity, including hate speech;
 - e) creating or contributing to a poisoned learning or working environment;
 - f) condoning or failing to address or prevent potential discrimination;
 - g) interfering with an investigation under this policy or related procedures;
 - h) failing to accommodate Human Rights Code related needs to the point of undue hardship;
 - i) reprisal or threat of reprisal;
 - j) breaching confidentiality provisions of this policy; and
 - k) bad faith complaints.
- 3.18 All forms of discrimination under the Human Rights Code are unacceptable in DDSB services, employment and learning and working environments and shall not be condoned.

Discriminatory Effect/Impact

- 3.19 A policy, practice, behaviour, action or inaction will be considered a violation of this policy where the effect or impact, whether intentional or unintentional, is discriminatory.

Consequences for Policy Violations

- 3.20 The Human Rights Code and this policy are not punitive and focus on corrective and remedial responses to prevent recurrences and to support learning. While specifics as to consequences are operational and are left to the Director of Education and designates to address in procedures, protocols and practices, responses to policy violations are to include corrective, remedial, responsive, restorative and disciplinary actions, up to and including termination of employment (for employees) or expulsion (for students), and subject to the principles of progressive discipline.

Reprisal

- 3.21 DDSB community members shall not be penalized or threatened for asserting their rights or for participating in a complaint resolution process under the Human Rights Code or this policy. Engaging in reprisal is prohibited and is a violation of this policy.

Competing Rights

- 3.22 In the DDSB's complex services, employment and learning and working environments, rights may sometimes come into conflict with one another. The DDSB recognizes that no rights are absolute and there is no hierarchy of rights. The DDSB will respect the importance of all rights, collaboratively explore options and solutions to address potential conflicting or competing rights and maximize rights for everyone in accordance with the Ontario Human Rights Commission's *Policy on Competing Human Rights* and procedures that implement this policy.

Right to Pursue Other Avenues

- 3.23 Nothing in this policy nor in any related procedure precludes DDSB community members from asserting their rights, pursuing other resolution options or seeking redress through other statutory or contractual rights and remedies (e.g., a grievance through the applicable collective agreement if they hold grievance rights, filing an application to the Human Rights Tribunal of Ontario, etc.).

Confidentiality

- 3.24 The DDSB will maintain the confidentiality and privacy of personal information related to human rights issues, complaints and accommodation requests, subject to disclosure requirements and certain processes set out in legislation, legal proceedings and in the related procedures.
- 3.25 Any DDSB community member who raises an issue, complaint or accommodation request, or who participates in the resolution of a matter under the policy or related procedures, must maintain confidentiality.

Note: The Human Rights Tribunal of Ontario (HRTTO) is a public forum. If a DDSB community member files an application (complaint) to the HRTTO, details of the complaint and findings (where applicable) may become publicly available.

Equitable Processes

- 3.26 The implementation of procedures and processes developed under this policy shall uphold human rights and equity principles and will not reinforce inequities or discriminate, marginalize, minoritize or oppress individuals/groups.

B. Duty Bearer Responsibilities

- 3.27 All employees are responsible for upholding the Human Rights Code, this policy and any related procedures and are referenced in this policy as “Duty Bearers”. Under this policy, reference to the term employee or Duty Bearer shall include temporary, casual and contract staff, volunteers, university and college students on placement, interns and any other person included in the definition of “worker” under the Occupational Health and Safety Act.
- 3.28 All Duty Bearers shall, within the scope of their role and authority, contribute to and support safe, welcoming, equitable, respectful, accessible and inclusive environments in the DDSB free from discrimination, oppression, harassment and harm.
- 3.29 Duty Bearer responsibilities include the following, as appropriate given an employee’s role, authority and influence:
- a) **promote and protect** human rights and provide DDSB community members with information about their rights and responsibilities as and when appropriate;
 - b) **identify, prevent and address** human rights barriers and discriminatory structures in learning and/or working environments (for example, classrooms, schools, offices, job sites) and in all services and operational and employment related policies, procedures, practices, teaching and learning, plans, initiatives and decision making;
 - c) **respond to** and address human rights barriers, issues and accommodation requests under the Human Rights Code for DDSB community members;
 - d) **learn** about this policy and related procedures so that all Duty Bearers have knowledge, skills, learning and resources to apply human rights, anti-discrimination and anti-racism principles to their jobs/roles, decision-making and interactions with DDSB community members; and
 - e) **correct** and address human rights issues, incidents and complaints.
- 3.30 Without limiting the general nature of the obligations referenced above, Duty Bearer

responsibilities include the following duties:

- a) create and maintain learning and working environments that:
 - welcome, expect, include and value all students, parents/caregivers and family structures, employees and community members; and
 - respect, affirm and support the expression of diverse identities based on ancestry, race, sex, disability, sexual orientation, gender identity, gender expression, religious/creed identities, all other Human Rights Code grounds and intersection of grounds;
- b) recognize, respect and uphold rights and shared individual and organizational roles, responsibilities and accountabilities for maintaining respectful, safe, inclusive, equitable, accessible environments, free from discrimination, oppression, harassment and harm;
- c) adopt (and/or strengthen) and apply human rights anti-oppressive, anti-discriminatory, anti-racist, inclusive and culturally relevant principles and practices to services, service delivery and employment;
- d) engage in and promote decision making and actions that:
 - uphold the rights of the child/student and the rights of employees;
 - are in the best interests of the child/student;
 - are asset-based;
 - are not discriminatory; and
 - do not cause or perpetuate harm;
- e) not treat any community member differently because of biases, assumptions, prejudices, stigmatization or stereotypes associated with a Human Rights Code-related ground or combination of grounds (e.g., ancestry, race, disability, sex, sexual orientation, gender identity, gender expression, creed/religion) and classism;
- f) when making decisions that affect a student's right to education or an employee's right to employment without discrimination, to:
 - identify, disrupt and address discriminatory structures, policies, practices, rules and ideologies, including white supremacy, racism, ableism, sexism, heteronormativity, cisnormativity/cisgenderism, cissexism, faithism, ageism and classism; and
 - consider and address systemic, individual and intersectional factors and unique barriers and needs for Indigenous Peoples, Black peoples, racialized peoples, people with disabilities, women/girls, people who identify as members of 2SLGBTQI communities, people who identify as members of groups that are discriminated against, marginalized and minoritized based on creed/religion and other all Human Rights Code grounds, and classism.

3.31 Additional Duty Bearer responsibilities are outlined in the procedures under this policy and in the Roles, Responsibilities and Accountability Framework.

3.32 It is a breach of this policy for an employee to fail to fulfill their Duty Bearer responsibilities under this policy or any procedure under this policy.

Board of Trustees

3.33 While not within the definition of a Duty Bearer, the Board of Trustees will:

- a) uphold and apply the objectives of this policy when fulfilling Board responsibilities, processes and committee work, including with respect to activities and decision making related to student achievement and well-being, safe and inclusive school climates, and effective and appropriate education programs for students; and
- b) ensure that board governance, policy setting and strategic direction and priorities promote and protect students' right to education free from discrimination, address barriers to equitable access and participation, and support equitable opportunities, experiences and outcomes for all students.

- 3.34 Similarly, while individual members of the Board of Trustees are not “Duty Bearers” under this policy, they are Community Members under this Policy. The Trustee Code of Conduct requires individual members of the Board of Trustees to comply with Board policy.

C. Policy Framework

- 3.35 The DDSB shall, through the Director of Education and/or designates:

- a) build and/or enhance relationships between the District and communities that are discriminated against, marginalized and minoritized because of (and not limited to) ancestry, race, disability, sex/gender, sexual orientation, gender identity, gender expression, creed/religion and other Human Rights Code grounds (or combination of grounds) as set out in this policy;
- b) in consultation with appropriate communities within the district, identify, prevent and address potentially discriminatory structures, barriers, trends and differential and disproportionate experiences, opportunities, access and outcomes;
- c) invite engagement with the DDSB’s diverse communities to support the successful and co-operative implementation of this policy;
- d) apply human rights, anti-discrimination, anti-racism, inclusive design, UDL and accessibility principles, approaches and actions to its services, employment and learning and working environments to:
 - reflect and affirm DDSB communities’ diverse identities, strengths and abilities
 - proactively identify, prevent and address discriminatory structures and barriers for (and related needs of) students and employees based on ancestry, race, disability, sex, sexual orientation, gender identity, gender expression, creed and all other Human Rights Code grounds, intersecting grounds and classism; and
 - make services, employment and learning and working environments more inclusive and accessible for everyone in accordance with the requirements under the Accessibility for Ontarians with Disabilities Act and consistent with inclusive design and UDL principles;
- e) provide learning opportunities for students and integrate content that enhances understanding, respect and appreciation for multiple social identities, including the diverse identities, voices, stories, cultures, histories, experiences and perspectives of the communities the district serves and of Ontario;
- f) teach students complete and accurate histories and narratives including:
 - the impacts of colonialism, oppression and historical and ongoing systemic discrimination; and
 - examples of resistance to discrimination and stories of agency, excellence and joy; this includes and is not limited to:
 - promoting historical and contemporary successes and accomplishments of Indigenous Peoples, Black peoples, racialized people, women, people with disabilities, people who identify as members of 2SLGBTQI communities, people who practice various creeds/religions, etc. and people with intersecting identities;
 - recognizing their valuable contributions throughout the year (and not only during days/months of significance); and
 - embedding these into practice, without appropriation;
- g) provide resources and materials that challenge racism, sexism, ableism, homophobia, biphobia, transphobia, faithism and all forms of discrimination;
- h) remove resources that contribute to or perpetuate:
 - discriminatory biases, assumptions, or stereotypes; and
 - trauma and harm;
- i) address the unique strengths and needs of, and barriers for, newcomers, undocumented students, English language learners and children and youth in care;
- j) promote global competencies, social justice, human rights and responsible citizenship;

- k) promote anti-discrimination, anti-racism, anti-ableism, anti-homophobia, anti-biphobia, anti-transphobia, anti-faithism; and anti-classism;
- l) affirm and reflect all identities in DDSB spaces and displays (e.g., posters, visual displays, content, etc.);
- m) have libraries with books and other resources that reflect diverse identities, authors, perspectives and lived experiences; and
- n) foster the use of inclusive pronouns, language, and activities.

3.36 The Director and/or designates shall develop and implement procedures to:

- a) apply and embed human rights principles, anti-discrimination, anti-racism, UDL, inclusive design and accessibility principles to all:
 - district recommendations to the Board; and
 - services and operational and employment related policies, procedures, practices, plans, initiatives and decision making (including and not limited to: pedagogy, instructional practices, curriculum and resources, guidance, assessment and placement practices, classroom management and discipline, academic and professional services, programs, supports and resources, human resources, learning and professional development, corporate services, communications, community engagement and partnerships, including School Community Councils, and operational planning);
- b) take intentional anti-discrimination and anti-racist approaches and actions, including and not limited to reflecting on, analyzing, challenging and disrupting positionality, systems of privilege and power, and discriminatory biases, assumptions, ideologies, structures and barriers that are inconsistent with legislation and this policy's objectives and commitments;
- c) implement organizational, department-based and/or school-based strategies, initiatives or actions as required to address commitments, responsibilities and accountabilities set out in this policy;
- d) address Human Rights Code related accommodations and support the duty to accommodate to the point of undue hardship;
- e) address and attempt to resolve Human Rights Code issues, incidents and complaints in a confidential, fair and timely manner;
- f) establish an accountability framework that outlines:
 - Duty Bearers' roles and responsibilities under this policy; and
 - system requirements to support an accountable human rights organization, including mechanisms to document expectations, build employee capacity, uphold human rights, establish effective issues and complaints resolution processes, and monitor, evaluate and report on results;
- g) conduct research and collect quantitative and qualitative data as to the issues addressed by this policy and the impact of this policy and in doing so shall engage and consult with DDSB communities to analyze the data using anti-discrimination, anti-racist and intersectional approaches; and
- h) evaluate and publicly report on the effectiveness of this policy in achieving this policy's objectives.

3.37 The Director and/or designates may create special initiatives to address the effects of historical and ongoing discrimination, create opportunities to alleviate discrimination and disadvantages and to support equitable access, opportunities, experiences, processes and outcomes.

3.38 The Director and/or designates shall:

- a) put in place appropriate and sustainable organizational structures, resources and expertise to support the successful implementation of this policy and related procedures; and
- b) monitor and assess organizational compliance with this policy.

D. Communications

- 3.39 This Policy shall be posted on the Board's website together with related procedures so that community members can access these materials.
- 3.40 The Director and/or designates will implement a communications plan to:
- promote human rights and this policy;
 - raise awareness among DDSB community members about their rights and responsibilities under this policy and related procedures;
 - invite community consultation and engagement on human rights related initiatives; and
 - provide regular progress reports on the implementation and outcomes of this policy and related procedures.

4.0 Evaluation

- 4.1 This policy may be reviewed and updated as may be deemed necessary or appropriate, but it shall be reviewed at least every 5 years. The review process will:
- reflect qualitative and quantitative data;
 - include input from and evidence of impact on students, employees and DDSB communities; and
 - reflect evolving human rights law.

5.0 Reference Documents

5.1 Policies

- Indigenous Education
- Consultative Process
- Equity and Inclusive Education
- Equitable Recruitment
- Positive School Climates
- Workplace Harassment and Workplace Sexual Harassment

5.2 Other Documents (Legislation, Provincial Regulations, Etc.)

- Universal Declaration of Human Rights
- United Nations Convention on the Rights of the Child
- Charter of Rights and Freedoms
- Ontario Human Rights Code
- Anti-Racism Act
- Accessibility for Ontarians with Disabilities Act
- Occupational Health and Safety Act
- Education Act
- Ontario Human Rights Commission's policies, guidelines, reports and resources
- Anti-Racism Directorate's Anti-Racism Policy, Anti-Racism Strategy and Data Standards for the Identification and Monitoring of Systemic Racism

Appendix:

Appendix A: Glossary of Key Terms

Effective Date:
YYYY-MM-DD

Reviewed and Amended:
YYYY-MM-DD

Reviewed without Amendment:
YYYY-MM-DD

Draft Human Rights, Anti-Discrimination and Anti-Racism Policy

DRAFT Glossary of Terms (To be finalized in consultation with communities)

2SLGBTQI: an acronym for Two Spirit, lesbian, gay, bisexual, transgender, queer and intersex identities and communities. Note that this acronym is not used by all communities as it does not capture the full spectrum and fluidity of diverse gender identities, gender expressions and sexual orientations or the ways individuals express their gender and sexuality.

Ageism: discrimination based on age, and belief systems or stereotypes, attitudes or beliefs about a person based on their age

Ableism: belief systems and attitudes about persons with disabilities as being less worthy of respect and consideration, less able to contribute and participate, or of less inherent value than others. Ableism may be conscious or unconscious, and may be embedded in institutions, systems or the broader culture of a society. It can limit the opportunities of persons with disabilities and reduce their inclusion in the life of their communities. Ableist attitudes are often based on the view that disability is an “anomaly to normalcy,” rather than an inherent and expected variation in the human condition.

Accessibility: a general term for the degree of ease that something (e.g., device, service, physical environment and information) can be accessed, used and enjoyed by persons with disabilities. The term implies conscious planning, design and/or effort to make sure something is barrier-free to persons with disabilities. Accessibility also benefits the general population, by making things more usable and practical for everyone.

Accommodation: adjusting services, environments, programs and practices or making other arrangements to remove barriers and better respond to or address individual Human Rights Code related needs so that individuals with Human Rights Code related needs do not experience adverse effects. The **duty to accommodate** (see definition below) refers to DDSB’s legal obligation under the Human Rights Code to make these adjustments. Accommodations must respect the individual’s dignity and maximize inclusion, integration, participation and independence.

Adverse effect discrimination: when seemingly neutral rules, requirements, standards, policies or practices treat everyone the same, but in so doing have an adverse effect (or negative effect) on people because of a Human Rights Code related characteristic(s), or when the way individuals are treated fails to account for Human Rights Code related needs and circumstances.

Anti-Asian racism: prejudice, beliefs, stereotyping and discrimination that is directed at people of Asian descent and rooted in unique experiences of xenophobia.

Anti-Black racism: prejudice, attitudes, beliefs, stereotyping and discrimination that is directed at people of African descent and is rooted in their unique history and experience of enslavement and its legacy. Anti-Black racism is deeply entrenched in Canadian institutions, policies and practices.

Anti-colonial: intentional and critical analysis of structures, processes and decision making to identify, challenge and address or change (and not perpetuate) the legacies and ongoing harmful impacts of colonialism.

Anti-Indigenous racism: discrimination, racism negative stereotyping, and injustice experienced by Indigenous Peoples. It includes ideas and practices that establish, maintain and perpetuate power

imbalances, systemic barriers, and inequitable outcomes that stem from the legacy of colonial policies and practices.

Anti-Latin American racism: prejudice, beliefs, stereotyping and discrimination that is directed at people of Latin American descent.

Anti-oppression: an approach that recognizes the power imbalance within society that attributes benefits to some groups and excludes others. This approach seeks to develop strategies to create an environment free from oppression, racism and other forms of discrimination. It acknowledges the intersections of identity and Human Rights Code grounds and aims to promote equity between various identities.

Anti-racism: an active and consistent process of change to eliminate individual, institutional and systemic racism as well as the oppression and injustice racism causes. An anti-racism approach is a systematic method of analysis, and a proactive course of action rooted in the recognition of the existence of racism, including systemic racism. Anti-racism actively seeks to identify, remove, prevent, and mitigate racially inequitable outcomes and power imbalances between groups and change the structures that sustain inequities.

Antisemitism: Antisemitism is latent or overt hostility, or hatred directed towards, or discrimination against, individual Jewish people or the Jewish people for reasons connected to their religion, ethnicity, and their cultural, historical, intellectual, and religious heritage. Antisemitism can take many forms, including and not limited to acts of discrimination, physical violence, vandalism and hate.

Appropriation: the adoption of an element or elements of one culture or identity, knowingly or unknowingly, by members of another culture or identity without engaging or consulting with the community. This can often result in diminishing or trivializing significant cultural or spiritually meaningful practices/traditions and can be discriminatory and racist.

Bad faith complaint/allegation: submitting a complaint under this policy knowing that there has been no violation of this policy.

Barrier: anything that prevents a person from fully taking part in any aspect of DDSB services, employment or learning and working environments based on a Human Rights Code ground(s) and can include policies, procedures and practices, and physical, architectural, information or communications, attitudinal, and technological barriers. Barriers can be overt or subtle, intended or unintended, and systemic or specific to an individual or group. Barriers prevent or limit access to opportunities, benefits, services or advantages that are available to others. See also “**systemic barrier**” below.

Bias: a predisposition, prejudice or generalization about a group of persons based on personal characteristics or stereotypes.

Biphobia: negative attitudes, feelings, or irrational aversion to, fear or hatred of bisexual people and their communities, or of behaviours stereotyped as bisexual. Biphobia can lead to discrimination, harassment or violence against bisexual people.

Board: the Board of Trustees for the Durham District School Board.

Cis/cisgender: a person whose gender identity is in alignment with the sex they were assigned at birth.

Cisgenderism: prejudice that denies, ignores, denigrates, or stigmatizes diverse, non-cisgender identities.

Cisnormativity: the common assumption that all people are cisgender and that everyone accepts this as “the norm.” The term cisnormativity is used to describe systemic prejudice against trans people.

Cissexism: a system of oppression that considers cis people to be superior to trans people. It includes harmful beliefs that it is “normal” to be cis and “abnormal” to be trans. Examples include scrutinizing the genders of trans people more than those of cis people or defining beauty based on how cis people look.

Classism: prejudice or discrimination based on socioeconomic status/class. It is institutional, cultural, and individual sets of practices and beliefs that assign differential value to people according to their socio-economic status and specifically people from lower socioeconomic classes.

Colonialism: a practice of domination, which involves the subjugation of one people to another. Settler colonialism - such as in the case of Canada - is the unique process where the colonizing population does not leave the territory, asserts ongoing sovereignty to the land and actively seeks to assimilate the Indigenous populations and extinguish their laws, cultures, traditions and ties to the land.

Competing rights: situations where parties to a dispute claim that the enjoyment of an individual or group’s human rights and freedoms, as protected by law, would interfere with another’s rights and freedoms.

Condoning: failure of management, in keeping with its authority, to respond appropriately and expeditiously to harassment or discrimination (or overlooking or accepting discrimination and harassment).

Disability: is defined very broadly in the Human Rights Code and includes any degree of physical, developmental, mental or learning disability. The Human Rights Code specifically includes protection for those who may be perceived to have a disability, even if that person does not have one, and someone who has had or believed to have had a disability in the past.

There are many types of disabilities, covering a broad range and degree of conditions. A disability may be apparent or hidden, and present from birth, caused by an accident or developed over time. Another way of looking at disability is not to base it on what a person has. A person with a disability is not necessarily prevented from fully participating in society. If society is designed to be accessible and inclusive, then people with disabilities do not have a problem taking part. This means a disability is an issue when the environment is not designed to meet their needs.

Discrimination: any practice or behaviour, whether intentional or not, which results in a person or group experiencing differential or inequitable treatment (or where they are denied opportunities or benefits) based on one or more of the prohibited grounds of discrimination under the Human Rights Code (except where the conduct is permitted under the Human Rights Code). It is treating someone unfairly because of Human Rights Code-related grounds by imposing a burden or denying a privilege, benefit or opportunity enjoyed by others.

Discrimination may also be due to treatment which though applied equally has an unequal effect on an individual or group protected from discrimination under the Human Rights Code. This is often based on stereotypes, assumptions or negative attitudes about a group of people based on a Human Rights Code identity(ies), and from not considering individual Human Rights Code-related needs and circumstances. An action, inaction, policy, practice or behaviour can intentionally or unintentionally have a discriminatory effect on individuals or groups (see also “adverse effect” and “systemic discrimination”).

District: the corporate entity of the DDSB

Duty bearer: employees who are responsible for promoting, protecting and upholding human rights and

preventing and addressing discrimination in DDSB services, employment and learning and working environments. Duty bearer responsibilities are outlined in the Human Rights Policy and procedures.

Duty to accommodate: DDSB has a legal obligation under the Human Rights Code to accommodate students' and employees' Human Rights Code related needs, to the point of **undue hardship** (see definition below). The duty includes procedural and substantive elements to collaboratively identify accommodation options and solutions, and to provide accommodation that most respects the individual's dignity and needs, and that maximizes integration, independence and participation.

Equity: a process of recognizing differences within groups of individuals and using this understanding to achieve substantive equality for individuals or groups. The intent of equity initiatives is not to produce sameness or equality of outcome. It is to create the conditions of fair inclusive and respectful treatment and through which everyone may have equal access to resources and equal opportunity to thrive for, (for example, by identifying and removing barriers that impact specific groups of people).

Failing to accommodate: not meeting the procedural or substantive duty to accommodate under the Human Rights Code to the point of undue hardship.

Faithism: negative treatment and discrimination directed towards people based on creed. Faithism includes any ideology that ascribes to people values, beliefs and behaviours, and constructs people as fundamentally different and unequal, or deserving or undeserving of respect and dignity, based on their religion or belief. Faithism creates and reproduces a consistent, distorted, negative and stereotypical view of individuals and groups based on their creed, faith, beliefs or associated characteristics.

Harassment: a course of vexatious comments or actions that are known or ought reasonably to be known to be unwelcome. It can involve words or actions that are known to be offensive, embarrassing, humiliating, demeaning or unwelcome (see also **sexual harassment** and **sexual solicitation** below).

"*Vexatious*" refers to comment or conduct that is inappropriate or unnecessary and that is experienced as offensive, embarrassing, humiliating, distressing or demeaning.

"*Ought reasonably to be known*" includes:

- the perspective of the person saying or doing discriminatory behaviour;
- how a reasonable outside party would interpret the comments or behaviour;
- the perspective of the person experiencing the comments or conduct.

Hate activity: a hate crime or a hate incident.

- **Hate incident:** is non-criminal conduct that is motivated in whole or in part by hatred against an individual or group on the basis of a protected ground. A hate incident can encompass situations in which the conduct is directed against people associated with individuals or groups identified with the protected grounds. The conduct can be verbal (hate speech), nonverbal or written, and may manifest itself in the form of slurs, insults, harassment, abusive gestures, taunting, display of offensive materials or hate symbols, or other acts which may intimidate, degrade and/or marginalize the targeted individual or group.
- **Hate crime:** a criminal offence that is committed against a person or property, and which is motivated in whole or in part by hatred or bias based on race, national or ethnic origin, language, colour, creed, religion, sex, age, mental or physical disability, sexual orientation, gender identity, or gender expression. This includes, but is not limited to, hate-motivated violence, incitement to hate motivated violence, and/or the display of symbols or other representations identified with groups promoting hate and violence. It also includes such crimes committed against a person who is associated, or perceived to be associated, with individuals or groups identified with one of the Human Rights Code protected grounds.

Heteronormativity: the common assumption that all people are heterosexual and that everyone accepts this as “the norm.” The term heteronormativity is used to describe systemic prejudice against people that are not heterosexual, and is widespread or systemic in society, organizations, and institutions.

Heterosexism: the assumption that everyone is heterosexual, and that heterosexuality is the superior and preferable expression of sexuality. This definition is often used when looking at discrimination against gay, lesbian or bisexual people.

Homophobia: negative attitudes, feelings, or irrational aversion to, fear or hatred of gay, lesbian, or bisexual people and communities, or of behaviours stereotyped as “homosexual. Homophobia may be individual actions or behaviours (e.g., name calling, exclusion, slurs, etc.) or systemic/ institutional bias and oppression.

Inclusive design: taking into account differences among individuals and groups when designing something, to avoid creating barriers. Inclusive design can apply to systems, facilities, programs, policies, services, education, etc.

Inclusion: processes, policies, services, program and practices that are accessible to and useable by as many people as possible, regardless of race, ethnic origin, gender, creed, age, disability, language, etc. An inclusive environment is open, safe, equitable and respectful. Everyone can enjoy a sense of trust, belonging and involvement, and everyone is encouraged to contribute and participate fully.

Indigenous Rights: derive from Indigenous political, economic and social structures and from their laws, cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources.

Interfering with an investigation: interfering with an investigation or related resolution process, including but not limited to intimidating a party to a complaint or a witness or influencing a person to give false or misleading information.

Intersectional discrimination/intersectionality: discrimination based on the overlap between or combination of two or more Human Rights Code related characteristics. Often it is the result of identities that intersect in a socially significant way. It refers to discrimination that occurs based on two or more Human Rights Code grounds that produces a unique and distinct form and experience of discrimination, and recognizes that people’s lives involve multiple overlapping identities, and that marginalization, exclusion and discrimination may be further exacerbated because of how these identities interact or “intersect”.

Islamophobia: includes racism, stereotypes, prejudice, fear or acts of hostility directed towards individual Muslims or followers of Islam in general. In addition to individual acts of intolerance and racial profiling, Islamophobia can lead to viewing and treating Muslims as a greater security threat on an institutional, systemic and societal level.

Katelynn’s Principle: decisions affecting children must centre the child, reflect their voice and respect their rights and identities (e.g., ancestry, race, disability, sexual orientation, gender identity, gender expression, creed/religion, etc.).

Learning environment: any space, premise, location or thing at, upon, or in which a DDSB student or community member learns or engages in activities connected to the learning environment (e.g., parent engagement/parent council activity etc.). This includes virtual/online environments. Conduct that has

consequences for the learning environment, regardless of where it occurs, may be considered to have occurred in a learning environment (e.g., schools and school-related activities, such as extra-curricular activities and excursions).

Marginalized group: refers to a long-term, structural process of systemic discrimination that creates a group(s) of disadvantaged peoples. These groups become permanently confined to the margins of society; their status is continually reproduced because of the various dimensions of exclusion in society and affects full and meaningful participation in society.

Minoritized group: groups that do not have equal access to power and resources compared to the dominant group based on racial, cultural and other differences.

“Model minority” myth: way to categorize and hold up racialized and other groups as an example or model based on the belief that they have conformed to colonial values and assimilated into society.

Oppression: systemic social inequity reinforced by social institutions that is also embedded within individual consciousness. Results from institutional and systemic discrimination and personal prejudice limiting and restricting opportunities and resources. Oppression works to benefit dominant or privileged groups and disempowers or subordinates others.

Patriarchy: a social system in which power is held by men through cultural norms and customs that favour men and withhold opportunity from women.

Poisoned environment: an environment that is made negative, hostile or unpleasant due to comments or conduct that tend to demean a group identified by one or more prohibited grounds under the Human Rights Code, even if not directed at a specific individual. A poisoned environment may result from a serious single event, remark or action. A poisoned environment can also result from workplace harassment.

Power: access to privileges such as information/knowledge, connections, experience and expertise, resources and decision-making that enhance a person’s chances of getting what they need to live a comfortable, safe, productive and profitable life.

Prejudice: negative prejudgment or preconceived feelings or notions about another person or group of persons based on perceived characteristics.

Privilege: unearned power, benefits, advantages, access and/or opportunities that exist for members of the dominant group(s) in society. It can also refer to the relative privilege of one group compared to another, and the experience of freedoms, rights, benefits, advantages, access, and/or opportunities on the basis of group membership or social context, which is denied or not extended to members of all groups.

Prohibited grounds of discrimination: the grounds upon which discrimination is prohibited under the Ontario Human Rights Code and the Human Rights Policy.

Race: a social construct to categorize people based on geographic, historical, political, economic and social factors. This social construction of race is called “racialization” and the process also contains a value judgement or response to individuals or groups. In addition to physical characteristics such as colour, some characteristics that are commonly racialized include language, accent, name, clothing, beliefs and practices. Racial categories are not based on science or biology but on differences that society has created (i.e., “socially constructed”), with significant consequences for people’s lives. Racial categories may vary over time and place and can overlap with ethnic, cultural or religious groupings.

Racialized: racialized persons and/or groups can have racial meanings attributed to them in ways that negatively impact their social, political, and economic life. This includes but is not necessarily limited to people classified as “visible minorities” under the Canadian Census and may include people impacted by antisemitism and Islamophobia.

Racism: a belief that one group is superior or inferior to others. Racism can be openly displayed in racial jokes, slurs or hate crimes. It can also be more deeply rooted in attitudes, values and stereotypical beliefs, and are assumptions that have evolved over time and have become part of systems and institutions. Racism includes ideas or practices that establish, maintain or perpetuate the racial superiority or dominance of one group over another.

Reprisal: penalizing or threatening to penalize a person for attempting to enforce their rights under the Human Rights Code and/or this policy (e.g., raising an issue, filing a complaint, submitting an accommodation request, or supporting someone in these activities), or for participating in the resolution of an issue or in an investigation of a complaint (e.g., students or employees who are parties or witnesses to discrimination or harassment). Reprisal may be subject to a complaint under this policy and related procedures, and may result in disciplinary measures, up to and including termination of employment. Reprisal does not include taking appropriate corrective and disciplinary action to address substantiated violations of the policy.

Sexism: prejudice, stereotyping, and discrimination directed against people on the basis of sex and/or gender identity/expression. Sexism may be evident in organizational and institutional structures, policies, procedures, and programs, as well as in the attitudes and behaviours of individuals.

Sexual harassment: a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity and gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome. This includes **sexual solicitation** or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

Social areas: the areas of life to which the Human Rights Code applies: employment; goods, services and facilities; housing; contracts; and membership in unions, trade and professional associations.

Stereotypes: incorrect assumptions based on ancestry, race, disability, gender identity, gender expression, sexual orientation, creed/religion and other Human Rights Code grounds. Stereotyping typically involves attributing the same characteristics to all members of a group regardless of their individual differences. It is often based on misconceptions, incomplete information and/or false generalizations.

Systemic barrier: a barrier embedded in the social or administrative structures of an organization, including the physical accessibility of an organization, organizational policies, practices and decision-making processes, or the culture of an organization. These may appear neutral on the surface but exclude members of groups protected by the Human Rights Code or may result in differential treatment.

Systemic discrimination: where systems, rules, policies, patterns of behaviour or practices that are part of the social or administrative structures or cultures of an organization (whether intentionally or unintentionally, and even if they may appear neutral) have a discriminatory impact on particular people or groups based on Human Rights Code grounds, or that create or perpetuate a position of relative disadvantage for groups identified under the Human Rights Code.

Targeted universalism: a principle that recognizes that everyone benefits from the targeted removal of systemic barriers faced by the most disadvantaged communities. Reducing barriers and disparities leads to a better environment for everyone.

Trans: an umbrella term referring to people whose gender identities differ from the sex they were assigned at birth. “Trans” can mean transcending beyond, existing between, or crossing over the gender spectrum. It includes but is not limited to people who identify as transgender, transsexual, non-binary or gender non-conforming (gender variant or genderqueer).

Transphobia: negative attitudes and feelings and the aversion to, fear or hatred or intolerance of trans people and communities. Like other prejudices, it is based on stereotypes and misconceptions that are used to justify discrimination, harassment and violence toward trans people, or those perceived to be trans.

Undue hardship: a legal test to describe the extent to which an organization must accommodate Human Rights Code related needs. It is a high standard and must be supported by objective, real and direct evidence, and can only be based on three factors: health and safety risks that cannot be mitigated, costs and outside sources of funding.

Universal Design for Learning: a teaching approach that focuses on using teaching strategies or pedagogical materials designed to meet individual needs to enhance learning for all students.

White supremacy: a racist ideology based on the belief that white identity is the norm, standard and ideal. “It does not refer to extreme hate groups or far right extremists. It is not about good and bad people. It is about the accumulation of social, cultural and institutional power that has and continues to advantage a group of people” (from *Addressing Anti-Asian Racism: A Resource for Educator*, TDSB and ETFO). It refers to the “pervasiveness, magnitude, and normalcy of white privilege, dominance, and assumed superiority in society” (from *Is Everyone Really Equal? An Introduction to Key Concepts in Social Justice Education*, Ozlem Sensoy, Robin DiAngelo).

Worker: Any person included in the definition of “worker” under the Occupational Health and Safety Act, including but not limited to regular, temporary, probationary employees, co-op students, contract employees and volunteers.

Workplace/working environment: Under the Occupational Health and Safety Act, any land, premises, location or thing at, upon, in or near which a worker works. It also includes:

- any place where individuals perform work or work-related duties or functions;
- DDSB offices and facilities, including eating, meeting and employee areas/lounges, and vehicles used for work purposes or on work property;
- conferences, workshops, training sessions, and staff functions (e.g., retirement celebrations), etc.; and
- in some instances, the use of social media where it is connected to the workplace environment or workplace relationships.

Xenophobia: attitudes, prejudices and behavior that reject, exclude and often vilify persons, based on the perception that they are outsiders or foreigners to the community, society or national identity. It is having or showing a dislike of or prejudice against people from other countries.

Sources:

- Addressing Anti-Asian Racism: A Resource for Educators (Toronto District School Board and the Elementary Teacher’s Federation of Ontario)
- Anti-Racism Directorate’s Anti-Racism Strategy and Data Standards for the Identification and

Monitoring of Systemic Racism

- DDSB's Indigenous Education Policy
- Ontario Human Rights Commission's policies and guidelines
- Ontario's Education Equity Plan
- The 519 Glossary of Terms
- Toronto District School Board's Human Rights Policy and Equity Policy



PROCEDURE

NAME OF GROUPING

DRAFT Human Rights, Anti-Discrimination and Anti-Racism

Adopted under the Human Rights, Anti-Discrimination and Anti-Racism Policy

- 1.0 Objective
 - 1.1 The objective of this procedure is to implement the Human Rights, Anti-Discrimination and Anti-Racism Policy (the "Human Rights Policy"), with a focus on proactive actions to promote, protect and uphold human rights and to identify, prevent and address all forms of discrimination and racism in the district's services, employment, and learning and working environments.
 - 1.2 This procedure includes:
 - a) specific employee, classroom and school, system department and organizational actions to uphold the Human Rights Policy and to support services, employment and learning and working environments free from discrimination; and
 - b) requirements to support equitable experiences, access and opportunities and to prevent discriminatory outcomes for students and employees.
 - 1.3 This procedure also supports the Board's Human Rights Policy to intentionally address anti-Indigenous racism, anti-Black racism, anti-Asian racism, anti-Latin American racism, all other forms of racism, Islamophobia/anti-Muslim hate, antisemitism, other forms of religious discrimination, ableism, homophobia, biphobia, transphobia, and all other forms of discrimination and hate in DDSB learning and working environments.
 - 1.4 Additional procedures are adopted under the Human Rights Policy to address human rights accommodation requests, issues, incidents and complaints.
 - 1.5 This procedure shall be read in conjunction with the Human Rights Roles, Responsibilities and Accountability Framework adopted under the Human Rights Policy. The policy and framework define Duty Bearer responsibilities for all DDSB employees to uphold the objectives and requirements of the policy.
 - 1.6 The Director of Education and designates may take additional approaches and implement other procedures, initiatives or actions to address specific (e.g., racism, ableism, homophobia, biphobia, transphobia, faithism, etc.) and intersecting forms of discrimination, and classism.
- 2.0 Definitions
 - 2.1 This procedure refers to certain terms related to human rights and equity that are defined in Appendix A (Glossary of Terms) of the Human Rights Policy.
- 3.0 Procedure
 - 3.1 This procedure applies to all students, employees and district community members and to all Human Rights Code related grounds (and intersection of grounds) as set out in the Human Rights Policy.
 - 3.2 All organizational practices and decision making will comply with this procedure and uphold the strategic direction of the Human Rights Policy.

- 3.3 The successful implementation of this procedure requires ongoing collaboration and engagement with the district's communities, including internal departments, employee groups/federations and community partners. Student, employee and community voice and engagement is critical to help the district identify, address and prevent discriminatory behaviours, barriers, actions, experiences and outcomes. The district will engage students, employees and communities on initiatives that affect them ("nothing for/about us without us").
- 3.4 It is recognized that students, employees and other community members may be at different stages of awareness and understanding of the impacts of various forms of oppression, discrimination and racism and underlying ideologies, and that this learning may take time. In addition, some elements of the procedure require system changes that may also require time to develop and implement.
- 3.5 However, the Human Rights Policy recognizes the ongoing impacts and harm caused by discriminatory structures, policies and practices that deeply affect students, employees and communities, and that prompt action is required to address those impacts and to prevent further or ongoing harm.
- 3.6 Each system department is required to develop and implement action plans to meet the objectives and requirements set out in the Human Rights Policy, accountability framework and this procedure, with a focus on individual, departmental and organizational roles, responsibilities and accountabilities to build capacity, promote human rights and prevent, address and correct discrimination and discriminatory barriers.
- 3.7 All schools and system departments will:
- a) promote and protect human rights in their work, actions and interactions;
 - b) review the requirements of the policy, procedure and accountability framework;
 - c) critically and carefully examine their processes, practices, decision making and department/school/district student and employee data and consider potential discriminatory barriers, experiences, processes, impacts and outcomes; and
 - d) adjust, remove or develop new structures, practices and decision-making processes to align with the policy and procedure and to address discriminatory barriers, experiences, impacts and outcomes.
- 3.8 All employees within the scope of their job duties, role, authority, influence and responsibilities will apply human rights, anti-discrimination, anti-racism and accessibility principles and actions, and shall be informed by, apply, incorporate the principles and requirements of and/or implement the following in their work:
- a) the Indigenous Education Policy and related procedures;
 - b) the DDSB's Accessibility Plan;
 - c) Universal Design for Learning (UDL), inclusive design, and differentiated instruction, assessment and evaluation;
 - d) the Equity Continuum: Action for Critical Transformation in Schools and Classrooms;
 - e) Culturally Relevant and Responsive Pedagogy (CRRP) and critically conscious practitioner inquiries;
 - f) the Compendium of Action for Black Student Success; and
 - g) additional new tools and resources to support anti-discrimination, as they are developed and become available.

Universal Design for Learning (UDL)

- 3.9 Employees must consider UDL principles in all their work and interactions that involve or affect students. UDL emphasizes equal participation and recognizes that all students have individual identities, abilities, strengths and needs. It involves and considers:
- a) developing flexible ways to learn and providing students with choice;
 - b) creating an engaging classroom and school environment;
 - c) maintaining high expectations for all students while allowing multiple ways to meet expectations;
 - d) empowering educators to think differently about their own teaching;
 - e) focusing on educational outcomes for all;
 - f) designing classroom experiences and implementing curricula that meet and adjust to the requirements of all students;
 - g) flexible and multiple forms of assessments and evaluations that recognize individual progress and provide a variety of methodologies for students to demonstrate their learning; and
 - h) offering multiple means of:
 - representation to give learners various ways of acquiring information and knowledge;
 - formative assessments prior to summative evaluations; and
 - engagement to tap into learner's interests, challenge them appropriately and motivate them to learn.

Inclusive Design

- 3.10 Employees must also apply inclusive design principles to their work. Inclusive design:
- a) emphasizes inclusion, accessibility, barrier-free environments and equal participation of individuals and groups with diverse identities and varying levels of ability; and
 - b) requires those who develop or revise programs, procedures, standards, requirements and facilities to proactively:
 - design with everyone in mind to include people and groups with diverse identities and to be aware of differences among individuals and groups;
 - identify and prevent barriers to inclusion and to maximize a person's ability to independently access and participate in services and employment without discrimination; this means:
 - identifying and preventing barriers and adjusting structures and assumptions that may otherwise exclude people based on Human Rights Code related identities;
 - developing equitable standards or requirements; and
 - incorporating accessibility standards and meeting legal requirements under the Accessibility for Ontarians with Disabilities Act.

3.11 The District's Inclusive Design Lens provides further guidance to support inclusive design principles, including:

- a) engaging student voice: students' voices are part of the programming and learning experience;
- b) engaging parents/families and communities: honouring the experiences of parents, families, caregivers and community members in classroom, school and system practices;
- c) analyzing data: knowing who students and employees are and drawing on their knowledge, experiences and perceptions to maximize their strengths and help them grow;
- d) environment as third teacher: the environment shows that learners and their experiences and realities are valued;
- e) designing instructional and professional learning: programming is authentic and reflective of the lived experiences and perspectives of learners; and
- f) building leadership capacity: intentionally creating successful entry points into leadership for students and employees.

3.12 All employees, at all levels, schools and system departments, are required to:

- a) lead by demonstrating respectful behaviours and decision-making that are grounded in policies and procedures;
- b) develop/enhance their understanding of (and commit to ongoing learning and reflection about) human rights, anti-discrimination and anti-racism, including how privilege, positionality, power, oppression and dominant narratives and ideologies (including and not limited to white supremacy, racism, ableism, sexism, heteronormativity, cisnormativity, faithism, etc.);
 - shape and inform assumptions and beliefs, and affect structures, policies, practices, decision making and actions;
 - operate in district services, employment and learning and working environments;
 - perpetuate discrimination, marginalization and harm; and
 - result in barriers and inequitable access, experiences and outcomes for students, employees and communities;
- c) critically reflect, analyze and challenge their own privilege, positionality and actions and existing structures that are based on colonial, oppressive, racist, ableist, sexist, heteronormative, homophobic, cisnormative, transphobic, faithist and classist ideologies that negatively and disproportionately affect students, employees and community members based on Human Rights Code grounds and combination of grounds and:
 - consider how their decisions and actions affect communities/groups that are discriminated against, marginalized and minoritized, including and not limited to English language learners, undocumented children, children and youth in care;
 - act to prevent and not perpetuate discrimination and harm; and
 - apply human rights and anti-discrimination principles to all decisions, interactions and actions; and
- d) always consider the rights of the child/student and the best interests of the child/student in decision making and check that they are not relying upon discriminatory biases, stereotypes, assumptions and attitudes/beliefs about the child/student, their family/caregiver or community. In doing so, they should, as they deem appropriate:
 - consult with the child/student and their family/caregiver; and
 - consult with their supervisor, who may engage with district resources and subject matter expertise (e.g., Indigenous Education, Equity, Inclusive Student Services, Mental Health and Well-Being, Positive School Climate, community members, etc.).

3.13 This procedure sets out additional specific actions and requirements related to:

- a) practices in classrooms, schools and learning environments that affect students;

- b) employees and system departments that support students, schools and classrooms; and
- c) working environments and practices that affect employees.

Classrooms, Schools and Learning Environments

3.14 School/classroom-based educators, and all employees who work and interact with students or who support schools and classrooms, must apply human rights, anti-discrimination, anti-racism, accessibility, UDL and inclusive design principles to all aspects of school and classroom practices. This includes using the Equity Continuum's indicators and "look-fors" across its seven tenets/areas:

- a) classroom climate and instruction;
- b) school climate;
- c) student voice and space;
- d) family/caregiver school relations;
- e) school leadership;
- f) community connections; and
- g) culture of professional development.

3.15 Employees will take concrete actions to:

- a) consider, reflect and respond to students' diverse and intersecting identities, abilities, strengths and needs;
- b) identify, prevent and address:
 - discriminatory biases, stereotypes and assumptions;
 - inequitable structures, process and barriers for students; and
 - disproportionate opportunities, experiences and outcomes;
- c) prevent harm; and
- d) support learning environments that are intentionally and meaningfully inclusive, responsive and authentic for all learners.

Curriculum, Pedagogy and Resources

3.16 Educators are to apply the principles of the Human Rights Policy and this procedure when delivering/implementing curriculum, programs, pedagogical and instructional approaches and practices, learning materials (including books, videos, etc.), teaching/lesson plans and resources. This means that educators will:

- a) work to build appropriate and supportive relationships with all students, parents/guardians/families to better understand their identities and perspectives;
- b) thoughtfully and respectfully:
 - centre students in instruction so that all students feel visible, heard, valued, and know that they matter and belong;
 - reflect, lift up, represent and positively promote students' identities and voices; and
 - affirm and foster the expression of students' diverse felt, lived and intersecting identities based on ancestry, race, disability, sexual orientation, gender identity, gender expression, creed/religion, and all other Human Rights Code grounds and/or combination of grounds;
- c) provide appropriate learning opportunities and integrate content that enhances understanding, respect and appreciation for multiple and intersecting social identities, including the diverse identities, voices, stories, cultures, histories, experiences and perspectives of the communities the district serves and of Ontario;
- d) teach complete and accurate histories and narratives in accordance with district protocols and additional procedures, including:
 - the impacts of colonialism, oppression and historical and ongoing systemic discrimination; and

- examples of resistance to discrimination and stories of agency, excellence and joy; this includes and is not limited to:
 - promoting historical and contemporary successes and accomplishments of Indigenous peoples, Black peoples, racialized people, women, people with disabilities, people who identify as members of 2SLGBTQI communities, people who practice various creeds/religions, etc. and people with intersecting identities;
 - recognizing their valuable contributions throughout the year (and not only during days/months of significance);
 - embedding these into respectful practice, without appropriation;
- e) provide resources and materials that challenge racism, sexism, ableism, homophobia, transphobia, faithism and all forms of discrimination;
- f) remove resources that contribute to or perpetuate discriminatory biases, assumptions, or stereotypes, in consultation with system leads where required;
- g) consider and strive to address the unique strengths and needs of, and barriers for, newcomers, undocumented students, English language learners and children and youth in care; and
- h) promote global competencies, social justice, human rights, anti-discrimination and responsible citizenship.

3.17 The foregoing requires educators to:

- a) identify how and where power, privilege and oppression operate in learning environments and intentionally decentre, counter and explicitly address white supremacy, racism, ableism, sexism, homophobia, biphobia, transphobia, faithism and dominant narratives and ideologies in classrooms and schools;
- b) not include (and to not permit others to use) harmful, derogatory and discriminatory content or language including but not limited to racist, ableist, xenophobic, sexist, gendered, homophobic, biphobic, transphobic and faithist slurs and epithets; and
- c) not expect or rely on students who identify as members of communities that are discriminated against, marginalized or minoritized to speak to their community's histories and experiences.

Learning environments, activities and events

3.18 Educators are to apply the principles of the Human Rights Policy and this procedure to create and maintain welcoming, accessible, inclusive and equitable learning environments, classrooms, schools and displays that reflect diverse identities, prevent and address barriers, are not discriminatory and do not create or reinforce inequities. This includes and is not limited to:

- a) promoting anti-racism, anti-ableism, anti-sexism, anti-homophobia, anti-biphobia, anti-transphobia and anti-faithism;
- b) affirming and reflecting all identities in classroom and school environments and displays (e.g., posters, visual displays, content, etc.);
- c) maintaining libraries with books and other resources that reflect diverse identities, authors, perspectives and lived experiences, in accordance with guidance from system leads;
- d) using gender neutral and inclusive pronouns, language, and activities;
- e) implementing the actions outlined in the Human Rights Inclusive Design and Accommodation *[working title]* procedure to address barriers related to ancestry, race, disability, gender identity, gender expression, creed/religion and intersecting grounds;
- f) considering and addressing discriminatory experiences, barriers, impacts and outcomes:
 - that prevent students from participating in or accessing class/school practices, events and activities [e.g., opening exercises, schedules, "spirit" days, fundraising events (e.g., pizza days), cafeteria and catering food options and dietary restrictions, spaces to practice faith beliefs, school trips, clubs, affinity groups,

- extracurricular activities, sports teams, team/school logos and mascots, graduation ceremonies, etc.];
- for student leadership opportunities and events; and
- when granting awards and scholarships;
- g) being attentive and sensitive to, and taking appropriate action to address, potential discrimination and harassment against students; and
- h) supporting affinity groups for communities that are discriminated against, marginalized and minoritized.

Guidance, Assessment and Evaluation

3.19 This procedure also engages:

- a) guidance practices, including supporting pathways to success that are to reflect and respond to students' abilities, strengths and post-secondary choices, and are not based on biases, assumptions and stereotypes rooted in racism, sexism, ableism, homophobia, biphobia, transphobia, faithism, other forms of discrimination and classism;
- b) culturally relevant, appropriate and responsive clinical practices and mental health and well-being resources that:
 - recognize that school-based and other experiences of discrimination affect mental health and well-being, can cause or trigger trauma and harm, and may impact physical and psychological safety, student engagement and achievement; and
 - reflect and address the needs of diverse communities and support trauma-aware, trauma-informed and healing-centred approaches, in addition to steps to address and prevent discrimination;
- c) analyzing structural and individual biases in assessment, evaluation and placement theories, processes, decisions and appeals so that they are asset-based and do not reflect deficit, discriminatory and classist ideologies, assumptions and stereotypes about Indigenous students, Black students, racialized students, students with disabilities, students who identify as members of 2SLGBTQI communities, students who identify as members of a religious/faith groups that are discriminated against, minoritized and marginalized, newcomers, English language learners and children and youth in care; this includes and is not limited to:
 - learning skills assessments; and
 - special education and other placement decisions; and
- d) reviewing and acting on the results of student achievement data and other indicators of student engagement and success to address systemic issues, disparities and disproportionate outcomes.

Classroom Management and Discipline

3.20 This procedure also applies to developing and enforcing fair, equitable, anti-discriminatory and anti-racist formal and informal school and classroom rules, practices, expectations, initiatives, programs and/or decisions related (and not limited) to:

- a) Codes of Conduct, Dress Codes, health and safety standards, attendance and other policies, procedures and practices to address disproportionate experiences and outcomes for Human Rights Code protected groups;
- b) challenging how behaviour is interpreted based on privilege, power, ideologies, biases, stereotypes and assumptions (e.g., depictions and stereotypes based on race, disability, sexual orientation, gender identity, gender expression, creed/religion, language, appearance/dress and classism; for example, the criminalization of students, the "model minority myth," etc.);
- c) positive school climates, including addressing:
 - bullying, harassment and other discriminatory behaviours against students based on their identities (or perceived identities);

- behaviours that may be in response to harassment and discrimination or that may stem from unaddressed Human Rights Code related barriers and needs; and
 - the over-scrutiny/over-surveillance of students, and unnecessary response escalation, based on ancestry, race, gender, disability and other Human Rights Code grounds;
- d) referrals to the principal's office;
- e) making assessments as to whether circumstances exist to trigger reporting or referrals to police services, the Children's Aid Society and other external agencies or organizations;
- f) disciplinary decisions and outcomes, including exclusions, suspensions and expulsions; discipline processes must consider:
- human rights and other mitigating factors;
 - the disproportionate harm and impacts of exclusion, suspension and expulsion on racialized students and students with disabilities;
 - alternatives to exclusion, suspension and expulsion; and
 - restorative practices; and
- g) all other school and classroom management practices and decision making that affect students and adjusting practices or decision making to address potential discriminatory barriers, experiences and outcomes.

School and Community Engagement

3.21 These requirements also apply to:

- a) student, parent/caregiver and community engagement initiatives, including strategies to engage communities that are discriminated against, marginalized and minoritized (see sections 3.23 and 3.46);
- b) School Community Council activities and events (see section 3.28);
- c) community partnerships (i.e., not partnering or enter into contracts/agreements with community groups or organizations that do not support or uphold human rights, anti-discrimination principles or the district's commitments and values) (see sections 3.25 and 3.26);
- d) all communications and interactions with students, parents/caregivers and community members, including the use of inclusive, non-discriminatory language and approaches and not relying on stereotypes and assumptions about family structures, parenting styles, etc.;
- e) parent/community member and employee reception at schools and offices (e.g., during meetings, phone calls, etc.); and
- f) the development and implementation of school learning/improvement plans and professional development plans that include, reflect and address these requirements.

Freedom of Expression and Upholding Human Rights

3.22 The district recognizes the Canadian Charter of Rights and Freedoms and the importance of the freedom of thought, belief, opinion and expression. These rights and freedoms are subject to "reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society." The district recognizes that an individual's rights may conflict with another individual or group's rights and that:

- a) no rights are absolute;
- b) the district has a responsibility to respect the rights and freedoms of others, including the right to learn and work in environments free from discrimination and hate/hate speech;
- c) discrimination can affect physical and mental health and well-being and can cause trauma and harm, especially for communities that are marginalized and minoritized; and
- d) promoting and protecting the rights of the child/student and preventing trauma and harm in district learning and working environments, may place limits on Charter freedoms in certain situations.

Community Engagement and Partnerships

- 3.23 The district recognizes the valuable role that community members play in equitable educational services and employment. Engagement strategies will invite and encourage engagement with the district's diverse communities to support the implementation of:
- a) elements of this procedure; and
 - b) other human rights related procedures and initiatives.
- 3.24 Employees assigned to Board committees by the Director (as a staff resource) will provide guidance and assistance to the committee Chair or co-Chairs to help integrate human rights, anti-discrimination and anti-racism principles into committee practices and activities.
- 3.25 The Director and designates will apply human rights, anti-discrimination and anti-racism principles to its processes for, selection of and formal and informal agreements with community organizations and business partners and groups that work with or in DDSB schools, on DDSB premises or in other DDSB learning and working environments.
- 3.26 The DDSB will not enter into partnerships with community groups and organizations whose mandates/objectives conflict with the district's values and commitments as set out in the Human Rights Policy and this procedure. This includes community fundraising efforts, donations (e.g., food, clothing and toy drives), community use of schools permits and other partnerships. Wherever possible, the district will partner with community groups and organizations that actively demonstrate their support for human rights, anti-discrimination, anti-racism and for communities that are discriminated against, marginalized and minoritized.
- 3.27 The Board has embedded Human Rights principles into its Community Use of Schools Policy.
- 3.28 School Community Councils must comply with the Human Rights Policy and procedures within the scope of their mandate, responsibilities and activities.

Supporting Schools and Classrooms: Academic Services

- 3.29 The Director of Education and designates shall apply and embed human rights, anti-discrimination and anti-racism principles into, and address barriers in, all aspects of academic services and operations to support staff in fulfilling the requirements and responsibilities outlined in this procedure. This includes and is not limited to:
- a) educational and operational procedures, protocols as to programs, curriculum, learning materials and resources (including providing guidance on resources);
 - b) protocols for educator assessment and evaluation and related tools and resources;
 - c) mental health and well-being programs, services, resources and supports for students;
 - d) clinical and professional services and supports; and
 - e) strategies, initiatives and resources to support student success, inclusive student services, outdoor education, English language learners, newcomers, undocumented students/families, children and youth in care, early years, the poverty strategy and positive school climates.
- 3.30 The Director of Education and designates shall also:
- a) include role specific human rights responsibilities and accountabilities in learning, professional development and leadership opportunities (including but not limited to the New Teacher Induction Program (NTIP), aspiring leaders programs, etc.);
 - b) support the implementation of the Indigenous Education Policy, the Equity Continuum, UDL, inclusive design, the Accessibility Plan, culturally relevant and responsive pedagogy, differentiated instruction and the Compendium for Black Student Success; and

- c) promote and champion human rights, anti-discrimination, anti-oppression and anti-racism through:
 - consulting, knowledge building, coaching, mentoring, job embedded learning and critical consciousness practitioner inquiries to challenge positionality, privilege and discriminatory ideologies; and
 - collaborating with internal and external resources and subject matter expertise (e.g., Indigenous Education, Equity, Inclusive Student Services, Positive School Climates, Human Rights and Equity Advisor, affinity groups, community organizations and partners, etc.).

Supporting Schools and Classrooms: Corporate Services

3.31 The Director of Education and designates shall address human rights anti-discrimination and anti-racism in all aspects of employment and human resources, by adopting and implementing Human Resources protocols that embed human rights, anti-discrimination and anti-racism principles into each of the following:

- a) assessing staffing needs, creating job descriptions, planning and conducting outreach strategies and developing job postings;
- b) recruitment, selection, onboarding, orientation and retention processes, initiatives and strategies;
- c) coaching, mentoring, leadership and professional development opportunities, projects and assignments;
- d) employee relations processes, issues and considerations;
- e) advice and support to managers and supervisors who are engaging in courageous conversations with employees and addressing employee issues;
- f) performance evaluations/appraisals and performance management and improvement plans;
- g) transfers and promotions;
- h) succession planning;
- i) corrective and disciplinary processes;
- j) exits and termination of employment;
- k) human resources tools and supports for managers/supervisors;
- l) training and professional development for human resources staff; and
- m) all other human resource administration and staffing decisions and functions.

In undertaking the foregoing, workforce and student census data will help inform decision making.

3.32 The district will adhere to the Equitable Recruitment policy, procedure and guidelines to support section 3.31 and to implement fair, consistent and transparent hiring procedures and practices to attract, recruit and retain a qualified and diverse work force that:

- a) reflects the diverse communities the district serves (and its changing demographics) and of Ontario; and
- b) has the knowledge, skills, attributes and lived and other experiences to best support students and to effectively respond to the diverse identities, strengths, needs and experiences of the district's communities.

3.33 The Director of Education and designates will also promote human rights and identify, address and prevent discrimination and human rights related barriers in employee:

- a) wellness programs, including resources and supports for employees;
- b) health and safety programs and resources, including psychological safety; and
- c) accommodation processes, including abilities management and return to work processes.

3.34 The Director of Education and designates will apply and embed human rights, anti-discrimination and anti-racism principles into, and address barriers in, all aspects of corporate services, procedures, practices and protocols, including as to:

- a) recommendations to the Board to support the Board of Trustee's decision making on policy and budget;
- b) decisions related to resource allocations, including considering equitable resources for:
 - schools in high priority/low socioeconomic areas to address systemic barriers and imbalances (for example, in school funding formulas, local school fundraising efforts, participation in school activities and events, etc.);
 - initiatives and professional development that support the objectives of the Human Rights Policy, related procedures, the accountability framework and other human rights related initiatives; and
 - financial and business planning including:
 - recommendations that include human rights barrier identification, removal and accommodation costs that are appropriately spread as widely as possible throughout the organization; and
 - ensuring that funding for Indigenous, anti-discrimination, anti-racism and equity initiatives are appropriately prioritized and applied;
- c) business relationships and partnerships, procurement, tendering and vendor selection processes for all business dealings and contracts (for example, food services, catering, community use of schools permits, etc.); this includes and is not limited to:
 - applying human rights related commitments and requirements in vendor selection criteria;
 - where appropriate, supporting local businesses:
 - owned/operated by members of groups that are discriminated against, marginalized and minoritized;
 - who can support the district in addressing barriers and accommodating diverse student and employee needs; and
 - that demonstrate their commitment to human rights, anti-discrimination and anti-racism;
- d) engaging with appropriate district communities on the design and implementation of projects and initiatives (e.g., new builds, school names, boundary reviews, etc.); this includes engaging with Indigenous communities when planning, designing and constructing new buildings and facilities;
- e) equitable, accessible and anti-discriminatory services, supports and resources, including but not limited to supporting and upholding Indigenous rights, inclusive design, UDL, AODA and Human Rights Code principles and requirement and addressing related barriers and needs in:
 - the design, construction and renovation of physical spaces [for example, universal/all gender washrooms, option for private physical education change areas, and spaces and/or design elements to support or facilitate accommodation needs (e.g., Indigenous cultural and spiritual practices, special education, creed/religion, breastfeeding/expressing breast milk and other Human Rights Code related needs)];
 - accessible and inclusive student transportation services;
 - Information Technology projects, resources, access, information security, asset management and services (e.g., to consider and address barriers for students, employees and community members or that may otherwise impact accommodations and equitable access, including but not limited to chosen names, pronouns and diverse gender markers in databases, electronic forms, related reports, etc.);
 - health and safety planning and programs;
 - maintenance, building operations, custodial services and supplies and community use of schools;

- interactions with students, parents/caregivers and community members in the course of their duties; and
- all other corporate services functions.

Working Environments for all Employees

- 3.35 All employees have the right to, and have roles and responsibilities to contribute to, an inclusive, safe, equitable, welcoming, respectful and accessible work environment free from discrimination, oppression, harassment and harm. This applies to all aspects of working environments, employment and the employment cycle.

Organizational Culture of Human Rights

- 3.36 To support collaboration, integration and individual and shared organizational roles, responsibilities and accountabilities, the Director of Education and designates will embed and apply human rights, anti-discrimination and anti-racism principles to the design and protocols for implementation of, and to specific initiatives within:

- a) recommendations to the Board of Trustees about the Multi-Year Strategic Plan;
- b) strategic and operational priorities, goals, strategies and initiatives;
- c) system departmental plans;
- d) school improvement/learning plans;
- e) human resources processes and activities (see sections 3.31 to 3.33);
- f) learning and professional development plans;
- g) all service/operational and employment/Human Resource Services related policies, practices, procedures and decision-making processes; and
- h) employee performance appraisals and learning plans.

- 3.37 The Director of Education and designates shall review and update, as necessary, these initiatives, strategies and plans with a focus on:

- a) specific actions and measures to address the requirements of the Human Rights Policy, procedures and accountability framework;
- b) promoting human rights, anti-discrimination and anti-racism;
- c) supporting inclusive design, UDL, accessibility, integration, participation and inclusion; and
- d) identifying, preventing and addressing barriers and adverse discriminatory impacts.

- 3.38 The Director of Education and designates may implement special initiatives/programs or additional procedures, strategies, plans or actions to address unique and intersecting forms of discrimination against students and employees based on ancestry, race, sex, disability, sexual orientation, gender identity, gender expression, creed/religion, and any other Human Rights Code related ground or combination of grounds. The district will engage and co-create any such programs with communities the district serves and those who are most affected by the program.

Data Collection, Evaluation and Reporting

- 3.39 The Director of Education and designates will develop and implement a human rights evaluation plan that includes:

- a) administering surveys and/or other research tools to:
 - collect student and employee Human Rights Code related identity data, including intersectional identity data;
 - gather information about human rights related experiences;
 - prioritize the stories and lived experiences of students, employees and communities who are marginalized, minoritized and most impacted by discrimination and racism; and

- regularly review and act on changing district and school community demographics;
- b) conducting research on trends and promising practices in human rights, equity, anti-oppression, anti-discrimination and anti-racism in education and employment;
- c) analyzing disaggregated data and using anti-discriminatory and anti-racist approaches to identify issues, themes/trends, barriers, and disproportionate and intersectional impacts in:
 - services and student experiences and outcomes, including (among other things): Student Census and School Climate surveys, academic placements, course enrolments, access to programs, achievement and learning skills, well-being, bullying/safety, attendance, Education Quality and Assessment Ontario (EQAO) test scores, credits granted to students, graduation metrics, post-secondary access (i.e., university and college applications and confirmations), accommodations, special education identifications, special education class placements, awards and scholarships, discipline (e.g., suspensions and expulsions), curriculum development, extra and co-curricular engagement, and human rights issues and complaints and resolutions/results;
 - employment including (among other things): Workforce Census and employee experience surveys, recruitment, selection, accommodations, workplace conditions and experiences, retention, access to developmental opportunities, volunteer recruitment, promotions, discipline, workforce data, terminations, exits, and human rights issues and complaint and resolutions/results;
- d) using the data to inform revisions to (or to develop new) strategies, policies, procedures, professional development, training, tools, resources and accountability measures to address disproportionalities, and may include conducting system or organizational culture reviews;
- e) considering additional data, research and other approaches that may be required to identify, assess and address potential barriers and differential or disproportionate experiences and outcomes, or to meet the objectives of the Human Rights Policy and this procedure;
- f) developing key performance indicators and evaluating and reporting on the implementation and effectiveness of the Human Rights Policy and its related procedures in achieving their objectives; and
- g) consulting with community partners on all aspects of data collection and evaluation, including recommendations on analyzing and addressing trends and findings. This includes engaging Indigenous communities on approaches and perspectives on sources and types of data, data collection, analyses and evaluation.

3.40 The evaluation plan will align with data collection and evaluation requirements as set out in the Anti-Racism Directorate's *Data Standards for the Identification and Monitoring of Systemic Racism*.

Students, Parents/Families/Caregivers and Community Members

- 3.41 All students, parents, caregivers, community members and all other visitors are expected to treat all other DDSB community members with dignity and respect and to not engage in discriminatory and harassing behaviour in DDSB learning and working environments.
- 3.42 The Code of Conduct and the Student Human Rights Issues, Incidents and Complaints Resolutions [*working title*] procedure sets out expectations, the process for raising issues and complaints and the steps that will be taken to address discrimination and harassment.

Communications and Information Sharing

- 3.43 The Director and designates will communicate about and publicly post this procedure so that students, families, employees, community members and visitors, etc. can access and are aware of this information. Alternative formats will be made available upon request.
- 3.44 The district will reference this procedure in School Codes of Conduct, School Handbooks, newsletters, reports, school websites and other appropriate communication tools, and will provide this procedure to School Community Councils and volunteers.
- 3.45 All district communications and websites will be accessible and comply with requirements under the Human Rights Code and the Accessibility for Ontarians with Disabilities Act. All posted images and graphics will be inclusive and representative of the district's diverse communities.
- 3.46 The Director of Education and designates will develop and implement a communications and engagement plan to help promote human rights and to:
- a) raise awareness among students, families/caregivers, employees and communities about their responsibilities and their rights, including the right to non-discrimination and accommodation, and how to assert these rights;
 - b) raise awareness among employees about their human rights related roles, responsibilities and accountabilities, and that human rights violations have consequences;
 - c) embed human rights, anti-oppression and equity principles into all communications;
 - d) identify and address communication barriers, and enhance accessible communications and engagement opportunities for all community members;
 - e) invite consultation and engagement on key initiatives and strategies, including ongoing updates to this procedure and related policy; and
 - f) provide regular progress reports on initiatives to address systemic issues and the outcomes of those initiatives.

Review Process

- 3.47 The Director of Education and designates will review and update this procedure as required and at least every five years. To support the review process, the review will include:
- a) data (for example, School Climate and Well-Being survey data, Student Census/Identity survey, Workforce Census data, complaints data, accommodations data, etc.); and
 - b) wide consultation with students, employees, parents/caregivers/guardians, School Community Councils and community partners.
- 3.48 The district will follow the DDSB Policy Consultation process and will communicate consultation meetings and methods (e.g., surveys, focus group meetings and or formal meetings) with all stakeholders.
- 3.49 The district will share the consultation results with all stakeholders.

4.0 Reference Documents

4.1 Policies

- Indigenous Education
- Consultative Process
- Equity and Inclusive Education
- Equitable Recruitment
- Positive School Climates
- Workplace Harassment and Workplace Sexual Harassment

4.2 Procedures

- Classroom Practices: Teaching and Learning

- Equity and Inclusive Education
- Equitable Recruitment
- Positive School Climates
- Workplace Harassment and Workplace Sexual Harassment

4.3 Other Documents

- Universal Declaration of Human Rights
- United Nations Convention on the Rights of the Child
- Charter of Rights and Freedoms
- Ontario Human Rights Code
- Anti-Racism Act
- Accessibility for Ontarians with Disabilities Act
- Occupational Health and Safety Act
- Education Act
- Ontario Human Rights Commission's policies, guidelines, reports and resources
- Anti-Racism Directorate's Anti-Racism Policy, Anti-Racism Strategy and Data Standards for the Identification and Monitoring of Systemic Racism

Appendix:

None

Effective Date

YYYY-MM-DD

Amended

YYYY-MM-DD

Draft Procedure under the Human Rights Policy: Roles, Responsibilities and Accountability Framework

1. Objectives

The Human Rights, Anti-Discrimination and Anti-Racism Policy (the “Human Rights Policy”) requires the district to implement a human rights roles, responsibilities and accountability framework to support individual and organizational roles and responsibilities in meeting the policy’s objectives. This procedure:

- a) is adopted under the Human Rights Policy in order to implement an accountability framework for DDSB employees; and
- b) must be applied to the implementation of the Human Rights Policy and its related procedures.

Pursuant to the Human Rights policy and this procedure, the DDSB is committed to:

- a) promoting, protecting and upholding the distinct rights of Indigenous Peoples and human rights, and proactively preventing discrimination
- b) taking intentional human rights, anti-discriminatory and anti-racist approaches and actions to support equitable experiences, opportunities and access and to prevent disproportionate outcomes for students and employees; and
- c) providing services, employment and learning and working environment that are safe, welcoming, respectful, inclusive, equitable, accessible and free from discrimination, oppression, harassment and harm.

As a publicly funded school board, the district is accountable to the students and communities it serves. The district will take intentional steps to fulfill human rights responsibilities and assess and report on its efforts to support an accountable human rights organization.

2. Responsibilities and Accountability

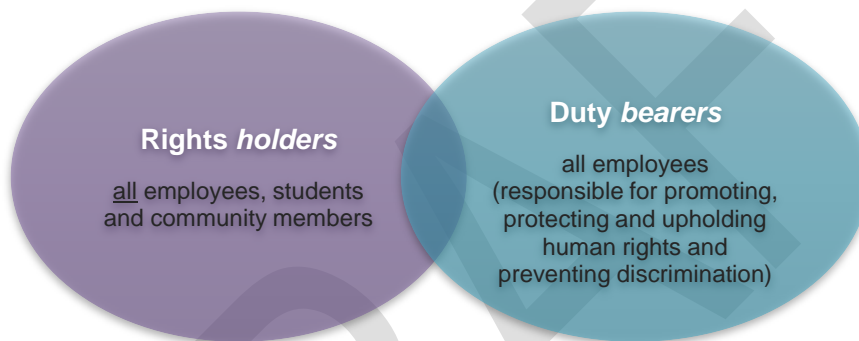
Responsibility in this procedure references the duty to fulfill a role, make a decision or take a specific action. Responsibility may be delegated based on individual roles and level or scope of authority.

Accountability in this procedure references being responsible for and being able to explain decisions and actions. It also refers to the consequences of not fulfilling responsibilities appropriately, including where this leads to discriminatory effects, experiences and/or outcomes. Accountability cannot be delegated.

Responsibilities and accountabilities:

- a) are key parts of supporting, promoting and protecting human rights and meeting requirements under the Human Rights Policy and procedures; and
- b) can be described as the relationship between:
 - **rights holders:** all employees, students and community members¹
 - **duty bearers:** employees in the organization who are responsible for promoting, protecting and upholding human rights and preventing and addressing discrimination against rights holders (in other words, all employees).

Under the Human Rights Policy, the term “duty bearer” includes all employees and temporary, casual and contract staff, volunteers, university and college students on placement, interns and any other person included in the definition of “worker” under the Occupational Health and Safety Act.)



3. Duty Bearer Responsibilities

All Duty Bearers are responsible for:

- a) upholding the Human Rights Code and Human Rights Policy and procedures;
- b) not engaging in discrimination and harassment;
- c) contributing to and supporting:
 - safe, welcoming, equitable, respectful, accessible and inclusive environments free from discrimination, oppression, harassment and harm; and
 - organizational human rights responsibilities;
- d) understanding, applying and fulfilling their duty bearer roles and responsibilities; and
- e) contributing to school, department and system level responsibilities and accountabilities.

¹ Although students, parents and community members are not “Duty Bearers” under the Human Rights Policy, they are bound by the Code of Conduct under the terms of which they are expected to respect the dignity and rights of others (including other students, employees, visitors, etc.) and to not engage in discriminatory or harassing behaviors in district learning and working environments

Under the Human Rights Policy, all Duty Bearers have human rights responsibilities **within the scope of their roles, authority and influence** to:

1. **promote and protect** human rights and provide DDSB community members (rights holders and duty bearers) with information about their rights and responsibilities;
2. **identify, prevent and address** human rights barriers and discriminatory structures in learning and/or working environments (for example, classrooms, schools, offices, job sites, etc.) and in all services and operational and employment related policies, procedures, practices, teaching and learning, plans, initiatives and decision making;
3. **respond** to and address human rights barriers, issues and accommodation requests under the Human Rights Code for all DDSB community members;
4. **learn** about the Human Rights Policy and related procedures so that all Duty Bearers have knowledge, skills, learning and resources to apply human rights, anti-discrimination and anti-racism principles to their jobs/roles, decision-making and interactions with DDSB community members; and
5. **correct** and address human rights issues, incidents and complaints.

For administrators, supervisors, managers and senior leaders, these responsibilities also include the following:

- a) not condoning discrimination and harassment;
- b) addressing human rights issues, complaints and accommodation requests fairly and effectively;
- c) leading/championing the implementation of the Human Rights Policy and procedures;
- d) holding employees accountable for meeting duty bearer responsibilities and other responsibilities set out in the Human Rights Policy, procedures and this framework; and
- e) in consultation with Human Resources, taking appropriate corrective, remedial, responsive, restorative and disciplinary action when these responsibilities are not met, up to and including termination of employment (subject to the principles of progressive discipline).

The Director of Education and/or designates is responsible for:

- a) promoting and maintaining an accountable human rights organizational culture that:
 - supports, respects and upholds the district's commitments and responsibilities set out in the Human Rights Policy and procedures; and
 - complies with the individual and organizational requirements and elements of this framework;
- b) holding direct reports accountable; and

- c) providing regular reports to the Board of Trustees about organizational compliance with the Human Rights Policy, including relevant implementation and experience and outcome measures and data.

Appendix A outlines additional responsibilities for all employees, managers/supervisors and the Director of Education to uphold human rights, prevent discrimination and implement the Human Rights Policy and procedures. All responsibilities are based on and/or flow from the Human Rights Policy and procedures.

Board of Trustees

Although not within the definition of a Duty Bearer, the Board of Trustees have responsibilities to:

- a) uphold and apply the objectives of this Human Rights Policy when fulfilling Board responsibilities, processes and committee work; and
- b) ensure that board governance, policy setting, and strategic direction and priorities promote and protect students' right to education free from discrimination, address barriers to equitable access and participation, and support equitable opportunities, experiences and outcomes for all students.

4. Organizational requirements

All schools, program areas and system departments are, through their respective employees, responsible for the successful implementation and adoption of the Human Rights Policy and procedures, which includes:

- a) acting on and implementing the elements of this framework; and
- b) fulfilling duty bearer roles and responsibilities in:
 - learning and working environments; and
 - the services and supports they provide to students, parents/caregivers, employees and community members.

Elements of an Accountable Human Rights Organization

To support an organizational culture of human rights responsibilities and accountability as called for in the Human Rights Policy, the district will:

1. **document expectations** so that all employees understand their duty bearer responsibilities (for example, in operational and employment procedures, practices, strategies and initiatives, job descriptions, hiring processes, performance appraisals/reviews and learning plans);
2. **build employee capacity** to meet duty bearer responsibilities and provide duty bearers with knowledge and skills (e.g., through professional development/training and access to tools, resources and internal subject matter

expertise) to help apply human rights responsibilities in day to day actions and decision making;

3. **uphold human rights** by proactively identifying, preventing and addressing discriminatory structures and barriers in policies, procedures and practices;
4. **have an effective issue and complaint resolution processes** and mechanisms to address individual and systemic issues and complaints; and
5. **monitor, evaluate and report results** through data collection, analysis and public reporting.

Appendix B sets out the general concepts and principles as to accountability that have informed this procedure and that shall guide all employees in the district in adopting and implementing the Human Rights Policy and related procedures.

Individual and Organizational Accountability Mechanisms

As particularized in Appendix “A”, this framework sets out:

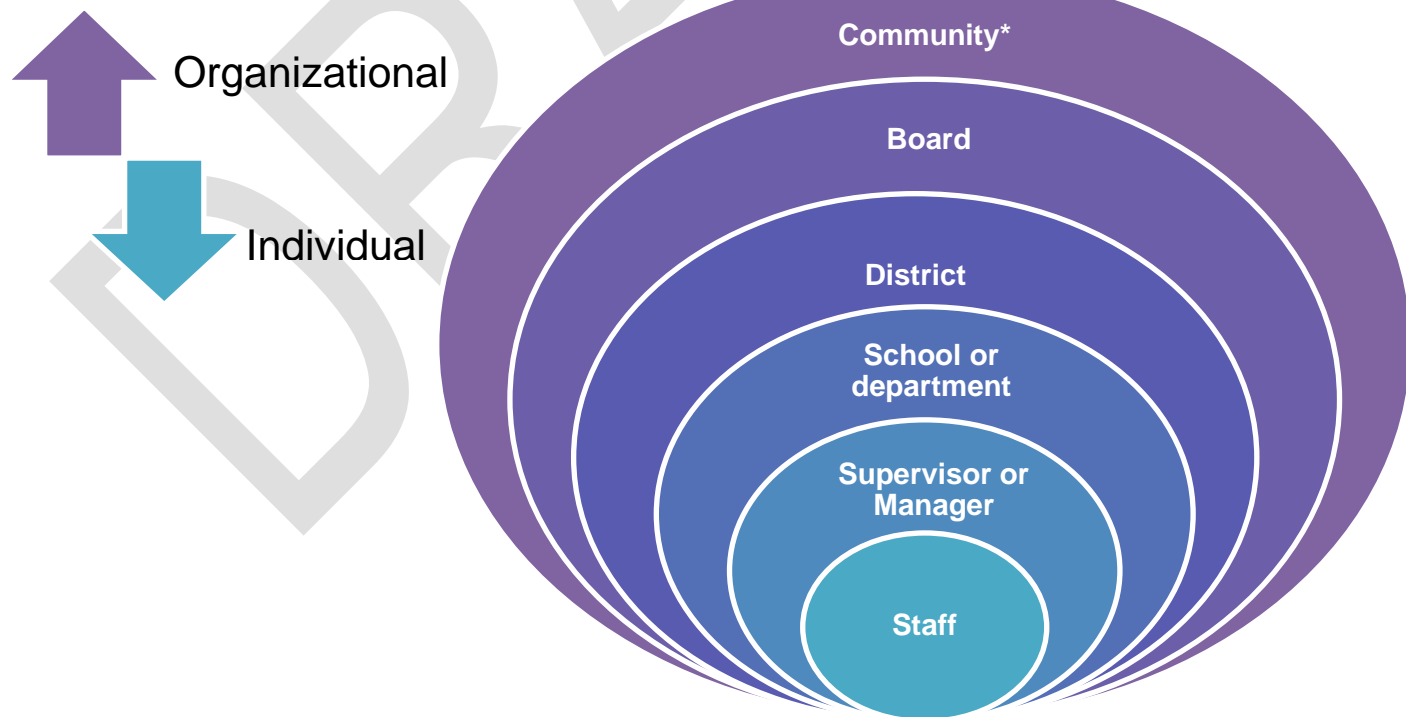
- a) individual and organizational responsibilities for the Director of Education and all employees, including school-based employees, non-school-based employees, and system leaders and supervisors;
- b) detailed requirements to support school/classroom practices to uphold human rights; and
- c) specific actions and responsibilities for all:
 - system departments that directly support schools
 - corporate services and employment related departments.

Each school and system department will:

- a) develop and action implementation plans to meet the requirements of the policy, procedures and this framework through the mechanisms listed below at the employee and appropriate organizational level(s); and
- b) demonstrate how the implementation plans incorporate duty bearer responsibilities and the elements of an accountable human rights organization (including the requirements and actions listed in Appendices A and B) into all activities.

Organizational level	Accountability mechanism
Community	Public reporting
Board	Governance Committees Multi-Year Strategic Plan Policies
District	Decisions and recommendations to the Board Operational Plan Accessibility Plan

	Strategies and initiatives Procedures and practices System Professional Development plan Community partnerships Employment systems Student Census and Workforce Census Human rights issues, incidents and complaints data Communications plan Engagement plan
Schools and system departments	School learning plan or department operational plan School Climate data and Student Census Human rights procedure implementation plan School Community Councils and community engagement Program evaluations
Managers, supervisors, system leaders and administrators	All operational and employment related decision making (recruitment, hiring, performance management, promotions, discipline, etc.)
All employees (at all levels, including the Director of Education)	Job description/position profile Performance appraisal Learning plan Professional development Professional duties and obligations



* Accountable to the students and communities we serve

5. Evaluation and Reporting

In accordance with the Human Rights Policy, the Director and designates shall collect, analyze and publicly report to the Board of Trustees on specific qualitative and quantitative data including and not limited to:

- a) in relation to services, learning environments and student experiences and outcomes: Student Census and School Climate surveys, academic placements, course enrolments, access to programs, achievement and learning skills, well-being, attendance, bullying/safety, Education Quality and Assessment Ontario (EQAO) test scores, credits granted to students, graduation metrics, post-secondary access (i.e., university and college applications and confirmations), accommodations, special education identifications, special education class placements, awards and scholarships, discipline (e.g., suspensions and expulsions), curriculum development, extra and co-curricular engagement, and human rights issues and complaints and resolutions/results; and
- b) in relation to employment, working environments and employee experiences and outcomes: Workforce Census and employee experience surveys, recruitment, selection, accommodations, workplace conditions and experiences, retention, access to developmental opportunities, volunteer recruitment, promotions, discipline, workforce data, terminations, exits, and human rights issues and complaints and resolutions/results.

The Director, in consultation with Assessment & Accountability, may also consider additional data and research, as maybe required to uphold the objectives of the Human Rights Policy.

In relation to this data, the Director of Education and designates shall develop an evaluation plan to:

- a) identify discriminatory structures, policies, practices, barriers and differential and disproportionate student and employee opportunities, access, experiences and outcomes;
- b) set out an action plan to address discriminatory structures, policies, practices, barriers and differential and disproportionate student and employee opportunities, access, experiences and outcomes (e.g., removing barriers, adjusting practices, revising procedures or this framework, etc.) to support ongoing human rights performance improvements; and
- c) report to the Board of Trustees and the public on the foregoing.



Appendix A: Employee Roles and Duty Bearer Responsibilities

Appendix B: Key Organizational Elements and Actions

References:

Ontario Human Rights Commission's Policy

York Region District School Board Anti-Black Racism Strategy

Adapted from *draft* accountability framework, former Strategic Projects Unit, Ontario Public Service

Appendix A: Employee Roles and Duty Bearer Responsibilities

All employees have individual roles, responsibilities and accountability for human rights, anti-discrimination and anti-racism in district services, employment and learning and working environments as set out in:

- a) the Human Rights Policy and related procedures; and
- b) legislation, other policies and procedures, collective agreements (where applicable) and professional standards governing conduct (where applicable).

In addition, all employees contribute to shared organizational responsibilities to create and contribute to learning and working environments that centre human rights and equity and that are welcoming, safe, respectful, equitable, inclusive, accessible and free from discrimination, oppression, harassment and harm.

The Director of Education and/or designates is responsible for the operations of the district and implementing (or overseeing the implementation of):

- a) organizational requirements to uphold the Human Rights Policy and procedures; and
- b) initiatives, practices and measures to support all employees in complying with the Human Rights Policy and procedures.

Organizational Responsibilities

The District, through the Director of Education and/or designates, will:

- a) engage and consult with diverse communities, including enhancing existing or developing new relationships with communities and networks;
- b) integrate human rights, anti-discrimination, anti-racism, inclusive design, Universal Design for Learning (UDL) and accessibility principles into organizational operational, service related and employment related policies, procedures, practices, rules, programs, initiatives and informal and formal decision making;
- c) identify, prevent and address discriminatory and inequitable impacts, practices, processes, experiences, barriers and outcomes in all aspects of:
 - curriculum design and delivery, pedagogical approaches and all classroom/school practices;
 - recruitment, selection, promotion and retention and all human resources practices and decisions;
 - initiatives and programs, including school and board improvement, learning, operational and strategic plans and priorities;
 - training, learning, professional development, performance and succession plans and decision making;

- business planning, processes and decisions (e.g., procurements, budgets, resources, etc.);
 - communications;
 - evaluation and reporting;
 - community engagement; and
 - organizational change processes, assessments and decision making
- d) communicate about human rights related accountabilities so that all employees recognize and understand their individual and organizational roles and responsibilities and how their decisions and actions must uphold human rights and prevent discrimination;
 - e) fulfill its legal duty to accommodate Human Rights Code related needs to the point of undue hardship;
 - f) provide students, parents/guardians/caregivers, employees and community members with information, tools, resources and processes to identify and raise potential discriminatory practices, exercise their rights, and provide feedback on their Human Rights Code-related experiences in DDSB learning and working environments;
 - g) not condone, ignore or continue discriminatory practices;
 - h) have in place transparent, fair, accessible and effective processes to address human rights accommodation requests, issues, incidents and complaints;
 - i) implement additional actions/initiatives as may be required to meet the objectives of the Human Rights Policy and procedures;
 - j) work with education sector and other partners to raise potential human rights issues in their processes/practices that impact district students, employees and communities; and
 - k) measure, evaluate and report on organizational human rights performance.

To support these organizational responsibilities, the Director of Education and/or designates shall:

- a) set clear direction and expectations to help employees at all levels fulfill individual and organizational roles, responsibilities and accountabilities for human rights, anti-discrimination, anti-racism, inclusive design, UDL and accessibility;
- b) build capacity and competencies and providing professional learning and training to equip employees with knowledge and skills to:
 - support the implementation of the Human Rights Policy and procedures
 - identify, prevent, and address discrimination and discriminatory barriers
 - apply human rights, anti-discrimination and anti-racism principles and approaches in day-to-day activities and decision making
- c) integrate and embed human rights, anti-discrimination and anti-racism into:
 - recommendations to the Board of Trustees to inform the Board's decision making;
 - strategic priorities, operational strategies, initiatives and action plans
 - operational functions, policies, procedures and practices, including (and not limited to) those related to curriculum, pedagogy, student assessment, placement, guidance, supports, resources and discipline;

- employment and human resources functions, policies, procedures and practices, including (and not limited to) job descriptions, hiring practices, supervision, performance appraisals, performance management, promotion practices, succession planning, termination, exits and safe and respectful workplaces;
 - mental health and well-being initiatives;
 - organizational learning plans and other job expectations;
 - financial and business planning and relationships including:
 - equitable budget and resource allocation recommendations that include human rights barrier identification, removal and accommodation costs that are appropriately spread as widely as possible throughout the organization; and
 - procurement processes, vendor selection, community use of schools permits, etc.
 - research and evaluation;
 - community engagement and partnerships, including School Community Councils;
 - communications and reporting;
- d) develop fair, effective and efficient human rights accommodation, issue, incident and complaint resolution mechanisms;
- e) prevent and correct human rights violations and upholding individual and organizational obligations and accountabilities;
- f) monitor, evaluate and report on progress, including collecting and analyzing data to identify potential issues and trends;
- g) act on and address results, findings and trends to support ongoing organizational learning and growth;
- h) support Human Rights Policy commitments, champion an organizational culture of human rights, and promote human rights, anti-discrimination and anti-racism as core competencies and practices;
- i) raise systemic human rights related policy or other issues that affect the district's services, employment and learning and working environments to the Board of Trustees, education/community partners or the Ministry of Education, as appropriate;
- j) strengthen Board of Trustee governance through the provision of training on human rights, anti-discrimination and anti-racism principles and the scope, use and results of identity-based data collection and analyses within the district;
- k) monitor and assess organizational compliance with this procedure and:
 - revise or remove procedures and practices that conflict with the Human Rights Policy and procedures;
 - implement new procedures, actions or initiatives that proactively promote and support human rights, anti-discrimination and anti-racism; and
 - hold direct reports accountable for complying with individual and shared organizational roles and responsibilities set out in the Human Rights Policy and procedures;
- l) put in place appropriate organizational structures and allocate sufficient resources and expertise to:

- implement requirements and meet the objectives of the Human Rights Policy and procedures; this may include additional actions as may be required to meet the policy's objectives; and
- support this critical work.

The Director and/or designates shall include, reflect and assess the requirements of the Human Rights Policy and procedures and/or responsibilities and accountabilities in:

- a) recommendations to the Board of Trustees on the Board's board multi-year strategic plans;
- b) strategic operational goals, priorities and initiatives;
- c) organizational leadership and professional development plans
- d) system departmental plans;
- e) school improvement/learning plans;
- f) protocols for inclusion in all employee performance appraisals and learning plans; and
- g) all other mechanisms listed in Section 4 (Individual and Organizational Accountability Mechanisms) of this framework.

Employee Responsibilities

All employees shall implement and comply with the Human Rights policy and procedures within the scope of their job duties, role, authority and influence and must:

- a) model human rights positive behaviour and not engage in any form of discrimination or harassment;
- b) support and contribute to safe, welcoming, respectful, inclusive, accessible and equitable learning and working environments;
- c) engage in ongoing learning and professional development to:
 - strengthen human rights, anti-discrimination and anti-racism knowledge, skills and competencies; and
 - recognize how positionality, power and privilege and discriminatory biases, beliefs, assumptions, stereotypes, ideologies, inequities and barriers operate in district learning and working environments and in individual practices;
- d) apply human rights, anti-discrimination and anti-racism principles, practices and approaches (including inclusive design, UDL and accessibility principles) in all work, interactions, actions and decision making; this includes:
 - addressing human rights obligations when applying other policies, procedures and practices;
 - examining practices and decision making to consider potential discriminatory barriers and inequitable experiences, processes, effects and outcomes, including impacts on students, families, employees and communities that may be discriminatory and may unintentionally cause trauma and harm;
 - act in ways that uphold the rights of the child/student and the rights of employees, are in the best interests of the child/student, are asset-based,

do not cause or perpetuate harm and are not discriminatory (e.g., adjust practices to prevent or address potential discrimination);

- e) report potential discrimination and discriminatory barriers to their supervisor/manager;
- f) intervene to stop all forms of harassment or discrimination against a student(s) and report it to their supervisor/manager;
- g) not interfere with human rights issue or complaint resolution processes;
- h) participate in and cooperate fully with information gathering or investigation procedures, as may be required to respond to a human rights issue or complaint;
- i) not engage in reprisal actions against students (or their family members/caregivers), employees or community members who raise human rights related issues, concerns, accommodation requests or complaints, or who participate in complaint or issue resolution processes; and
- j) support and contribute to the organizational responsibilities outlined in the Human Rights Policy and procedures.

All employees, within the scope of their job duties, role, authority and influence and shall be informed by, apply and incorporate the principles and requirements of and/or implement the following in their work:

- a) the Indigenous Education Policy and related procedures;
- b) the DDSB's Accessibility Plan;
- c) inclusive design, UDL and differentiated instruction, assessment and evaluation
- d) the Equity Continuum: Action for Critical Transformation in Schools and Classrooms;
- e) Culturally Relevant and Responsive Pedagogy (CRRP) and critically conscious practitioner inquiries;
- f) the Compendium of Action for Black Student Success; and
- g) additional new tools and resources to support anti-discrimination, as they are developed and become available.

In addition, all **employees who interact with students** (including but not limited to school-based administrators, educators, professional services staff and support staff) will:

- a) create conditions that support welcoming, safe, inclusive, accessible, equitable learning environments, opportunities, experiences and outcomes for students;
- b) treat students equitably, with dignity, respect and care, and respond to individual and intersecting identities, strengths, barriers, needs, circumstances and other factors that influence individual student learning and experiences;
- c) critically examine and reflect on how positionality, systems of power, privileges, biases and ideologies operate and affect their decisions, actions and interactions in classrooms and schools (for example, relating to educational philosophies, pedagogical approaches, class rules and routines, curriculum and delivery, instructional materials and resources, student assessment, placement, programming needs, evaluation, classroom management, guidance practices, office referrals, referrals to the police and Children's Aid Society, discipline, resources and support for students, school activities and events, parent/caregiver

- and community engagement, etc.) and how this affects students;
- d) not take part in, condone or allow discrimination in learning environments; and
 - e) confront, challenge and disrupt discriminatory practices, barriers and inequities in student learning environments and services and adjust practices and approaches and address barriers as required to support equitable opportunities, processes, experiences and outcomes. This includes reviewing and addressing class/school data findings and trends.

In addition, **administrators, system leads, managers/supervisors and superintendents** shall:

- a) communicate about this procedure to students/families and employees (and, where needed, make accessible copies available) so that they are aware of obligations, rights, responsibilities and how to raise human rights accommodation requests, issues and complaints;
- b) provide the Human Rights Policy and related procedures to all existing and new staff;
- c) create and maintain learning and working environments that are free from discrimination, oppression, harassment and harm;
- d) take steps to immediately act on and address human rights accommodation requests, issues, complaints and observations or allegations of discrimination or harassment (including potential poisoned learning or working environments); this includes acting upon becoming aware of potential discrimination, even in the absence of formal or written complaint;
- e) not condone discrimination;
- f) implement policies, procedures and initiatives in ways that align with human rights obligations and that assess and address potential discriminatory barriers, experiences, outcomes and impacts;
- g) incorporate and apply human rights, anti-discrimination, anti-racist, equity, inclusive design and accessibility principles and competencies in job descriptions/requirements, outreach, recruitment, hiring and selection decisions, onboarding, supervision policies and practices, coaching, mentoring, performance appraisals, performance management, promotions, succession planning and staffing decisions;
- h) provide learning and professional development opportunities for employees to enhance their understanding of human rights, racism, ableism, sexism, homophobia, biphobia, transphobia, faithism and other forms of discrimination;
- i) hold staff accountable for complying with the Human Rights Policy and procedures by:
 - assessing human rights, anti-discrimination and anti-racism competencies and skills and meeting human rights roles and responsibilities in (among other things) recruitment (e.g., job descriptions, selection criteria, etc.) supervision/coaching, learning plans, performance appraisals and performance management; and
 - in consultation with Human Resources, taking appropriate corrective, responsive, remedial, restorative and/or disciplinary action (up to and

including termination of employment) to address human rights performance concerns and policy violations;

- j) address potential resistance to initiatives and strategies that challenge discriminatory ideologies, practices and inequities and that promote increased access to, and opportunities and participation for, groups that are discriminated against, marginalized and minoritized;
- k) build and sustain relationships and regularly engage district community members on initiatives that affect them;
- l) champion and promote initiatives that support human rights organizational change and that address barriers, disparities and disproportionate experiences, processes and outcomes for Human Rights Code-protected groups; and
- m) incorporate the commitments, objectives and requirements of the Human Rights Policy and procedures in school and/or system department learning plans and initiatives.

To support these requirements, all employees shall include, reflect and assess human rights, anti-discrimination and anti-racism roles, responsibilities and accountabilities in their:

- a) individual learning and professional development plans and performance plans and/or appraisals; and
- b) contributions to school learning or system department plans.

Accountability

All employees are expected to:

- adhere to the Human Rights Policy and procedures, including the requirements set out in this framework; and
- not engage in behaviour and/or express views, share materials, discuss or teach content that is contrary to or inconsistent with the Human Rights Code and the Education Act in the DDSB's services, employment and learning and working environments.

Employees who do not comply with these requirements are subject to corrective and disciplinary action, up to and including termination of employment. Each situation and all relevant factors will be considered on a case-by-case basis.

School Community Councils

School Community Councils will comply with this procedure within the scope of their mandate, responsibilities and activities and in ways that promote and uphold human rights, anti-discrimination and anti-racism principles and actions.

Appendix B: Key Organizational Elements and Actions

Principles

Shared Responsibility	Transparency	Ethics and Integrity	Equity
Employees contribute to an accountable human rights organizational culture	Processes, communications and reporting about human rights responsibilities and accountability are clear and accessible	Employees perform their duties ethically, consistent with legal obligations and strategic priorities and commitments	Employees treat all community members equitably and with dignity and respect

Key Elements of an Accountable Human Rights Organization

1. Document expectations Duty bearers know what their human rights-related responsibilities are	a. Outline human rights requirements, responsibilities and expectations in: <ul style="list-style-type: none"> • policies, procedures, practices, and learning/training • operational plans, strategies, priorities and communications b. Define human rights-related roles and responsibilities and set clear expectations in all performance plans (i.e., identify, include and evaluate human rights performance and learning commitments, strategies and activities in job descriptions and performance plans, and reinforce expectations in day-to-day work) c. Clearly communicate Human Rights Policy requirements and the consequences for policy violations (including reprisal)
2. Build employee capacity Provide learning and resources on human rights	a. Provide opportunities for employees to learn about human rights and to understand how to apply human rights requirements to their jobs and decision making b. Provide resources to help employees support system-wide actions to identify, prevent and address discriminatory barriers c. Provide managers and employees with access to resources and Indigenous and human rights expertise to help resolve issues

roles and responsibilities	
<p>3. Uphold human rights</p> <p>Proactively identify, prevent and address discriminatory structures and barriers</p>	<p>a. Design inclusive services, employment and learning and working environments to support equitable access, experiences and opportunities and to prevent discriminatory outcomes</p> <p>b. Identify, prevent and address:</p> <ul style="list-style-type: none"> human rights barriers and needs in services, employment and learning and working environments processes or practices that conflict with human rights requirements <p>c. Anticipate and address potential challenges to uphold the requirements of the Human Rights Policy and procedures</p>
<p>4. Effective issue and complaint resolution processes</p> <p>Rights holders can safely raise human rights issues and complaints</p> <p>Duty bearers address complaints fairly and effectively</p>	<p>a. Establish transparent and accessible processes to raise human rights issues, incidents and complaints</p> <p>b. Address issues, incidents and complaints fairly and effectively</p> <p>c. Clearly communicate processes and outcomes</p> <p>d. Take appropriate corrective, responsive, remedial, restorative and disciplinary action (in consultation with Human Resources and other areas, as may be appropriate in the circumstances, consistent with the principles of progressive discipline) to address human rights violations, and restore learning and working environments and relationships</p>
<p>5. Monitor, evaluate and report results</p> <p>Review to determine if responsibilities and obligations are being met</p> <p>Learn from and act on the results to</p>	<p>a. Monitor compliance with requirements and address potential barriers and issues, as needed</p> <p>b. Collect data to assess experiences and outcomes</p> <p>c. Report results to DDSB community members</p> <p>d. Provide opportunities for DDSB community members to provide:</p> <ul style="list-style-type: none"> provide feedback on their human rights experiences invite input on district human rights initiatives <p>e. Make responsive changes to the framework, as needed</p>

<p>continuously improve human rights performance</p> <p>Communicate the results</p>	
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DRAFT

Comparison of Existing By-Laws and Sections of Draft Consolidated By-Laws [Existing By-Law language is in blue; Proposed new language is in black].

By-Law (un-numbered) By-Laws and Procedures - replaced by section 1.1.

The rules and regulations contained within these By-Laws and Procedures shall be the rules and regulations for the order and dispatch of business of The Durham District School Board and in the Committees thereof.

Any of the rules of procedure contained herein may be suspended by a vote of two-thirds of the Trustees of the Board present (physically or electronically) and voting.

Any reference in the By-Laws to a written request or a written notice shall be understood to include an electronic or a faxed notice or request.

In any case for which provision is not made herein, the procedure to be followed shall be, as near as may be, that followed according to Robert's Rules of Order.

By-Laws may be amended by a two-thirds vote of those members voting at any meeting of the Board, provided that notice of intention to introduce such amendment has been given in writing at the previous Regular Meeting of the Board and is referred to in the Notice of the Meeting, and provided that such proposed amendment is not in conflict with any statutory provision or regulation then in force.

1.0 Purpose and Application

- 1.1 These Bylaws are enacted by the Board of Trustees (the "Board" or the "Board of Trustees") of the Durham District School Board (the "DDSB") to govern meetings of the Board and Committees of the Board and to advance good governance practices at the Board in accordance with the governance structure for school boards established under the *Education Act*. These Bylaws advance democratic decision-making with rules that facilitate fair and respectful debate.
- 1.2 Committees of the Board are Committees with only trustees as voting members. Advisory Committees are not Committees of the Board and they are not governed by these Bylaws (except that certain Advisory Committees are established by the Bylaws and except that the Board is bound by these Bylaws in establishing or dissolving any such committee).
- 1.3 Subject to any applicable legislation or regulation, any procedural rule(s) in these Bylaws may be suspended by a two-thirds majority vote of the members present and voting.
- 1.4 Subject to any applicable legislation or regulation, any gap in these Bylaws shall be addressed by reference to the latest edition of *Robert's Rules of Order, Newly Revised* ("RONR").
- 1.5 Subject to any applicable legislation or regulation, these Bylaws may be amended, at any time, by a two-thirds majority vote of the members present and voting, provided that the matter is listed on the agenda prior to the commencement of a Board meeting and provided that written notice of any proposed amendment(s), and any supporting materials, shall have been delivered at the previous meeting of the Board.

By-Law (un-numbered) Definitions - deleted entirely

Director: "A board shall not appoint or employ a person as a director of education unless the person is a supervisory officer who qualified as such as a teacher." (Education Act s. **283(1)**).

"A director of education is the chief education officer and chief executive officer of the board by which he or she is employed." (Education Act s. 283(2))

Trustee: "A member of a board may be referred to as a trustee for any purpose related to this Act." (Education Act s.1(12)).

By-Law #1 - Regular Public Meetings [With respect to By-Laws #1 &2, Organizational meeting s.5 of By-Law #1 revised and moved to section 3; Meeting Procedures from By-Laws #1 &2 substantially revised and moved to section 5]

1.0 Regular Meetings

- 1.1 Unless otherwise ordered by special motion of the Board, Regular Meetings of the Board shall be held in camera on the third (3rd) Monday in each month, beginning at 6:00 p.m. Should the date of any meeting of the Board fall on a statutory, civic, or school holiday, the meeting will be held on the Tuesday of the same week or the Monday of the following week. The public session shall commence at 7:00 p.m.
- 1.2 A trustee who cannot attend a Board Meeting should so notify the Trustees' Office as early as possible and if it should appear that a quorum will be lacking, the Secretary shall so notify the Chairperson of the Board who will instruct the Secretary to notify the trustees of the postponement or cancellation of the meeting.
- 1.3 Notice of each regular meeting, accompanied by the agenda for the meeting, shall be delivered to each trustee at least 72 hours prior to the time the meeting is to take place. The Chairperson of the Board will publish an annual report of trustee attendance at Board Meetings and Standing Committee Meetings in December of each year.
- 1.4 Meetings of the Board shall not extend beyond the hour of 10:00 p.m. unless by majority consent of all the members present. If, at that time, there is no quorum, the meeting shall forthwith be adjourned. In the event that the meeting continues past the hour of 10:00 p.m. and no motion to extend has been put, all business conducted after 10:00 p.m. shall be deemed to be regular.
- 1.5 The in-camera portion of meetings of the board shall not extend past 11:00 p.m.

2.0 Public Attendance at Board Meetings

The public is welcome to attend meetings of the Board. The Education Act, 1998, outlines the conditions for access to meetings.

2.1 Excerpts from the Education Act, 1998:

a) Section 207 (1):

The meetings of a Board and, subject to subsection (2), meetings of a Committee of the Board, including a Committee of the Whole Board, shall be open to the public, and no person shall be excluded from a meeting that is open to the public except for improper conduct.

b) Section 207 (2):

A meeting of the Board, including a Committee of the Whole Board, may be closed to the public when the subject matter under consideration involves:

- i. the security of the property of the Board;
- ii. the disclosure of intimate, personal, or financial information in respect of a member of the Board or Committee, an employee or prospective employee of the Board, or a pupil or his parent or guardian;
- iii. the acquisition or disposal of a school site;
- iv. decisions in respect of negotiations with employees of the Board; or,
- v. litigation affecting the Board.

3.1 Special Meetings

- 3.2 Special meetings of the Board shall be at the call of the Chairperson, or on the written request of a simple majority of the Board. When special sessions are being scheduled, every attempt should be made to avoid conflicting with dates of other scheduled meetings of the Board or Committees. Written notice of an intended special meeting, accompanied by a statement of all the business intended to be transacted, must be delivered to the trustees 24 hours before the meeting is to take place. No other business shall be considered unless all members of the Board are present and unanimously agree. The 24-hour notification time limit may be waived by the Board Chairperson in the event of an emergency requiring Board action, and every attempt will be made to notify all trustees prior to the meeting. Special meetings shall not be considered "regular meetings" as described in the Education Act, 1998, Section 229.

4.0 Board Quorum

- 4.1 A quorum of the Board shall consist of a simple majority of the Board members elected or appointed to the Board under the statutes of Ontario.
- 4.2 Should there not be a quorum present within fifteen minutes after the time appointed for the meeting, the names of those present shall be recorded and the meeting shall stand adjourned until the next regular or special meeting unless the person presiding secures the unanimous consent of those present to delay adjournment for an additional fifteen minutes, in which event, unless a quorum then be present, the meeting shall be so adjourned.
- 4.3 In the event that the Chairperson does not attend within five minutes after the time appointed for the meeting, the Vice-Chairperson shall preside during the meeting or until the arrival of the Chairperson. In the absence of both, the members shall come to order and a chairperson of the meeting shall be chosen who shall preside during the meeting or until the arrival of the Chairperson or the Vice-chairperson.
- 4.4 In the absence of the Director of Education, the Chairperson of the meeting shall appoint a person to act as a secretary of the meeting.

5.0 Election of Chairperson and Vice-Chairperson

- 5.1 In accordance with the Education Act, 1998, Section 208, the election of the Board Chairperson shall take place at the first meeting of the Board in December of each year, designated as the Inaugural Meeting.
- 5.2 Written or oral nominations shall be received by the Secretary of the Board who is acting as Chairperson.
- 5.3 When two or more trustees are nominated and have agreed to stand, voting shall then begin by secret ballot.
- 5.4 When an election is held, the Secretary of the Board and other scrutineers so designated by the Secretary of the Board shall count the ballots.
- 5.5 The member receiving a clear majority (which shall mean at least 50% plus 1 of the total votes cast) shall be declared elected.
- 5.6 Should no member receive a clear majority of the votes cast, the name of the member receiving the smallest number of votes shall be dropped and the members shall proceed to vote anew and so continue until the Chairperson is elected.
- 5.7 The Secretary presiding shall announce the result of the ballot by declaring the name of the member who has received a clear majority of the votes cast.
- 5.8 In the event of an equality of votes, there shall be another ballot and, should there be another equality of votes, the candidates shall draw lots to fill the position.
- 5.9 The same procedure as outlined in subsections 5.1 through 5.7 shall apply to the election of the Board Vice-Chairperson, except that the Board Chairperson shall preside over the election, in place of the Secretary of the Board.
- 5.10 Nominees for the position of Chairperson and Vice-Chairperson shall be present at the meeting in which the election is held or, if absent, shall have declared in writing to the Secretary of the Board their intention to stand

as candidates for the positions.

- 5.11** The Chairperson shall then take the Chair and continue to serve until the next Inaugural Meeting. Resignation of the chairperson may take place upon one week's written notice or upon being removed from office on a two-thirds clear majority of the trustees voting at a meeting of the Board.
- 5.12** In the event that the Chairperson resigns the office or is removed from office, the Board Vice-Chairperson shall assume the role of chairperson until the next regularly scheduled meeting. At that meeting, the election of a new Chairperson shall be held and, if necessary, the election of a new Vice-Chairperson shall be held.

By – Law #2 Rules of Procedure - Board

1.0 Parliamentary Authority

The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern all matters of procedure, statutes, or regulations in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules of order the Durham District School Board may adopt or any statutes or regulations.

1.1 Notice of Motion

Notice must be provided to bring forward any substantive motion to the Board to amend a Board policy, or to request the establishment of a new policy. Such notice shall be a minimum of five (5) days (including holidays and weekends and the day the notice is sent, excluding the day of the meeting). The notice, along with any supporting materials, shall be included in the agenda package.

Under extenuating circumstances where Board action is immediately required, notice may be waived, by a two thirds vote, so long as every attempt has been made to notify all trustees prior to its consideration.

1.2 Rules of Debate

Each member may speak twice, up to four minutes on the first occasion, two minutes on the second occasion, on each debatable motion. The maker of the motion shall be given first opportunity to speak. A member who has not spoken in debate has preference in recognition to speak over a member who has already spoken.

1.3 Chairs Ruling and Appealing the Decision of the Chair

The Chairperson shall decide all questions of order stating the rule on which a decision is based. The decision of the Chairperson may be appealed. A majority or tie vote sustains the decision of the Chair. A motion to appeal the decision of the Chair is debatable unless:

- a) it relates to decorum or a breach in the rules of debate;
- b) relates to the priority order of business; or
- c) is moved when an undebatable motion is immediately pending or is involved in the appeal.

SECTION 3: ORGANIZATIONAL MEETING

3.1 Purpose of Organizational Meeting

- 3.1.1 An inaugural meeting of the Board shall take place at the first meeting of the Board in December of each year (the "Organizational Meeting") during which the Board shall:
- (a) Elect the Chair and Vice-Chair of the Board;
 - (b) Establish and review Committees of the Board;
 - (c) Appoint members to Committees of the Board;
 - (d) Elect the Chair and Vice-Chair of the Committee of Whole - Standing of the Board;
 - (e) Appoint members to represent the Board on external organizations; and
 - (f) Adopt an annual schedule of meetings (including meeting times) of the Board and its Committee of Whole - Standings.

3.2 Scheduling of Organizational Meeting

- 3.2.1 In an election year, the Organizational Meeting will be held immediately following the Municipal Election and no later than seven (7) days after the start of the term of the Board.
- 3.2.2 In all other years, the Board will hold the Organizational Meeting at the first meeting in December.

3.3 Presiding Officer

- 3.3.1 At the Organizational Meeting, the Chief Executive Officer shall preside until the election of the Chair or, in the absence of the Chief Executive Officer, the members present shall designate the person to preside until the election of the Chair and if a member of the Board is so designated, he or she may vote at the election of the Chair.

3.4 Election of Chair and Vice-Chair

- 3.4.1 Written or oral nominations, including any self-nominations, shall be received by the presiding officer. When two or more members are nominated and have agreed to stand, voting shall be by secret ballot.
- 3.4.2 Nominees for the position of Chair and Vice-Chair shall be present at the Organizational Meeting or, if absent, shall have declared in writing to the Secretary of the Board their intention to stand as candidates for the positions.
- 3.4.3 The presiding officer or designate and other scrutineers so designated by the presiding officer shall count the ballots.
- 3.4.4 The member receiving a majority vote of the members present shall be declared the Chair.
- 3.4.5 Should no member receive such a majority, the name of the member receiving the smallest number of votes shall be dropped and the members shall proceed to vote anew and so continue until the Chair is elected.
- 3.4.6 In the event of an equality of votes, there shall be another ballot and, should there be another equality of votes, the candidates shall draw lots to fill the position.

- 3.4.7 The presiding officer shall announce the result by declaring the name of the member who has been elected Chair.
- 3.4.8 Once elected, the Chair shall then assume the role of Chair/presiding officer.
- 3.4.9 This same procedure in this (section 3.4) shall apply to the election of the Vice-Chair of the Board.
- 3.4.10 The Chair and Vice-Chair serve in these roles until the next Organizational Meeting but may resign from that role upon one week's written notice delivered to the Secretary of the Board. The Chair and/or Vice-Chair may be removed from the role on a two-thirds majority vote of the members present and voting.
- 3.4.11 If the Chair of the Board resigns the office or is removed from office, the Vice-Chair of the Board shall assume the role of Chair until the next regularly scheduled Board meeting. At that meeting, the election of a new Chair shall be held and, if the Vice-Chair is elected as the Chair, the election of a new Vice-Chair shall also be held.
- 3.4.12 If Chair and Vice-Chair of any Committees have not been elected at the Organizational Meeting, the Committee will elect a Chair and Vice-Chair from amongst themselves.
- 3.4.13 The term of office of a Committee Chair and Vice-Chair shall be one year, or until the next Organizational Meeting, whichever comes first.
- 3.4.14 A Committee Chair and Vice-Chair may be re-elected to a subsequent term(s) of office by the Committee, subject to any appointments made at Organizational Meeting each year.

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SECTION 5: BOARD AND COMMITTEE MEETINGS - RULES AND PROCEDURES

5.1 Purpose

- 5.1.1 The purpose of these rules and procedures, as supplemented by RONR, is to facilitate meaningful, respectful and orderly debate to advance the interests of the Board. All trustees will endeavor to comply with these rules and procedures but it is recognized that, in many circumstances, good judgment, co-operation and good faith will do more to advance the interests of the Board than strict adherence to procedural technicalities.

5.2 Quorum

- 5.2.1 Quorum of the Board shall consist of a majority of the Board members elected or appointed to the Board under the statutes of Ontario.
- 5.2.2 Quorum of a Board committee shall consist of a majority of the members of the committee.
- 5.2.3 Should there be no quorum present at a meeting within fifteen minutes after the time appointed for commencement of the meeting, the names of those present shall be recorded and the meeting shall stand adjourned until the next regular or special meeting unless there is unanimous consent of those present to delay adjournment for an additional fifteen minutes, in which event, unless a quorum be present, the meeting shall then be adjourned.

5.3 Public Sessions

- 5.3.1 Except as permitted under [section 207 of](#) the *Education Act* and the regulations thereunder, all meetings of the Board and Committees of the Board shall be open to the public.
- 5.3.2 No person will engage in conduct that is negative, critical, or derogatory towards any other person, or engage in any behaviour that is disruptive to the meeting. Any such conduct may result in exclusion from a meeting.

5.4 Closed Sessions

- 5.4.1 Resolutions passed in closed session of a Committee are of no force or effect unless and until approved at a meeting of the Board. Any such approval will be done by adopting the resolution(s) of the Committee in a manner that maintains the confidentiality of the matter unless the Committee has pre-authorized making the resolution public.
- 5.4.2 Minutes of all committee closed sessions shall be provided to the Committee of Whole – Standing for consideration, except for Committee of the Whole – Standing whose minutes shall be provided to the Board for consideration, and shall remain confidential, unless the committee has pre-authorized the release of all or part of the information.
- 5.4.3 A staff recording secretary should be present for all closed session Committee meetings. In the absence of the recording secretary during a closed session, the presiding officer shall appoint any member or other staff person to act as secretary for that meeting.
- 5.4.4 Committee sessions closed to the public may have staff in attendance as may be determined appropriate by the Chair of the committee in consultation with the Director. The Chair of a Committee may require that the Director not attend all or part of a closed session when the Director's performance, employment contract or any related matter is under consideration by the committee.
- 5.4.5 Matters discussed in closed session of a Committee must not be communicated to any person not present at the closed session, unless: the person is a Trustee; or the disclosure is pre-approved by the Committee; or the disclosure is the Integrity Commissioner in relation to the Code of Conduct.
- 5.4.6 Trustees are expected to maintain strict confidentiality of any matter dealt with in closed sessions and are bound by the confidentiality and protection of privacy provisions under the *Education Act*, the *DDSB's Member Code of Conduct* and the *Municipal Freedom of Information and Protection of Privacy Act*.

5.5 Scheduling and Agendas

- 5.5.1 Regular public meetings of the Board will be held on the third (3rd) Monday of each month commencing at 7:00 p.m. or, in any case where that Monday is a statutory holiday or other school holiday, the meeting will be held on the Tuesday of the same week or the Monday of the following week. As may be deemed appropriate by the Chair in consultation with the Director, the Board will convene into Committee of Whole, closed session, prior to the commencement of the public Board meeting, typically commencing at 6:00 p.m. and again, if necessary, following public session, in which case the meeting shall not extend past 11:00 p.m.

- 5.5.2 The Board may vary the schedule for regular board meetings at any time during the year on resolution of a two-thirds majority of the members present and voting.
- 5.5.3 Draft aAgendas for Board meetings shall be determined by the Chair in consultation with the Director [NTD: language is from Ed Act]. Agendas for Committee meetings shall be determined by the Committee Chair in consultation with the Director.
- 5.5.4 The Chair and the Vice-Chair of the Board and the Chair and Vice-Chair of the Committee of Whole – Standing together with the Director of Education and such other staff as the Director may engage from time to time, shall hold at least one session per month (either in-person or electronically) to consider and discuss the agendas for upcoming Board and Committee of the Whole – Standing meetings. An additional Trustee shall be entitled to attend at each meeting. Attendance shall be scheduled annually following the Organizational Meeting with Trustees being scheduled in reverse alphabetical order.
- 5.5.5 All Trustees shall be provided with advance notice of the date of the meeting referenced in the preceding paragraph and may email the Chair and Vice-Chair of the Board and the Chair and Vice-Chair of the Committee of the Whole-Standing to request that an item of business be added to the draft agenda for an upcoming meeting. The email shall disclose the rationale for the proposed addition to the agenda and any factors as to the appropriate timing for the matter to be addressed. If the matter is not added to the draft agenda, the Chair of the Board or the Chair of Committee of the Whole – Standing, as the case may be, shall advise by email of the reason it was not added to the draft agenda and shall copy all trustees.
- 5.5.6 The Director or designate shall deliver an e-mail notice of each regular Board meeting and Committee of the Whole – Standing accompanied by the agenda and any supporting materials for the meeting, to each Trustee no later than 3 days prior to the meeting (not counting the day of the meeting but counting the day of delivery). At the discretion of the Chair of the Board or Chair of the Committee of the Whole-Standing, as the case may be, supporting materials may be delivered within the 3-day notice period based on urgency or exceptional circumstances.
- 5.5.7 A matter not on the agenda or directly related to matters on the agenda cannot be introduced at a Board or Committee meeting unless approved by the presiding officer prior to the start of the meeting based on urgency or exceptional circumstances or if a majority of the Committee or Board amends the agenda prior to approval. ~~if~~ If a member seeks to introduce a matter not on the agenda or directly related to matters on the agenda during the meeting following the approval of the agenda, it may only be introduced by a ~~majority vote~~ 2/3 majority of the members present and voting. Notice of any change to an agenda made prior to the meeting shall be provided to Trustees as soon as possible.
- 5.5.8 The introduction of a new Board Policy or the amendment to an existing Board policy shall not be considered unless written notice is provided to Trustee no later than 5 days prior to the meeting (not counting the day of the meeting but counting the day of delivery) together with any supporting materials and provided that notice of the intention to introduce the new board policy or amendment, as the case may be, was given at the prior meeting of the Board. The initial notice to the Board of an intention to bring forward a new Policy or proposed amendment is only proper if the matter, together with any supporting material, was first brought to the Committee of Whole – Standing.
- 5.5.9 In addition to regularly scheduled meetings, a special meeting of the Board may be called by the Chair or by a majority of the members. In either case, email notice of the call for a special meeting shall be sent to the Secretary of the Board or designate. Reasonable efforts should be made to schedule any such meeting to avoid a scheduling conflict with other scheduled Committee meetings.

A special meeting is not a “regular meeting” under the *Education Act* or the regulations thereunder.

- 5.5.10 The Director or designate shall deliver an e-mail notice of a special meeting to the members, accompanied by the agenda and any supporting materials for the meeting no later than 24 hours prior to the meeting. At the discretion of the Chair, the 24-hour notice period may be waived based on urgency or exceptional circumstances but notice, the agenda and any supporting materials should be delivered as early as possible prior to the commencement of the meeting.
- 5.5.11 A matter that is not on the agenda for a special meeting cannot be considered at the special meeting, unless all members are present and consent to amend the agenda to consider the matter.

5.6 Record of Decisions

- 5.6.1 At all Board and Committee meetings, the Director or designate (typically the recording secretary) shall maintain the minutes of the meeting to make a record of the recommendations made to, and resolutions passed by the Board or Committee, as the case may be, including any recorded votes and any declarations of a conflict of interest.
- 5.6.2 At each regular Board meeting, draft minutes from the prior regular Board meeting, together with any special Board meeting that may have occurred since the prior Board meeting, shall be presented to the Board for approval.

5.7 Attendance at Meetings

- 5.7.1 Trustee attendance at regular Board meetings is governed by the *Education Act* and the regulations thereunder.
- 5.7.2 A Trustee who cannot attend a Board Meeting should notify the Secretary of the Board or designate as soon as possible. If it appears that there will be no quorum for a meeting, the Secretary shall notify the Chair and, at the Chair’s discretion, the meeting may be postponed or cancelled and notice therefore shall be delivered to the Trustees as soon as possible.
- 5.7.3 In accordance with section 228 (1) of the *Education Act*, a Trustee vacates their seat if they are absent (electronically or physically), as recorded in the minutes, from three (3) consecutive regular Board meetings, unless authorized by resolution of the Board or if one of the exemptions in the *Education Act* is engaged.
- 5.7.4 Subject to statutory or regulatory exemptions due to the current pandemic or otherwise, and subject to any accommodation as to attendance provided under the Board’s *Attendance Accommodation Policy*, Trustees must be physically present for at least three (3) regular Board meeting annually.
- 5.7.5 When a seat becomes vacant, the provisions of the *Education Act*, and any relevant provision(s) of these Bylaws, shall govern the filling of the vacancy.
- 5.7.6 At the Organization Meeting each year, the Chair will deliver to the Board an annual report of Trustee attendance at meetings of the Board and Committee of the Whole - Standing since the last Organizational Meeting.

5.8 Electronic Participation

- 5.8.1 Members attending a meeting electronically must advise the Chair when they join the meeting to be

deemed present at the meeting.

- 5.8.2 Members who leave the meeting before adjournment, whether temporary or permanent, shall advise the Chair.
- 5.8.3 Subject to statutory or regulatory exemptions due to the current pandemic or otherwise, at every Board or Committee of the Whole meeting, the following persons must be physically present:
 - (a) The Board Chair or designate;
 - (b) At least one additional member of the Board; and
 - (c) The Director of Education or designate.
- 5.8.4 Subject to statutory or regulatory exemptions due to the current pandemic or otherwise, at every Committee meeting, the following persons must be physically present:
 - (a) The Committee Chair or designate; and
 - (b) The Director of Education or designate.
- 5.8.5 Notwithstanding the foregoing, the Chair is able to preside over a meeting electronically when:
 - (a) Weather conditions do not allow the Chair to travel to the meeting location safely; or
 - (b) The Chair cannot be physically present at the meeting for health reasons.
- 5.8.6 Subject to statutory or regulatory exemptions due to the current pandemic or otherwise, no more than half of Board or Committee meetings in a twelve (12) month period can be chaired electronically in accordance with Ontario Regulation 463/97.
- 5.8.7 All members participating via audio or video conference who are not speaking must use the mute function on their device. Members will make every effort to avoid disrupting a meeting by turning personal and electronic devices to a non-audible function, reducing all background noise (including audible sounds transmitted from placing a call on hold), and refraining from private conversations.

5.9 Presiding Officer

- 5.9.1 Unless specified otherwise in these Bylaws, the Chair of the Board (or Vice-Chair in the Chair's absence) and the Chair of a Committee (or Vice-Chair in the Chair's absence) will be the presiding officer for meetings of the respective Board or Committee. If a meeting of a Committee moves into closed session, the Vice-Chair will be the presiding officer.
- 5.9.2 If the Chair does not attend within five minutes after the time appointed for the meeting, the Vice-Chair shall preside during the meeting or until the arrival of the Chair. In the absence of both, the members shall come to order and a presiding officer shall be chosen by a majority of the members present and voting who shall preside during the meeting or until the arrival of the Chair or the Vice-Chair.
- 5.9.3 No member of the Board or Committee will preside at a meeting during the consideration of a motion when that member has declared a conflict of interest.
- 5.9.4 In the absence of the Director of Education, the presiding officer shall appoint a person to act as a secretary of the meeting.

5.10 Quorum

- 5.10.1 A quorum is the minimum number of members necessary to conduct a meeting which represents a majority of the members.
- 5.10.2 Where a member is participating electronically, their attendance will be included for quorum as long as they remain electronically connected to the meeting.
- 5.10.3 If a quorum is present, a meeting shall commence within fifteen (15) minutes of the meeting start time as shown in the agenda.
- 5.10.4 If a quorum is not present within fifteen (15) minutes after the scheduled start time shown in the meeting agenda, the names of the members present will be recorded and the meeting will be cancelled.
- 5.10.5 At a Board meeting, if a quorum is lost during the course of the meeting, the Board will stand in recess. If quorum cannot be re-established within fifteen (15) minutes of the Board recessing due to a loss of quorum, the Board will stand adjourned.
- 5.10.6 At a Committee meeting, if a quorum is lost during the course of the meeting, and the remaining members of the Committee determine that quorum cannot be re-established, the Committee will stand adjourned.

5.11 Acknowledgement of Traditional Lands

- 5.11.1 All Board and Committee meetings will include an acknowledgement of the Traditional Territories/Ancestral Lands of Aboriginal peoples recited by presiding officer or as the presiding officer may suggest.

5.12 Debate/Voting

- 5.12.1 Members and participants in a meeting will address their comments through the Chair of the meeting.

~~5.12.2~~ Members shall not interrupt another member who has the floor, except as permitted hereunder or under Robert's Rules of Order (for example, to raise a point of order or question of personal privilege).

~~5.12.3~~ 5.12.2 Members shall confine their comments to the merits of the motion being considered.

~~5.12.4~~ 5.12.3 The Chair is entitled to move or second a motion, but only once they have passed the role of presiding officer to another member for the duration of the matter under consideration. The Chair will resume the role of presiding officer once the motion has been dealt with.

~~5.12.5~~ 5.12.4 ~~At any time before a motion is put to a vote, a member may request that the motion be read aloud.~~

~~5.12.6~~ 5.12.5 The mover of a motion shall be given first opportunity to speak. A member who has not spoken in debate has preference in recognition to speak over a member who has already spoken.

~~5.12.7~~ 5.12.6 A member who has not spoken to a motion may move that debate on the motion be closed and that the pending motion be put to a vote. Such a motion is not debatable.

~~5.12.85.12.7~~ If a motion to end debate is supported by majority, no further debate can take place and the Chair shall put the pending motion to a vote.

~~5.12.95.12.8~~ Trustees who are not members of a Committee may attend any Committee meetings but are not entitled to debate or vote. Only Committee members may debate and vote at Committee meetings.

~~5.12.105.12.9~~ A member, who is present and fails to vote on a motion, will be deemed to have abstained from voting.

~~5.12.115.12.10~~ It is for members to declare their own conflict of interest and no other member may declare a conflict of another member. A member who declares a conflict of interest must abstain from voting, and will be recorded as abstaining due to a conflict of interest. When a member abstains due to a conflict of interest, their vote will be recorded neither for nor against the motion, and the number of members required to pass a vote will be reduced by the number of members with a declared conflict.

~~5.12.11~~ Before a motion is voted on, a member may request that a motion containing divisible parts be voted on separately.

~~5.12.12~~ At any time before a motion is put to a vote, the Chair read the motion aloud.
~~5.12.12~~

5.12.13 When a motion is put to a vote, the Chair will first call votes in favour and then votes against. The Chair is entitled to vote on any motion but it is expected that ~~typically~~ the Chair will typically abstain and only vote on a motion once all other votes have been counted and only if the Chair's vote would be determinative of the result of the motion. This is particularly applicable for the Board Chair and the Chair of the Committee of the Whole - Standing. It is expected that other committee Chairs may choose to exercise their voting rights more often given the informal nature of committees.

5.12.14 After a vote is taken, the Chair shall declare whether the motion was carried or defeated.

5.12.15 A tie vote means the motion is defeated.

5.12.16 Votes taken at Board and Committee meetings, ~~but not at Committee meetings,~~ may be recorded.

5.12.17 A student trustee is not a member of the board and is not entitled to exercise a binding vote on any matter before the board or any of its committees.

5.12.18 A student trustee is not entitled to move a motion, but is entitled to suggest a motion on any matter at a meeting of the Board or of one of its committees on which the student trustee sits, and if no member of the board or committee, as the case may be, moves the suggested motion, the record shall show the suggested motion.

5.12.19 A student trustee is entitled to require that a matter before the board or one of its committees on which the student trustee sits be put to a recorded vote, and in that case, there shall be a recorded non-binding vote that includes the student trustee's vote and a recorded binding vote that does not include the student trustee's vote.

5.12.20 Subject to the notice requirements as to a new Policy or an amendment to an existing Policy or to these Bylaws, any member present at a Board meeting, or at a Committee meeting on which the

member sits, may move or second a motion related to an item on the Agenda, unless disqualified from participating due to a conflict of interest.

- 5.12.21 A motion that has been moved and seconded is considered to be on the floor and will be decided by a vote, unless withdrawn. A motion need not be seconded during a committee meeting, except during meetings of Committee of the Whole and Committee of the Whole – Standing.
- 5.12.22 A member who moved a motion may only withdraw it from consideration before the vote is taken on the motion if no other member present objects to the withdrawal.

Motions - Order of Precedence

- 5.12.23 When a motion is being considered, no other motion will be considered except a motion of precedence, as set out in RONR.
- 5.12.24 A motion of precedence may be introduced and will take precedence over any current motion under consideration. A chart outlining the precedence of common motions as stipulated in RONR is attached as Appendix “B”. The chart is included for convenience and in the event of any conflict between the chart and the terms of RONR, the terms of RONR will govern.
- 5.12.25 If a motion of precedence is defeated, another motion of precedence to the same effect cannot be made until some other business has been taken up and decided.

Chair Ruling on Motion

- 5.12.26 The Chair may rule a motion out of order, including if it is not within the jurisdiction of the Board, is contrary to the *Education Act* or regulations thereunder, is contrary to these Bylaws, is dilatory, frivolous, vexatious or contains no rational proposition.
- 5.12.27 If a Chair rules a motion out of order, the Chair shall state the rationale for the ruling.
- 5.12.28 A ruling by the Chair that a motion is out of order is subject to appeal and will be reversed on a majority vote of the members present and voting.

Amendments to a Motion

- 5.12.29 A motion on the floor may be amended, except those motions that are not debatable or motions that are not amendable. Motions that are not amendable include:
 - (a) Appeal the ruling of Chair or presiding officer;
 - (b) End debate;
 - (c) Postpone consideration of a motion indefinitely;
 - (d) Reconsider a previous decision of the Board;
 - (e) Temporarily suspend a provision of the Bylaws;
 - (f) Lay a motion on the table;
 - (g) Take a motion from the table; or
 - (h) Withdraw a motion.
- 5.12.30 To be in order, an amendment must:
 - (a) Directly relate to the motion it proposes to amend;

- (b) Propose some change in the substance or form of the motion; and,
- (c) Not be contrary to the main concept of the motion it proposes to amend.

5.12.31 The vote on the motion, an amendment and any amendment(s) to the amendment(s) will be taken separately and in the reverse order of that in which they were moved.

Motion to Refer

5.12.32 A matter may be referred to:

- (a) The Board;
- (b) Any Committee of the Board; or
- (c) The Chair of the Board; or
- (d) The Director of Education or designate.

Extending Meeting Time

5.12.33 Unless provided for otherwise in these Bylaws, no Board or Committee meeting will continue in session beyond 10 p.m., unless upon the consent of the majority of members present and voting, the meeting is extended for a defined period of time to finish debate on matters currently on the floor or to address any matter on the agenda that may be of an urgent or time sensitive nature. Additional motions to further extend the meeting time are in order. In no case, will the meeting extend beyond 11 p.m.

Motion to Reconsider

5.12.34 Subject to the limits prescribed in RONR:

- (a) a decision of the Board made earlier in an ongoing (current) meeting may be reconsidered on a motion without notice. A reconsideration motion may only be brought by a member who voted on the prevailing side of the previous motion.
- (b) a previous decision of the Board cannot be reconsidered for at least twelve (12) months after the decision was made unless by resolution approved by a two-thirds (2/3) majority of the members present and voting and provided notice of the proposed reconsideration shall have been provided at the prior Board meeting.

~~(b)~~—

Point of Order

5.12.35 A member may advise the Chair when they believe that a departure from the Bylaws, as supplemented by RONR, has taken place by raising a point of order.

5.12.36 Subject to certain exceptions as stipulated in RONR, a point of order must be raised promptly at the time of the alleged breach. A member may interrupt another member to raise a point of order.

5.12.37 The point of order in question must be clearly stated by the member.

5.12.38 The Chair shall decide on the point of order without debate.

5.12.39 The Chair may consult with the General Counsel and may declare a recess in order to consider the point of order.

- 5.12.40 A member may interrupt the meeting to introduce a motion to appeal the ruling of a Chair. A majority of members present and voting will overturn a ruling of the Chair.
- 5.12.41 If the appeal from the decision of the Chair results in a tie vote, the Chair's decision on the point of order will be upheld.

Questions of Privilege

- 5.12.42 Any member may raise a question of privilege, either a question of privilege affecting the Board, or a question of personal privilege.
- 5.12.43 Questions of privilege affecting Board include matters such as noise, comfort or safety. Questions of personal privilege affecting a member include the reputation or treatment of the member or staff, as well as any member of the public and the member's ability to exercise rights and privileges.
- 5.12.44 A question of privilege must be stated clearly and should include the remedy or resolution requested by the member.
- 5.12.45 A question of privilege will not be in order if the remedy or resolution requested exceeds the power or ability of the Chair, Committee or Board.
- 5.12.46 The Chair will decide on the question of privilege without debate.
- 5.12.47 The Chair may consult with the General Counsel and may declare a recess in order to consider a question of privilege in order to make a decision.
- 5.12.48 A member may appeal the ruling of a Chair on a point of privilege. A majority vote of members present and voting will overturn a decision of the Chair.
- 5.12.49 If the appeal from the Chair's decision results in a tie vote, the Chair's decision on the question of privilege will be upheld.

Parliamentary Inquiry

- 5.12.50 A member may ask a question about the rules of procedure relevant to any matter or issue before the Board. The Chair will answer the question if it would assist the member to make an appropriate motion, raise a proper point of order or understand the effect of a motion or ruling. The Chair is not obliged to answer hypotheticals. The Chair may consult with the General Counsel in providing an answer.
- 5.12.51 The answer provided by the Chair is an opinion and is not subject to appeal. The member may act contrary to opinion and may then appeal any adverse ruling by the Chair.

Point of Information

- 5.12.52 A member may ask a question directed to the Chair, or through the Chair to another member, for information relevant to the matter at hand but unrelated to parliamentary procedure.

By-Law #3 - Public Presentations to Board and Committee Meetings [no substantial changes - now found in section 5.13]

1.0 Introduction

1.1 In keeping with Durham District School Board Policy #1200 - Public Consultation, the Durham District School Board welcomes presentations by individuals and groups. Presentations shall be made in the first instance with the Standing Committee.

1.2 The following procedure shall apply in all cases:

2.0 Approval to Present

2.1 Each presenter must apply to present (see 3.1) at least eight working days before the next scheduled meeting of the Standing committee (except as in 2.3 below).

2.2 Application may be made to the Office of the Director. Any application submitted to the Office of the Director shall be sent to the Chairperson of the Standing Committee.

2.3 Any application to present at the Standing Committee shall be approved at the discretion of the Chairperson of the Standing Committee who shall:

- determine if the opportunity for presentation is available through any other public consultation
- process, which shall be utilized prior to approval being given for presentation in the Boardroom;
- determine the date on which the presentation shall take place. Notwithstanding 2.1, the
- Standing Committee Chairperson may waive the notice of eight working days in
- certain situations;
- limit the number of presentations at any meeting to allow the Standing Committee sufficient
- time to conduct its business.

2.4 Approval to present at a Board meeting is at the discretion of the Chairperson of the Board.

3.0 Submission

3.1 Any application to present to the Standing Committee shall state in detail:

- the matter to be discussed;
- materials intended to be distributed to trustees;
- the name of any organization or interested party to be represented;
- the authority of the spokesperson.

3.2 Presenters should use the appropriate format and protocol for presentations, available from the Director's Office.

3.3 The Chairperson of the Board or Standing Committee shall delay the distribution of any materials which may not be acceptable under Freedom of Information legislation or any other legislation.

3.4 Anyone wishing to make a presentation shall be informed if the issue to be addressed will be discussed at any meeting of the Board or Standing Committee of the Board prior to her or his opportunity to present.

4.0 Presentations

4.1 Presentations shall be heard at all Standing Committee meetings commencing at 7:00 p.m. or as soon thereafter as is practicable.

4.2 Presenters shall be limited to speaking not more than 15 minutes including time for questions. At the discretion of the Chairperson, this may be extended for a specific amount of time or deferred to a later point in the meeting.

4.3 Presenters shall be restricted to topics outlined in the application.

5.0 Decisions

5.1 One or more presentations on a topic do not necessarily lead to a Standing Committee or Board decision. The Standing Committee Chairperson shall direct presenters to any added sources of information if appropriate.

- 5.2 If a presentation raises one or more issues that require decision, the Standing Committee shall deal with the issue(s) at the Board Meeting following the presentation. Any exceptions to this rule shall be at the majority vote of the Standing Committee.
- 5.3 When a decision is required on the topic raised by a presentation, presenters shall be notified in writing of the meeting at which the decision is to be made or a staff report is to be considered.
- 5.4 If a presentation is approved by the Chairperson of the Board and placed on a Board Meeting agenda, issues raised by the presenters that require decision may be referred to a committee or placed on a future Board agenda.
- 5.5 If items are referred by the Board, the Standing Committee shall deal with each item as soon as possible after such referral.

6.0 Public Question Period

- 6.1 In addition to appearing before the Board as a delegation, members of the public are invited to pose questions of a general nature or regarding Board processes to the Board at all Regular Meetings.
- 6.2 The Board encourages questions on a wide variety of topics, while making sure that adequate time is available for regular business. The Chairperson shall establish time limitations as necessary to achieve these objectives and may group together questions of a similar nature.
- 6.3 Questions shall not be entertained if they relate to a matter which is under consideration by the Board and for which another public input and questioning process is available (e.g. school boundaries, accommodation reviews, school naming).
- 6.4 The following procedure applies to public question period:
 - Each person shall be allowed to ask one question and one supplementary question.
 - Before the beginning of the Board meeting, the Questioner shall submit the question in writing to the Manager of Communications;
 - The Questioner shall be called to the podium;
 - The Questioner or, if the Questioner prefers, the Chairperson, shall read the question;
 - The question shall be addressed by the Chairperson who may direct staff to answer;
 - The Questioner may ask a supplementary question for clarification;
 - Questions to individual trustees will not be addressed at public question period.

5.13 Public Participation in Meetings

- 5.13.1 In keeping with Board's Policy on Public Consultation, the Board welcomes presentations by individuals and groups. Presentations shall be made in the first instance to the Committee of Whole - Standing.
- 5.13.2 In Order to obtain permission to make a presentation to the Committee of Whole - Standing, a person shall email the Director at least eight working days before the next scheduled meeting of the Committee of Whole - Standing. A presenter to the Committee of Whole - Standing may also be invited to present at a Board Meeting, at the discretion of the Chair of the Board.
- 5.13.3 Any application submitted to the Director shall be forward to the Chair of the Committee of Whole - Standing.
- 5.13.4 An email requesting permission to present to the Committee of Whole - Standing shall:

- State the matter to be discussed;
- Include materials intended to be distributed to trustees;
- Provide the name of any organization or interested party to be represented;
- Confirm the authority of the spokesperson.

5.13.5 Any application to present to the Committee of Whole - Standing may be approved at the discretion of the Chair of the Committee of Whole - Standing who shall:

- determine if an opportunity for presentation is available through any other public consultation process, which shall be utilized prior to approval being given;
- determine the date on which any approved presentation shall take place;
- limit the number of presentations at any meeting to allow the Committee of Whole - Standing sufficient time to conduct its business;

5.13.6 The Chair may waive the eight working days' notice period.

5.13.7 Presenters should use the appropriate format and protocol for presentations, available from the Director's office.

5.13.8 Anyone wishing to make a presentation shall be informed if the issue to be addressed will be discussed at any meeting of the Board or Committee of Whole - Standing of the Board prior to their opportunity to present.

5.13.9 Presenters shall be limited to speaking not more than 15 minutes including time for questions. At the discretion of the Chair of the Committee of Whole - Standing, this may be extended for a specific amount of time or deferred to a later point in the meeting.

5.13.10 Presenters shall be restricted to topics outlined in the application.

5.13.11 One or more presentations on a topic do not necessarily lead to a Committee of Whole - Standing or Board decision. The topic of a presentation should not be debated by Trustees unless and until it is on an agenda.

5.13.12 Members of the public may also pose questions of a general nature or regarding Board processes to the Board at any regular Board meeting.

5.13.13 The Board encourages questions on a wide variety of topics, while making sure that adequate time is available for regular business. The Chair shall establish time limitations as necessary to achieve these objectives and may group together questions of a similar nature.

5.13.14 Subject to the discretion of the Chair, questions will ~~shall~~ not be entertained if they relate to a matter which is under consideration by the Board and for which another public input and questioning process is available (e.g. school boundaries, accommodation reviews, school naming).

5.13.15 The following procedure applies to public question period:

- Each person shall be allowed to ask one question and one supplementary question.
- Before the beginning of the Board meeting, the Questioner shall submit the question in writing to the Executive Officer of Communications;
- The Questioner shall be called to the podium;
- The Questioner or, if the Questioner prefers, the Chair, shall read the question;
- The question shall be addressed by the Chair who may direct staff to answer;
- The Questioner may ask a supplementary question for clarification;
- Questions to individual trustees will not be addressed at public question period;
- Individual Trustees will not respond or comment on questions posed.

By- Law #4 - Standing Committee [Substantial changes to By-Laws 4-7 dealing with Committees – now found in section 4]

- 1.0** The Board shall meet as a Standing Committee on the first (1st) Monday of the month. Should the date of a Standing Committee meeting fall on a statutory, civic, or school holiday, the meeting will be held on the Tuesday of the same week or the Monday of the following week. All Trustees shall sit on the Standing Committee.
- 1.1** A Chairperson and Vice-Chairperson of the Standing Committee shall be elected at the Inaugural Meeting of the Board.
- 1.2** There will be a quorum for Standing Committee meetings. A trustee who cannot attend a meeting should so notify the Trustees' Office Administrative Assistant as early as possible.
- 1.3** The Standing Committee shall have access to all board information and the assistance of appropriate staff. The allocation of staff resources is the responsibility of the Director and is monitored by the Director. Where the service required by the Standing Committee necessitates more staff time than can be made available, this situation is to be referred by the Standing Committee Chairperson to the attention of the Board Chairperson for consultation with the Director.
- 1.4** The Standing Committee of the Board shall be dissolved as the Board directs.
- 1.5** Tasks assigned to the Standing Committee, if incomplete on the dissolution of the Committee, shall be completed in the succeeding year by the Standing Committee.

2.0 Terms of Reference – Standing Committee

- 2.1** It is the function of the Standing Committee to provide to the Board, in concise form, relevant information and recommendations. Presentations to the Standing Committee are welcomed. The individual or group shall follow the guidelines for "Public Presentation to Board and Standing Committee Meetings" as outlined in By-Law #3. It is necessary that the functions of the Standing Committee to be complementary to the work of the Board and Administration.

3.0 Responsibilities of Standing Committee

- 3.1** Evaluate and promote the educational programs of the Board and make recommendations to the Board with respect to the operation, amendment, addition or deletion of, or to, the same.
- 3.2** Conduct, from time to time, studies of existing or proposed educational programs of this or other Boards and report to the Board thereon.
- 3.3** Receive and seek representations and opinions from staff, area residents, and others, with respect to the educational programs of the Board, both specific and general, to assist in its responsibilities.
- 3.4** Receive reports regarding curriculum development, implementation, and assessment projects.
- 3.5** Receive and consider communications regarding curriculum issues from agencies, councils, commissions, associations, and societies.
- 3.6** Consider other matters involving the Board, including, but not limited to, curriculum, facilities and Employee Relations, and make recommendations to the Board as required.

By-Law #5 - statutory Committees**1.0 Obligation to Establish and Maintain**

Statutory Committees are those committees that the Board must establish and maintain in accordance with the Education Act and the Regulations made thereunder.

2.0 Special Education Advisory Committee

The Durham District School Board shall establish and maintain a Special Education Advisory Committee in accordance with Regulation 464/97 - Special Education Advisory Committees.

3.0 Supervised Alternative Learning Committee

The Durham District School Board shall establish and maintain a Supervised Alternative Learning Committee in accordance with Regulation #374/10 - Supervised Alternative Learning.

4.0 Accommodation Review Committees

The Durham District School Board shall establish (when necessary) an Accommodation Review Committee in accordance with the Ministry Pupil Accommodation Review Guidelines.

5.0 Parent Involvement Committee

The Durham District School Board shall establish a Parental Involvement Committee in accordance with Student Achievement and School Board Governance Act, and Regulations.

6.0 Audit Committee

The Durham District School Board shall establish an Audit Committee in accordance with Ontario Regulations.

By-Law #6 - Non-Statutory Committees

1.0 Non-Statutory Committees shall be established as necessary by the Board.

1.1 The function, membership tenure, mandate, and reporting relationship of each committee shall be established as appropriate.

2.0 Education Finance

2.1 The Chairperson of the Education Finance Committee shall be elected at the Inaugural Meeting of the Board.

2.2 The Chair of the Education Finance Committee will be responsible for communicating with the Superintendent of Education/Business and Treasurer, facilitating the introduction of issues to the Standing Committee as the issues relate to Section 4.0 of this By-Law.

2.3 Develop and maintain the procedures by which the Board establishes budget objectives and audits the budget expenditures.

2.4 When deemed necessary by the Board, study and recommend to the Board desirable changes in the Board's financial system.

2.5 Recommend to the Board expenditures other than those within the Budget.

2.6 Considers and recommends to the Board the annual Budget.

2.7 Review the annual financial statement and all expenditures, revenues, trust, capital account reserves, and investment reports.

2.8 Consider the annual transportation budget.

By-Law #7 - Ad Hoc Committees

1.0 Name and Origin

- 1.1 This By-Law is implemented by the Durham District School Board to regularize the structures and practices of the ad hoc committees created by the Board.

2.0 Chairperson of Committee

The Chairperson may be designated by the Board or the Chairperson of the Board. If the Chairperson has not been designated by the Board or the Chairperson of the Board, the Chairperson of each ad hoc committee shall be chosen by the members of the ad hoc committee.

3.0 Membership, Structure, and Tenure

3.1 Membership

Members of an ad hoc committee shall be trustees. The Director shall assign a senior staff person to every ad hoc committee and any other staff needed would be seconded by the senior staff person assigned. The ad hoc committee may seek additional input from other resource people.

3.2 Tenure

Trustees shall remain members of the ad hoc committee until the specified task is completed. The Committee, by resolution, may add members to the committee as the need arises. At the completion of the specified task, which would normally be the presentation of its final report, the committee would automatically cease to exist.

4.0 Mandate

The mandate of any ad hoc committee is to carry out a specified task as charged by the Board through resolution.

5.0 Reporting on Ad Hoc Committees

5.1 Reporting Relationship

An ad hoc committee reports to the Standing Committee through the chair of the ad hoc committee

5.2 Board Agenda

A list of ad hoc committees currently at work shall be included in the regular Board agenda.

SECTION 4: COMMITTEE STRUCTURE AND COMPOSITION

4.1 Approval of Committees

- 4.1.1 The Board shall consider and approve the Board's Committee structure and composition on an annual basis at the Organizational Meeting and as otherwise may be deemed appropriate by the Board.

4.2 Committee of the Whole and Committee of the Whole - Standing

- 4.2.1 The Committee of the Whole will be composed of all Trustees with full participation and voting privileges.
- 4.2.2 The term of the Committee of the Whole will coincide with the term of the Board.
- 4.2.3 During a Board meeting, the Board may convene into Committee of the Whole by majority vote of members present and voting to consider matters in closed session, as permitted under section 207 of the *Education Act*, or for any other reason the Board may deem appropriate. In any such case, the presiding officer for the Committee of the Whole will be the Vice-Chair of the Board.
- 4.2.4 The Committee of the Whole shall also meet regularly on the first (1st) Monday of the month (which shall be referred to as "The Committee of Whole – Standing"). Should the date of such a meeting fall on a statutory, civic, or school holiday, the meeting will be held on the Tuesday of the same week or the Monday of the following week.
- 4.2.5 A Chair and Vice-Chair of the Committee of Whole - Standing shall be elected at the Organizational Meeting of the Board. The presiding officer for any closed session of the Committee of the Whole – Standing will be the Vice-Chair of the committee.
- 4.2.6 There will be a quorum for Committee of the Whole – Standing. A trustee who cannot attend a meeting should so notify the Trustees' Office Administrative Assistant as early as possible.
- 4.2.7 It is the function of the Committee of Whole - Standing to consider and debate matters in a more informal way than may be available at Board meetings and to provide to the Board, in concise form, relevant information and recommendations. Except for matters considered in closed sessions, any and all resolutions of the Committee of Whole – Standing shall be set out in a numbered list as an appendix to the minutes and shall be referenced by the Board when it moves to adopt any such resolution.
- 4.2.8 Public presentations to the Committee of the Whole – Standing are welcomed. The individual or group seeking to make a presentation shall follow the process and rules set out in these Bylaws.
- 4.2.9 The terms of reference of the Committee of the Whole - Standing are as follows:
- a) Evaluate and promote the educational programs of the Board and make recommendations to the Board with respect to the operation, amendment, addition or deletion of, or to, the same.
 - b) Conduct, from time to time, studies of existing or proposed educational programs of this or other Boards and report to the Board.
 - c) Receive and seek representations and opinions from staff, area residents, and others, with respect to Board policy, including a proposed new policy or a proposed amendment to an existing policy.

- d) Receive staff reports regarding curriculum development, implementation, and assessment projects.
- e) Receive and consider communications regarding curriculum issues from agencies, councils, commissions, associations, and societies.
- f) Consider other matters involving the Board, including, but not limited to, curriculum, facilities and Employee Relations, and make recommendations to the Board as required.

4.3 Statutory Committees

4.3.1 The Board shall establish Statutory Committees as called for in the *Education Act* and the regulations thereunder including:

- (a) Audit Committee;
- (b) Parent Involvement Advisory Committee;
- (c) Special Education Advisory Committee;
- (d) Supervised Alternative Learning Committee(s);
- (e) Accommodation Review Committee (when necessary).

4.3.2 The mandate, membership composition and terms of reference for Statutory Committees shall be governed by applicable legislation and regulations. _

4.3.3 The term of appointment of Trustees on the Audit Committee shall be for a two-year term, effective December 2022.

4.4 Additional Standing Committees

4.4.1 There shall be an Education Finance Standing Committee, a Governance and Policy Standing Committee, and a Director's Performance Review Standing Committee, the membership and terms of reference of which are as follows:

Education Finance Standing Committee:

- a) Develop and maintain the procedures by which the Board establishes budget objectives and audits the budget expenditures;
- b) When deemed necessary by the Board, study and recommend to the Board desirable changes in the Board's financial system;
- c) Recommend to the Board expenditures other than those within the Budget;
- d) Consider and recommend to the Board the annual Budget;
- e) Review the annual financial statement and all expenditures, revenues, trust, capital account reserves, and investment reports;
- f) Consider the annual transportation budget;
- g) All trustees are eligible to sit on the committee; the Chairperson and Vice-Chairperson shall be elected annually at the Organizational Meeting.

Governance and Policy Standing Committee:

- To ensure all of the Board's policies are up-to-date, accurate and consistent with the current legislation and government requirements;

- To ensure that the Board of Trustees review policies at least once every five years or when required by a new legislative act or regulation, new government policy, resolution of the Board or as recommended by staff;
- To develop policies that are developed with evidence-based data, equitable and reflect the board's vision, values and strategic plan;
- Monitor the effectiveness of board policies through consultation and evidence based data;
- Monitor the effectiveness of Board policies in addressing human rights and equity in consultation with the Human Rights and Equity Advisor, through the Director of Education;
- Report and make recommendations to the Board of Trustees on governance and board policies;
- Review Bylaw/Policies for ad-hoc committees and develop/review/document procedures (document mandate, clearly identify quorum, membership);
- The committee shall meet at least twice annually;
- All trustees are eligible to sit on the committee. The Chairperson and Vice-Chairperson shall be elected annually at the Organizational Meeting.

Director's Performance Review Standing Committee:

- a) As set out in the Director's Performance Review Policy*

4.5 Advisory Committees

- 4.5.1 There shall be an Equity and Diversity Advisory Committee and an Indigenous Advisory Committee (which shall be referred to as the Indigenous Advisory Circle).
- 4.5.2 The purpose of these Advisory Committees is to consider any matter within the jurisdiction of the Board that the committee may deem appropriate and to make policy recommendations to the Board. The membership and composition of these committees, as well as the election of a chair, shall be left to the committee but members shall include at least one Trustee and/or staff member, at the discretion of the Advisory Committee.

4.6 Additional Committees

- 4.6.1 In addition to any committees established under these Bylaws, the Board may by resolution, establish any Stranding Committee, Ad Hoc committee or Advisory Committee as it may deem appropriate at any time, subject to these Bylaws and any applicable legislation. The Board shall stipulate, by resolution, the terms of reference for any such Standing Committee or Ad Hoc Committee stipulating the mandate and membership of the Committee. The Board may, by resolution, seek the recommendation from a Standing Committee or Ad Hoc Committee on the appropriate terms of reference for the committee.

4.7 Committee Structure

- 4.7.1 The members of standing committees and ad hoc committees shall be Trustees. The members of a statutory committee are as stipulated by legislation or regulation.
- 4.7.2 The members of an advisory committee may include Trustees, Student Trustees, staff members and members of the community, but shall include at least one trustee or staff member.
- 4.7.3 The chair of an ad hoc committee or standing committee may be determined by the Chair of the Board, the Board or, failing which, by the committee. The chair of an advisory committee shall be determined by the committee.

- 4.7.4 The Director shall assign one (non-member/non-voting) senior staff person to every ad hoc and standing committee and any other (non-member/non-voting) staff person(s) that the Director, in consultations with the Chair of committee, may deem appropriate.
- 4.7.5 If there is no staff person on an advisory committee, the Director shall assign one (non-member/non-voting) senior staff person and any other (non-member/non-voting) staff person(s) that the Director, in consultation with the Chair of the committee, may deem appropriate.
- 4.7.6 Except for any committee established under these Bylaws or Board Policy, the Board may dissolve any standing or ad hoc Committee at the Organizational Meeting or by resolution at any time as the Board may deem necessary or appropriate, subject to applicable legislation. Committees constituted under these Bylaws or Board Policy may only be dissolved by an amendment or revocation of the applicable provisions in these Bylaws or Board Policy, as the case may be. The terms of reference of any standing committee or ad hoc committee not established in these Bylaws or in a Board policy may be amended by ordinary resolution.
- 4.7.7 Committees are not decision-making bodies and may only make recommendations ~~to the Board.~~
Ad Hoc committees report to , which they shall typically do through the Committee of Whole -
 Standing. Standing committees report to the Board of Trustees.
- 4.7.8 A Trustee who is not a member of a Statutory Committee, Standing Committee or Ad hoc committee cannot move a motion, vote or be counted towards quorum, but may attend any such committee meeting.
- 4.7.9 Once an ad hoc committee has satisfied the terms of reference, it shall report to the Committee of Whole – Standing confirming that it has satisfied the terms of reference at which point it shall be automatically dissolved.

By-Law #8 - Filling Trustee Vacancies on The Board of Education [no substantial changes – now found in section 6]

- a) Background
- b) The Education Act, 1998, allows a Board to fill a trustee vacancy by either of two means:
 - i. require the municipality to hold a by-election, or
 - ii. appoint a qualified person to the position.
- c) A by-election may not be held after March 31 in an election year (i.e., within approximately 8 months of a regularly scheduled municipal election). All costs for a by-election are borne by the Board (subsection 7(3) Municipal Elections Act, 1996).
- d) The method of appointment is not specified in the Act (Section 221(1)(a)).
- e) The Following Steps/Decisions Need to be Considered:
- f) By-Election or Appointment:
 - a) If by-election, the matter is virtually out of the hands of the Board and is the responsibility of the municipality. The process for filling a vacancy in this manner takes approximately 2-1/2 months. Information regarding the implications of holding a by-election, including previous election results and estimated costs, will be provided to the Board.
 - b) If appointment, the Education Act requires the vacancy to be filled within ninety days after the office becomes vacant. The Board, will by special motion, establish an Appointment Committee with the authority to interview and appoint. The Committee must have quorum of the Board.
- g) Qualifications:
 - a) The Education Act, 1998, Section 219(1) specifies the qualifications necessary to be elected as a member of a Board (and, presumably, to be appointed):
 - qualified to vote for members of the Board
 - a resident in the area of jurisdiction of the Board
 - disqualifications are outlined in the Education Act, 1998 Section 219(4)(5)(7).
 - h) The Board may choose to appoint one of the unsuccessful trustee candidates from the last municipal election in the vacated electoral area providing the candidate remains a qualified person. IF the Board chooses to offer the position to a broader range of electors, the following actions will occur:
 - a) Advertising

The vacancy shall be advertised in all the local papers.
 - b) Applications
 - Individuals interested in the position shall be required to submit in writing an application for the position, to be received by the Secretary to the Board.
 - The Appointment Committee shall establish a deadline for the appointment process.

c) Information Required

Applicants shall be asked to provide the following information:

- i. confirmation of eligibility as per Section 2.2 (a);
- ii. why they are interested in the position;
- iii. background, interests, experience, concerns;
- iv. other information they think is pertinent.

Application material shall be copied and distributed to all trustees at least 48 hours prior to an interview date.

d) Information Provided

Upon written or verbal indication from an individual that she/he intends to apply for the position, a package of information shall be made available for pick-up from the Trustees' Secretary, as follows:

- i. Durham District School Board Facts Folder;
- ii. By-Law #8 - Responsibilities and Code of Conduct;
- iii. Schedule of Board and Committee Meetings;
- iv. Committee Membership List.

e) Interviews

- i. The Appointment Committee shall establish the interview date and the schedule of interviews.
- ii. Only candidates who have submitted written applications by the deadline date shall be interviewed. Interviews shall be conducted in the Board room. All trustees shall be invited to participate in the interviews. Trustees shall be asked to indicate their intentions about their attendance and participation in the interviews. Each candidate shall be requested to address the Board for up to five minutes, and to respond to questions from the trustees for up to five minutes. Interviews shall be conducted on the Monday of the Board meeting, arranged so that all interviews shall be completed by 4:30 p.m. If an inordinate number of candidates is to be interviewed, a second day for interviews shall be determined by the Chairperson, after consultation with trustees. If a quorum of trustees is present for the interviews, the interviews shall be conducted as part of a special Board meeting. Should a quorum of trustees not be present, those present shall form a Selection Committee which shall make a recommendation to the Board. The chairperson of the Board or designate shall preside over the interviews and be responsible for adhering to the timelines. The interviewing process shall be open to the public. Candidates shall be advised of their right to attend any or all interviews.

f) Voting

- i. Only trustees present for all interviews are eligible to vote.
- ii. Voting shall be by secret written ballot
- iii. The Director and Superintendent of Education/Business and Finance shall count the ballots.
- iv. On the first ballot, trustees shall vote for three (3) candidates. (Any ballot without three names shall be considered a spoiled ballot)
- v. The ten (10) candidates achieving the greatest number of votes shall proceed to the second ballot. Their names shall be posted in the Board Room. Any candidate who does not receive any votes will be dropped from subsequent voting.
- vi. On the second and subsequent ballots, trustees shall vote for only one (1) candidate.

- vii. Voting shall continue, and on each subsequent vote the candidate(s) receiving the lowest number of votes shall be dropped from the ballot until one (1) candidate receives at least a simple majority of votes cast., except on the first ballot.
 - viii. Any candidate who does not receive any votes will be dropped from subsequent voting. This shall also apply to all subsequent ballots.
 - ix. In the event of a tie, a second ballot shall be cast. If a tie remains, the decision shall be determined by lot.
 - x. Following the swearing in of the successful candidate, all ballots shall be destroyed.
- g) A recommendation shall be brought forward to the Board in Committee of the Whole to approve the appointed candidate. All trustees are eligible to vote on the recommendation. of the selection committee. The person shall be advised by telephone of the Board's decision.
- h) The appointed candidate shall attend the next Board meeting at the beginning of the public session to be sworn in.

SECTION 6: FILLING TRUSTEE VACANCIES

6.1 The Education Act

- 6.1.1 Section 221 of the Education Act provides for the Board to fill a trustee vacancy by either:
- i. requiring the municipality to hold a by-election, or
 - ii. appointing a qualified person (as defined in the *Education Act*) to the position, within 90 days of the office becoming vacant. The method of appointment is not specified in the *Education Act*.
- 6.1.2 A by-election may not be held after March 31 in an election year (i.e., within approximately 8 months of a regularly scheduled municipal election). All costs for a by-election are borne by the Board (subsection 7(3) Municipal Elections Act, 1996).

6.2 Vacancy Committee

- 6.2.1 In the event of a vacancy, the Board shall establish a Vacancy Committee to consider and determine the means of filling the vacancy.
- 6.2.2 All members of the Board are eligible to sit on the Vacancy Committee which shall be made up of at least half of the members of the Board. The Vacancy Committee shall obtain and consider information regarding the implications of holding a by-election, including previous election results and estimated costs.
- 6.2.3 For an appointment, there are two options: (i) appoint one of the unsuccessful trustee candidates from the last municipal election in the vacated electoral area provided that the candidate remains a qualified person as defined under the Education Act; or (ii) consider a broader range of electors for the appointment in which case the following actions will occur:
- a) Advertising

The vacancy shall be advertised in all the local papers.
 - b) Applications

- Individuals interested in the position shall be required to submit in writing an application for the position, to be received by the Secretary to the Board.
- The Appointment Committee shall establish a deadline for the appointment process.

c) Information Required

Applicants shall be asked to provide the following information:

- i. confirmation of eligibility;
- ii. why they are interested in the position;
- iii. background, interests, experience, concerns;
- iv. other information they think is pertinent.

Application material shall be copied and distributed to all trustees at least 48 hours prior to an interview date.

d) Information Provided

Upon written or verbal indication from an individual that she/he intends to apply for the position, a package of information shall be made available for pick-up from the Trustees' Secretary, as follows:

- i. Durham District School Board Facts Folder;
- ii. By-Law #8 - Responsibilities and Code of Conduct;
- iii. Schedule of Board and Committee Meetings;
- iv. Committee Membership List.

e) Interviews

- i. The Vacancy Committee shall establish the interview date and the schedule of interviews.
- ii. Only candidates who have submitted written applications by the deadline date shall be interviewed. Interviews shall be conducted in the Board room. All trustees shall be invited to participate in the interviews. Trustees shall be asked to indicate their intentions about their attendance and participation in the interviews. Each candidate shall be requested to address the Board for up to five minutes, and to respond to questions from the trustees for up to five minutes. Interviews shall be conducted on the Monday of the Board meeting, arranged so that all interviews shall be completed by 4:30 p.m. If an inordinate number of candidates is to be interviewed, a second day for interviews shall be determined by the Chairperson, after consultation with trustees. If a quorum of trustees is present for the interviews, the interviews shall be conducted as part of a special Board meeting. Should a quorum of trustees not be present, those present shall form a Selection Committee which shall make a recommendation to the Board. The chairperson of the Board or designate shall preside over the interviews and be responsible for adhering to the timelines. The interviewing process shall be open to the public. Candidates shall be advised of their right to attend any or all interviews.

f) Voting

- i. Only trustees present for all interviews are eligible to vote.
- ii. Voting shall be by secret written ballot
- iii. The Director and Superintendent of Education/Business and Finance shall count the ballots.
- iv. On the first ballot, trustees shall vote for three (3) candidates. (Any ballot without three names shall be considered a spoiled ballot)
- v. The ten (10) candidates achieving the greatest number of votes shall proceed to the

second ballot. Their names shall be posted in the Board Room. Any candidate who does not receive any votes will be dropped from subsequent voting.

- vi. On the second and subsequent ballots, trustees shall vote for only one (1) candidate.
 - vii. Voting shall continue, and on each subsequent vote the candidate(s) receiving the lowest number of votes shall be dropped from the ballot until one (1) candidate receives at least a simple majority of votes cast., except on the first ballot.
 - viii. Any candidate who does not receive any votes will be dropped from subsequent voting. This shall also apply to all subsequent ballots.
 - ix. In the event of a tie, a second ballot shall be cast. If a tie remains, the decision shall be determined by lot.
 - x. Following the swearing in of the successful candidate, all ballots shall be destroyed.
- g) A recommendation shall be brought forward the Committee of the Whole (closed session) to approve the appointment. All trustees are eligible to vote on the recommendation. The person shall be advised by telephone of the Board's decision.
- h) The appointed candidate shall attend the next Board meeting at the beginning of the public session to be sworn in.

By-Law #9 - Trustee Determination and Distribution [No substantial changes – now found in section 7]

The Durham District School Board (“DDSB”) is a statutory corporation under section 58.5 of the Education Act, R.S.O, 1990, C. E.2, (the “Education Act”). The Board of Trustees is the governing body of the DDSB. The duties and powers of the Board of Trustees are as set out in the Education Act. Decision making authority rests with the Board of Trustees as a single body, not with individual trustees.

The number and distribution of elected trustees is determined pursuant to the provisions of the Education Act and the regulations thereunder.

SECTION 7: TRUSTEE DETERMINATION AND DISTRIBUTION

- 7.1 The Durham District School Board (“DDSB”) is a statutory corporation under section 58.5 of the Education Act, R.S.O, 1990, C. E.2, (the “Education Act”). The Board of Trustees is the governing body of the DDSB. The duties and powers of the Board of Trustees are as set out in the Education Act. Decision making authority rests with the Board of Trustees as a single body, not with individual trustees.
- 7.2 The number and distribution of elected trustees is determined pursuant to the provisions of the Education Act and the regulations thereunder.

By-Law #10 - Durham District School Board Responsibilities [largely deleted – a few key statements on this topic are now in Section 2]

The *Education Act* provides for the establishment of locally elected school boards responsible for operating publicly-funded schools within their jurisdiction and for the delivery and quality of educational programs and services. Legal accountability for board decisions applies to the board as a corporate entity rather than to individual trustees.

The Durham District School Board's major areas of responsibility are:

1.0 Accountability for Student Achievement and Well Being in the District

- 1.1 Nurture a culture that supports student academic success and provides an environment that promotes well-being.
- 1.2 Provide a safe environment to promote student learning.
- 1.3 Promote effective educational programming for all students in the district.
- 1.4 Make decisions that reflect the belief that all students can learn
- 1.5 Use student achievement data to make informed decisions
- 1.6 Foster a professional climate that puts educators in the role of champions of their students.

2.0 Accountability to the Provincial Government

- 2.1 Act in accordance with the Education Act, Regulations, and other statutory requirements to ensure the implementation of provincial and education standards and policies.
- 2.2 Perform Durham District School Board functions required by provincial legislation and board policy.
- 2.3 Provide advice and input to the Ministry of Education regarding relevant issues.

3.0 Accountability to the Community

- 3.1 Promote community consultation and outreach that seeks and provides communities at large with opportunities for input and the exchange of ideas
- 3.2 Recognize the role of individual Trustees as advocates and as liaisons for their communities
- 3.3 Annually review the communication plan to ensure that the district is fulfilling its commitment to communicate with the community at large.
- 3.4 Provide two-way communications between Durham District School Board, Special Education Advisory Committee (SEAC) and School Community Councils.
- 3.5 Support the growth and development of the district Parent Involvement Committee.
- 3.6 Provide reports outlining district results in accordance with provincial policy.
- 3.7 Develop district processes to hear appeals in accordance with appropriate statutes and district policies.
- 3.8 The Audit Committee is accountable to the Board of Trustees.

4.0 Policy Development, Implementation and Review

- 4.1 Develop policies that outline how the district will successfully function.
- 4.2 Ensure the processes for policy development, implementation and review comply with the Board Policy on Policy Development and Implementation.

5.0 Director/ Board Relations

- 5.1 Select the Director of Education.
- 5.2 Provide the Director with a clear job description and corporate direction.
- 5.3 Delegate through policy, administrative authority and responsibility subject to the provisions and restrictions of the *Education Act* and Regulations.

- 5.4 Evaluate the Director in the first year of service and annually thereafter. Use the Director's job description and Durham Directions as the basis for the evaluation.
- 5.5 At the Director's request provide the Director with the opportunity to meet alone with the board in closed session.
- 5.6 To establish and review the contract of the Director and in consultation with the Director, the senior staff.

6.0 Board Development

- 6.1 Conduct an annual Board self assessment.
- 6.2 Develop and support an annual development plan for trustees with the ability to utilize professional resources where applicable.

7.0 Strategic Planning

- 7.1 Establish and/or confirm overall direction for the Durham District School Board by establishing the mission, vision and belief statements. (Durham Directions)
- 7.2 Annually set priorities and develop a process for communicating this with the system.
- 7.3 Annually use the established priorities to drive the budget process.

8.0 Fiscal Responsibility

- 8.1 Ensure a budget review process is in place to help determine annual resource allocations. (Use the system priorities and other provincial and local directions.)
- 8.2 Annually approve the budget to ensure that the financial resources are allocated to achieve the system priorities and comply with provincial requirements.
- 8.3 Approve as per legislation all capital plans and other planning documents that will drive budget decisions.
- 8.4 To ensure compliance with the provincial regulations.
- 8.5 Ratify applicable Memoranda of Agreements with all bargaining units.
- 8.6 To monitor significant financial expenditures and fiscal variances.

9.0 Political Advocacy

- 9.1 Articulate the role of Trustees as advocates for public education
- 9.2 Annually develop a plan, including the focus, key messages, mechanisms, and relationships for district advocacy.
- 9.3 Develop and maintain partnerships to strengthen the advocacy role.
- 9.4 Meet on an on-going basis with elected municipal, provincial and federal officials.

10.0 Recognition

- 10.1 Ensure that Durham District School Board recognizes students and student achievements
- 10.2 Ensure that the contributions of all staff are recognized and appreciated.
- 10.3 Ensure that Durham District School Board recognizes community members and volunteers.

The board also has the following responsibilities:

1. Approval of school year calendars
2. Naming of educational facilities
3. Approval of tender selection for major building construction and modernization
4. Approval of disposition of land and buildings
5. Approval of educational development charges
6. Approval for the issuance of debentures

- 7. Designation of the “lead” for Freedom of Information and Protection of Privacy
- 8. Involvement in Superintendent interviews as per succession plan model.

SECTION 2: ROLES AND RESPONSIBILITIES

2.1 Board of Trustees

- 2.1.1 The Board of Trustees is the governing body of the DDSB. Decision-making authority for matters before the Board of Trustees rests with the Board, as a whole, and not with individual Trustees.
- 2.1.2 The Board of Trustees is required to carry out its mandate as stipulated in the *Education Act* and, in particular, as set out in Section 169.1(1).
- 2.1.3 Board members shall each comply with the provisions of section 218.1 of the *Education Act* and the DDSB’s Member Code of Conduct.
- 2.1.4 The DDSB’s Member Code of Conduct is attached to these Bylaws as Appendix “A”.

By-Law #11 – Trustee Responsibilities [largely deleted – role of chair/vice-chair addressed in sections 2.2. and 2.3; Trustee responsibility is addressed in the Code of Conduct]

1.0 Areas of Responsibility

Trustee Responsibilities

- Articulate the Board's vision for education
- Establish and monitor Board policy based on vision and provincial policy
- Establish a budget and monitor its implementation
- Provide, equip and maintain schools
- Hold schools accountable for the results achieved by students
- Employ and compensate staff
- Provide equity of program for all students throughout the Board
- Advocate for public education.

Principles of Policy Governance

- The Board of trustees as a body has the responsibility to serve the general public rather than groups of the population or the professionals whom the Board employs.
- The Board of trustees exists to govern the school system, not manage it.
- The Board of trustees has multiple and varied responsibilities, but involvement in the details of these concerns should never displace students as the central focus of the system.

1.1 Trustees

In addition to the responsibilities set down in the Education Act and incorporated in the by-laws and procedures of the Board, an individual Trustee shall be expected to:

- a) Attend regular Board Meetings;
- b) Serve on statutory, regulatory, and ad hoc committees of the Board as required;
- c) Notify the Secretary of the Board when unable to attend a meeting;
- d) Safeguard and keep confidential, materials and information discussed or placed in confidence with trustees in Committee of the Whole in Camera or through other venues;
- e) Be prepared for, and actively participate in, discussion and decision-making;
- f) Ensure, when making public statements, that it is clear whether she/he speaks on behalf of the Board or as an individual Trustee;
- g) Exercise her/his power to govern only as a trustee of the corporate body, not as an individual;
- h) Be aware that she/he can be held personally liable if she/he is guilty of bad faith, neglect, or willful or malicious use of power.

Trustees as full participating members of the Board may be expected to:

- i) Act as a representative of the Board at official functions;
- j) Be involved in provincial Trustee organizations and committees;
- k) Consult and communicate with ratepayers, community and business organizations regarding Board activities.
- l) Attend conferences, workshops, etc., in order to be kept informed of current educational issues;
- m) Reflect community attitudes while also providing leadership in decision-making.
- n) Chair community meetings in their representative areas.

Trustees shall be expected to model ethical practices which include:

- o) Making decisions in a manner which is open, accessible and equitable;
- p) Approaching all Board issues with an open mind, and being prepared to make the best decisions for the organization as a whole;
- q) Respecting different points of view;
- r) Conducting Board business through appropriate channels;
- s) Ensuring that public office is not used for personal gain;
- t) Protecting the integrity of the Board.

1.2 Chairpersons of the Board shall be expected to:

- a) Organize the agenda for Board meetings:
 - schedule delegations and presentations
 - follow up on Board directions
 - speak with press
 - chair meetings of the Board in an impartial manner, facilitating deliberation and resolution;
- b) Consult with individual trustees, chairpersons of committees, and to resolve problems. Be well informed and prepared;
- c) Sit as a voting member of the hiring committee for Supervisory Officers and other staff appointments as required;
- d) Represent the Board at school/community events as an advocate for public education and communicator of corporate Board Policy;
- e) Liaise with local municipalities, organizations, MP's, MPP's, Federations;
- f) Will be the primary contact for public speaking engagements, interviews;
- g) Sign contracts, respond to mail and phone calls, consult with the Director and staff on issues;
- h) Organize, in consultation with trustees and staff, the Board committee structure and representation on committees;
- i) Be involved in workshops for professional development for trustees;
- j) Organize the selection of a new Director (as required);
- k) Prepare the evaluation of the Director;
- l) Attend meetings of Chairpersons with the Minister of Education and Training;
- m) Perform the responsibilities of a local trustee;
- n) Counsel and guide fellow trustees in private and in confidence.

1.3 Vice-Chairperson of the Board shall be expected to:

- a) Perform the duties of the Chairperson in her/his absence;
- b) Preside over Board meetings when the Chairperson is absent or challenged;
- c) Assume special duties as requested by the chairperson of the Board;
- d) Chair Committee of the Whole In Camera Meetings;
- e) Chair Standing Committee Meetings;
- f) Organize the agenda for Standing Committee.

1.4 Chairperson of the Standing Committee:

A Chairperson shall be expected to:

- a) Be knowledgeable about Robert's Rules of Order and Parliamentary Procedure;
- b) Chair public meetings of the Standing Committee, encouraging participation while maintaining control;
- c) Consult regularly with appropriate Liaison Trustees, Superintendents and staff members to prepare the agenda for each meeting and to stay informed on relevant issues;
- d) Approve the minutes of the meeting before they go to Board;
- e) Represent the Standing Committee at Board Meetings, presenting motions passed by the Standing Committee and answering questions;
- f) Be knowledgeable about Board Policy and Ministry Regulations;

- g) Inform all trustees and appropriate staff members of meeting dates, times, and locations; distribute agenda and back-up material;
- h) Represent the Standing Committee to employee and community groups and at public functions;
- i) Participate in conferences and workshops related to the Standing Committee's work;
- j) Follow up on items sent to the Standing Committee from the Board, as well as staff and community requests;
- k) Prepare an Items Pending List;
- l) Represent the Board at the provincial level if required;
- m) Be knowledgeable about topics within the Standing Committee's terms of reference and speak with the press and public when required;
- n) Establish ad hoc committees when appropriate;
- o) Assume other duties as assigned by the Board or Chairperson of the Board.

1.5 Vice-Chairperson of the Standing Committee

A Vice-Chairperson of the Standing Committee shall be expected to:

- a) Perform the duties of the Chairperson of the Standing Committee in her/his absence;
- b) Preside over the Standing Committee meetings when the chairperson is absent or challenged;
- c) Assume special duties as requested by the Chairperson of the Standing Committee;
- d) Chair Standing Committee In Camera Meetings.

1.6 Chairperson of the Education Finance Committee:

The Chair of the Education Finance Committee shall be expected to:

- a) Chair all Education Finance Committee Meetings;
- b) Be knowledgeable about Education Finance issues;
- c) Liaise with the Superintendent of Education/Business and Treasurer in the creation of agendas and dates for the Education Finance Committee.

2.0 Code of Conduct

- 2.1 Trustees shall exercise their power to govern only as trustees of the corporate body, not as individuals.
- 2.2 Trustees shall abide by existing legislation, the by-laws, policies, regulations and procedures of the Board, and their declarations of office.
- 2.3 Trustees shall maintain confidentiality regarding matters discussed at in-camera sessions of meetings and all other confidential information which is entrusted to them.

3.0 Criminal Reference Check

- 3.1 Trustees will complete a Criminal Background Check within two months of being sworn in as a Trustee, in accordance with the requirements of the Durham District School Board. These checks will be collected and administered by the Director of Education for the Durham District School Board.
- 3.2 Trustees shall complete a signed Annual Offence Declaration, in accordance with DDSB Regulation #4221 to be collected by the Director of Education to the Board. This offense declaration is to be submitted by September 1 each year in which the Trustee serves.

2.2 Chair/Vice-Chair

- 2.2.1 The Chair of the Board of Trustees, as an individual member, has no greater rights or powers than any other member of the Board but does have a unique role as expressly set out in the *Education Act*.
- 2.2.2 Consistent with the terms of s. 218.4 of the *Education Act*, tThe role of the Chair of the Board of Trustees (or Vice-Chair in the Chair's absence) is as set out in the *Education Act* and is to:

- (a) Preside over meetings of the Board in an impartial and fair manner;
- (b) Conduct meetings in accordance with these Bylaws;
- (c) Establish draft agendas for Board meetings, in consultation with the Director;
- (d) Ensure that members of the Board have the information needed for informed discussion of the agenda items;
- (e) Act as spokesperson to the public on behalf of the Board, unless otherwise determined by the Board;
- (f) Convey the decisions of the Board to the Director; ~~and~~
- (g) Provide leadership to the Board in maintaining the Board's focus on the Multi-Year Strategic Plan and the Board's mission and vision; and
- ~~(g)~~(h) Assume such other responsibilities as may be assigned by the Board of Trustees.

2.3 Committee Chair or Vice-Chair

2.3.1 The role of Committee Chair (or Vice-Chair in the Chair's absence) is to:

- (a) Preside over meetings of Committee in an impartial and fair manner;
- (b) Establish agendas for Committee meetings, in consultation with the Director;
- (c) Conduct meetings in accordance with these Bylaws;
- (d) Ensure that members of the Committee have the information needed for informed discussion of the agenda items;
- (e) Liaise with the Director to bring forward Committee recommendations to the Board, or to the Committee of the Whole – Standing, through a staff report delivered on behalf of the Committee.

By-Law #12 – Code of Conduct – See Appendix “A”**By-Law #13 - Execution of Documents and Corporate Seal [no substantial changes]**

- 1.0** The corporate seal of the Board shall be in the form impressed on the original copy of By-Laws located in the Administrative Offices of the Durham District School Board.
- 2.0** Deeds, transfers, assignments, contracts, obligations, and similar and related documents, on behalf of the Board, shall be signed by the following with the corporate seal of the Board to be affixed by the Director of Education:
 - a) The Chairperson of the Board or, in her/his absence, the Vice-Chairperson of the Board;
 - b) The Director of Education or, in her/his absence, the Treasurer of the Board.

3.0 SIGNING AUTHORITY

- 3.1** The Chairperson or the Vice-Chairperson of the Board and the Treasurer shall be authorized to sign cheques and orders for payment of money on behalf of, and in the name of, the Board.
- 3.2** The Treasurer shall be authorized to endorse bills of exchange, cheques, drafts, and orders for payment of money, for deposit to the credit of the Board, and to receive all paid cheques and vouchers, and any documents the bank may have from time to time, belonging to the Board, and to sign the bank's form of settlement and release.
- 3.3** The Treasurer shall be authorized to sign cheques by means of a cheque signing machine and a facsimile of the signatures of the Chairperson of the Board and the Treasurer.
- 3.4** The Chairperson of the Board and the Treasurer shall be authorized to sign all necessary bank forms or documents required by the bank in respect to parts 3.1, 3.2, and 3.3 of this resolution.
- 3.5** The Treasurer shall be authorized to have printed all the necessary forms required for the banking business of the Board.

SECTION 8: EXECUTION OF DOCUMENTS AND CORPORATE SEAL**8.1 Corporate Seal of the Board**

- 8.1.1** The corporate seal of the Board shall be in the form impressed on the original copy of the Bylaws located in the Administrative Offices of the Durham District School Board.

8.2 Signing Authority

- 8.2.1** The Chairperson or the Vice-Chairperson of the Board and the Treasurer shall be authorized to sign cheques and orders for payment of money on behalf of, and in the name of, the Board.
- 8.2.2** The Treasurer shall be authorized to endorse bills of exchange, cheques, drafts, and orders for payment of money, for deposit to the credit of the Board, and to receive all paid cheques and vouchers, and any documents the bank may have from time to time, belonging to the Board, and to sign the bank's form of settlement and release.
- 8.2.3** The Treasurer shall be authorized to sign cheques by means of a cheque signing machine and a facsimile of the signatures of the Chairperson of the Board and the Treasurer.
- 8.2.4** The Chairperson of the Board and the Treasurer shall be authorized to sign all necessary bank forms or documents required by the bank to implement the authority granted to them under these Bylaws.
- 8.2.5** The Treasurer shall be authorized to have printed all the necessary forms required for the banking

By-Law #14 - Student Trustees on The Durham District School Board [now found in section 2.4 and section 9]

1.0 Student Trustees

- 1.1** The Durham District School Board shall have three Student Trustees on the Board.
- 1.2** A person is qualified to act as a Student Trustee if he or she is a full-time pupil of the Board in the senior division. In addition, the Student Trustee must be a Canadian citizen and a resident in the jurisdiction of the Durham District School Board.
- 1.3** The Student Trustees shall be elected not later than April 30 of each school year, to take office for the following school year.
- 1.4** A Student Trustee shall be a student in good standing according to his or her principal from the date of his or her nomination until the last day of his or her term.

2.0 Election of Student Trustees

- 2.1** Every attempt shall be made to elect a Student Trustee from Ajax-Pickering, Oshawa-Whitby, and Brock-Scugog-Uxbridge. The election of Student Trustees shall be a two-stage process in municipalities which have more than one secondary school.

A notice shall be sent to each secondary school principal before February 1, advising of the election process. notice will also be sent to teachers in Civics classes, with a request to discuss the election process in class.

- 2.2** Stage 1: Municipal Election of Candidates

Section 2.2 shall apply in a municipality which has more than one secondary school.

Each secondary school student council or parliament shall be invited to elect one Student Trustee nominee who shall be the candidate for the municipality. The notice shall also invite each secondary school student council or parliament to elect ten (10) Student Trustee electors for the municipal election.

The elections for either Student Trustee nominees or electors may be either a direct election from the entire student body or an indirect election from the student council or parliament. The elections for the electors shall take place at the same time or prior to the elections for Student Trustee nominees.

The municipal elections shall be moved annually among the secondary schools in the municipality so that all secondary schools have an opportunity to host the election.

Voting shall be by secret ballot. Only Student Trustee nominee electors are entitled to vote. In each municipality, the candidate receiving a clear majority shall be declared the municipal Student Trustee nominee for the electoral college. A clear majority is 50 per cent plus one of the total votes cast. Should no candidate receive a clear majority of the votes cast, the name of the candidate with the smallest number of votes shall be dropped from the ballot and a further vote shall be conducted until one candidate has a clear majority.

- 2.3** Stage II: Electoral College Process

The Director of Education or designate shall cause three electoral colleges to take place in a secondary school in Ajax-Pickering, Oshawa-Whitby, and Brock-Scugog-Uxbridge. The three electoral colleges will meet before April 30 in each school year. The Board will pay for any transportation or other expenses such as food or the printing of ballots.

Each municipality in the electoral college will receive 40 votes for the election. The votes shall be divided equally among the number of schools in an area. If the division of votes is such that a whole number of votes per school is not determined, additional votes shall be apportioned by lottery through the Director's office. The secondary school student council or parliament shall elect the assigned number of electors for the electoral college. Any school which declares that it will not send delegates to the electoral college will have its votes divided among the remaining schools for the municipality according to this process.

The function of each electoral college is to elect one Student Trustee.

Each electoral college will have any appropriate number of staff advisors to help conduct the Student Trustee nominees speeches and the balloting.

The winning candidate from Stage 1 (Section 2.2 above) shall be the municipal candidate for the electoral college.

Voting shall be by secret ballot. Only Student Trustee nominee electors are entitled to vote.

In each electoral college, the Student Trustee nominee receiving a clear majority shall be declared elected. A clear majority is 50 percent plus one of the total votes cast. Should no Student Trustee nominee receive a clear majority of the votes cast, the name of the student nominee with the smallest number of votes shall be dropped from the ballot and a further vote shall be conducted until one Student Trustee nominee has a clear majority.

In the event of an equality of votes, there shall be a final ballot and should there be another equality of votes, the candidates shall draw lots to fill the position of Student Trustee.

The location of the electoral college for Student Trustee will be rotated annually among the municipalities to be represented by the Student Trustee (e.g. Oshawa-Whitby). Within a municipality, the school location of the electoral college shall be moved for each election, so that over the course of several years, all secondary schools in the municipality will have an opportunity to host the electoral college.

2.4 The Student Trustee nominees and Student Trustee electors shall be qualified according to this By-Law.

2.5 Any election material of any kind of media brought to the municipal election or to the electoral college must be approved by the Student Trustee nominee's principal or staff designate.

3.0 Disqualification of a Student Trustee

3.1 A Student Trustee who ceases to be a student in the Durham District School Board shall be disqualified from serving as a Student Trustee on the Durham District School Board.

3.2 A Student Trustee who absents himself or herself without being authorized by resolution entered in the minutes, from three consecutive regular meetings of the Board shall be disqualified from serving as a Student Trustee in the Durham District School Board.

3.3 A Student Trustee is disqualified if he or she is serving a sentence or imprisonment in a penal or correctional institution or is convicted of an indictable offence.

3.4 A Student Trustee who is suspended or expelled may be disqualified from serving as a Student Trustee on the Durham District School Board.

3.5 A Student Trustee who, in the opinion of the Director of Education and the Chairperson, behaves in a manner which is deemed to be incompatible with the responsibilities of the position shall be disqualified from serving as a Student Trustee on the Durham District School Board.

4.0 Vacancies

- 4.1 If the Board determines that a vacancy be filled, it shall be filled by a by-election, according to the process as outlined in section 2.0 above.

5.0 The Type and Extent of Participation of Student Trustees

- 5.1 A Student Trustee is not a member of the Board and is not entitled to exercise a binding vote on any matter before the Board or any of its committees.
- 5.2 A Student Trustee is entitled to require that a matter before the Board or one of the committees on which the Student Trustee sits be put to a recorded vote and the Student Trustee's non-binding vote be recorded.
- 5.3 Student Trustees are eligible to attend in camera meetings of the Board with the exception of matters of personnel, property and students (i.e. individual students).
- 5.4 Subject to Sections 5.1, 5.2, and 5.3, Student Trustees shall have the same opportunities for participation at meetings of the Board and of the committees as all Board members.

6.0 Reimbursement of Expenses

- 6.1 Student Trustees shall be reimbursed for their routine expenses reasonably incurred in connection with carrying out the responsibilities of Student Trustees. Such reimbursement of expenses shall be according to the same rules that govern the reimbursement of Board members' expenses.
- 6.2 The Director shall hold a meeting with the three Student Trustees by the end of the first month of their term to outline and clarify all matters and questions relating to reimbursement of expenses and budget for Student Trustees and for Student Senate.
- 6.3 All other expenses are to be pre-approved by the Chair of the Board, excluding those expenses covered in 6.1. These expenses include conference fees, accommodation and travel expenses.

7.0 Mentor/Advisor

- 7.1 The Durham District School Board shall appoint a mentor/advisor to the Student Trustees on the Board.

8.0 Co-Operative Education Credit

- 8.1 A Student Trustee may apply to the co-operative education teacher at his/her school before the beginning of his/her term to use the experience of Student Trustees to fulfill the requirements of a co-operative education credit(s).

9.0 Roles and Responsibilities

- 9.1 Student Trustees shall be expected to:
- a) Attend regular Board meetings;
 - b) Notify the Secretary of the Board when unable to attend a meeting;
 - c) Be prepared for, and actively participate in decision and decision-making;
 - d) Ensure, when making public statements, that it is clear whether she/he speaks on behalf of the Board or as an individual Student Trustee;
 - e) To participate in the Student Senate and report student matters to the Board.
 - f) Provide a Student Trustee report for Standing Committee meetings.
- 9.2 Student Trustees may be expected to:
- a) Serve on statutory, regulatory and ad-hoc committees of the Board as required;

- b) Act as a representative of the Board at official functions;
- c) Be involved in provincial trustee organizations and committees;
- d) Attend conferences, workshops, etc. in order to be kept informed of current educational issues;
- e) Reflect community attitudes while also providing leadership in decision-making;
- f) Student Trustees may become a member of the Ontario Student Trustees' Association - l'Association des élèves conseillères et conseillers de l'Ontario (OSTA - AECO) and attend OSTA-AECO conferences, including the FGM and the AMG, to further develop their skills as a Student Trustee and to be kept informed of issues across the province.

9.3 Student Trustees shall be expected to model ethical practices which include:

- a) Making decisions in a manner which is open, accessible, and equitable;
- b) Approaching all Board issues with an open mind, and being prepared to make the best decisions of the organization as a whole;
- c) Respecting different points of view;
- d) Conducting Board business through appropriate channels;
- e) Protecting the integrity of the Board.

10.0 Student Senate

10.1 Student Trustees are required to ensure that a Student Senate is organized for their term.

10.2 Student Trustees share the Chairpersonship of the Student Senate.

11.0 Honorarium

11.1 The amount of the honorarium referred to in subsection 5.5 (8) of the Act is:

- a) \$2,500, if the Student Trustee holds office for a complete term of office;
- b) \$2,500 prorated according to the proportion of a term for which the Student Trustee holds office, if the Student Trustee holds office for less than a complete term of office.

12.0 Term of Office

12.1 A Student Trustee's term of office starts on August 1 of the year in which he or she is elected, and ends on July 31 of the following year.

2.4 Student Trustees

2.4.1 Student Trustees are not elected members of the Board but play an important role in representing the interests of secondary school students through their participation in meetings of Student Senate, the Board and its Committees. As outlined in [section 55 of the Education Act](#) and the regulations thereunder, including Ontario Regulation 7/07, Student Trustees:

- (a) May attend Board and Committee meetings but are not considered members of the Board and may not exercise a binding vote on a matter;
- (b) May request that a matter before the Board be put to a recorded vote;
- (c) Must disclose any conflict of interest to the Board or Committee. During the discussion of the matter that gives rise to conflict, the Student Trustee cannot participate in the discussion, attempt to influence the vote of Board members, cannot suggest a motion or exercise a non-binding recorded vote;
- (d) May not move or second motions but are entitled to suggest a motion to be moved by a member;
- (e) May attend closed session of a committee unless the matters under consideration include the disclosure of intimate, personal or financial information with respect to a member of the Board or Committee, an employee or prospective employee of the DDSB, a pupil or their parent or guardian; and

- (f) Must not disclose to any member of the public, confidential information acquired by virtue of their office or during closed session.

- 2.4.2 The Durham District School Board shall have three Student Trustees on the Board. If the Board determines that a vacancy be filled, it shall be filled by a by-election, according to the process outlined in these By-Laws.
- 2.4.3 A person is qualified to act as a Student Trustee if he or she is a full-time pupil of the DDSB in the senior division. In addition, the Student Trustee must be a Canadian citizen and a resident in the jurisdiction of the Durham District School Board.
- 2.4.4 A Student Trustee shall be disqualified from serving if the student is suspended or expelled or is otherwise not a student in good standing according to his or her principal from the date of his or her nomination until the last day of his or her term. A Student Trustee who, in the opinion of the Director of Education and the Chair, has engaged in any conduct, either at school, in Board meeting or otherwise, including on social media, which is incompatible with the responsibilities of the position shall be disqualified from serving as a Student Trustee on the Board.
- 2.4.5 A Student Trustee who ceases to be a student in the DDSB shall be disqualified from serving as a Student Trustee on the Board.
- 2.4.6 A Student Trustee who is absent, from three consecutive regular meetings of the Board shall be disqualified from serving as a Student Trustee on the Board, unless the absence is authorized by resolution of the Board entered in the minutes.
- 2.4.7 Student Trustees shall be reimbursed for their routine expenses reasonably incurred in connection with carrying out the responsibilities of Student Trustees. Such reimbursement of expenses shall be according to the same rules that govern the reimbursement of Board member expenses. All other expenses are to be pre-approved by the Chair of the Board and the Director. Examples of other expenses that may be approved would be conference fees, accommodation and travel expenses.
- 2.4.8 The Director shall hold a meeting with the Student Trustees by the end of the first month of their term to outline and clarify all matters and questions relating to these Bylaws, reimbursement of expenses and budget for Student Trustees and for Student Senate. The Director shall appoint a staff member to act as mentor/advisor to the Student Trustees.
- 2.4.9 A Student Trustee may apply to the co-operative education teacher at his/her school before the beginning of his/her term to use the experience of Student Trustees to fulfill the requirements of a co-operative education credit(s).
- 2.4.10 Student Trustees shall be expected to:
- a) attend regular Board meetings;
 - b) notify the Secretary of the Board when unable to attend a meeting;
 - c) participate in the Student Senate and report student matters to the Board;
 - d) provide a Student Trustee report at meetings of the Committee of the Whole – Standing;
 - e) with the approval of the Chair and the Director of Education, Student Trustees may be members of the Ontario Student Trustees' Association - l'Association des élèves conseillères et conseillers de l'Ontario (OSTA - AECO) and attend OSTA-AECO conferences, including the FGM and the AMG, to further develop their skills and to be kept informed of issues across the province.
 - f) Ensure that a Student Senate is organized for their term, with each sharing duties as Chair.
 - g) Model the conduct expected of Board members as set out in the Trustee Code of Conduct.
- 2.4.11 The amount of the honorarium for Student Trustees as referenced in subsection 5.5 (8) of the Act is:
- a) \$2,500, if the Student Trustee holds office for a complete term of office;
 - b) \$2,500 prorated according to the proportion of a term for which the Student Trustee holds office, if the Student Trustee holds office for less than a complete term of office

- 2.4.12 The term of office of a Student Trustee starts on August 1 of the year in which he or she is elected, and ends on July 31 of the following year.

SECTION 9: ELECTION OF STUDENT TRUSTEES

- 9.1.1 Every attempt shall be made to elect a Student Trustee from Ajax-Pickering, Oshawa-Whitby, and Brock-Scugog-Uxbridge. The election of Student Trustees shall be a two-stage process in municipalities which have more than one secondary school.
- 9.1.2 A notice shall be sent to each secondary school principal before February 1, advising of the election process. Notice will also be sent to teachers in Civics classes, with a request to discuss the election process in class.

Stage I: Municipal Election of Candidates

- 9.1.3 Section 13.3 shall apply in a municipality which has more than one secondary school.
- 9.1.4 Each secondary school student council or parliament shall be invited to elect one Student Trustee nominee who shall be the candidate for the municipality. The notice shall also invite each secondary school student council or parliament to elect ten (10) Student Trustee electors for the municipal election.
- 9.1.5 The elections for either Student Trustee nominees or electors may be either a direct election from the entire student body or an indirect election from the student council or parliament. The elections for the electors shall take place at the same time or prior to the elections for Student Trustee nominees.
- 9.1.6 The municipal elections shall be moved annually among the secondary schools in the municipality so that all secondary schools have an opportunity to host the election.
- 9.1.7 Voting shall be by secret ballot. Only Student Trustee nominee electors are entitled to vote. In each municipality, the candidate receiving a clear majority shall be declared the municipal Student Trustee nominee for the electoral college. A clear majority is 50 per cent plus one of the total votes cast. Should no candidate receive a clear majority of the votes cast, the name of the candidate with the smallest number of votes shall be dropped from the ballot and a further vote shall be conducted until one candidate has a clear majority.

Stage II: Electoral College Process

- 9.1.8 The Director of Education or designate shall cause three electoral colleges to take place in a secondary school in Ajax-Pickering, Oshawa-Whitby, and Brock-Scugog-Uxbridge. The three electoral colleges will meet before April 30 in each school year. The Board will pay for any transportation or other expenses such as food or the printing of ballots.
- 9.1.9 Each municipality in the electoral college will receive 40 votes for the election. The votes shall be divided equally among the number of schools in an area. If the division of votes is such that a whole number of votes per school is not determined, additional votes shall be apportioned by lottery through the Director's office. The secondary school student council or parliament shall elect the assigned number of electors for the electoral college. Any school which declares that it will not send delegates to the electoral college will have its votes divided among the remaining schools for the municipality according to this process.
- 9.1.10 The function of each electoral college is to elect one Student Trustee.

- 9.1.11 Each electoral college will have any appropriate number of staff advisors to help conduct the Student Trustee nominees speeches and the balloting.
- 9.1.12 The winning candidate from Stage I (Section 13.3 above) shall be the municipal candidate for the electoral college.
- 9.1.13 Voting shall be by secret ballot. Only Student Trustee nominee electors are entitled to vote.
- 9.1.14 In each electoral college, the Student Trustee nominee receiving a clear majority shall be declared elected. A clear majority is 50 percent plus one of the total votes cast. Should no Student Trustee nominee receive a clear majority of the votes cast, the name of the student nominee with the smallest number of votes shall be dropped from the ballot and a further vote shall be conducted until one Student Trustee nominee has a clear majority.
- 9.1.15 In the event of an equality of votes, there shall be a final ballot, and should there be another equality of votes, the candidates shall draw lots to fill the position of Student Trustee.
- 9.1.16 The location of the electoral college for Student Trustee will be rotated annually among the municipalities to be represented by the Student Trustee (e.g. Oshawa-Whitby). Within a municipality, the school location of the electoral college shall be moved for each election, so that over the course of several years, all secondary schools in the municipality will have an opportunity to host the electoral college.
- 9.1.17 The Student Trustee nominees and Student Trustee electors shall be qualified according to these By-Laws.
- 9.1.18 Any election material of any kind of media brought to the municipal election or to the electoral college must be approved by the Student Trustee nominee's principal or staff designate.
- 9.1.19 If the Board determines that a vacancy be filled, it shall be filled by a by-election, according to the process as outlined above.

By-Law #15 - Electronic Meetings [No substantial changes - now found in Section 10]

Introduction

The Durham District School Board shall provide for the use of electronic means for the holding of meetings of the board and meetings of a committee of the Board, including a committee of the whole board.

1.0 Attendance

- 1.1 At every meeting of the Board or committee of the whole Board, the following persons shall be physically present in the meeting room of the Board.
 - a) The Chair of the Board or her or his designate
 - b) At least one additional member of the Board
 - c) The Director of Education of the Board or her or his designate.
- 1.2 At every meeting of the Board or committee of the whole Board, the following persons shall be physically present in the meeting room of the Board.
 - a) The chair of the committee or her or his designate
 - b) The Director of Education of the Board or his or her designate.
- 1.3 At the request of any Board member or student trustee, the board shall provide the member or representative with electronic means of participating in one or more meetings of the board or of a committee of the Board, including a committee of the whole Board, except where to do so would not comply with sections 1.1 and 1.2.
- 1.4 A member of the Board or pupil representative of the Board who participates in a meeting through electronic means shall be deemed to be present at the meeting.
- 1.5 A member of the Board shall be physically present in the meeting room of the Board for at least three regular meetings of the Board in each twelve month period beginning December 1. (Education Act 1998 s.229(1)).
- 1.6 For the period beginning when a member of a Board is elected or appointed to fill a vacancy and ending on the following November 30, the member shall be physically present in the meeting room of the Board for at least one regular meeting of the Board for each period of four full calendar months that occurs during the period beginning with the election or appointment and ending the following November 30. (Education Act 1998 s.229(2)).

2.0 Participation of Board Members and Pupil Representatives

- 2.1 The electronic means shall permit the member or representative to hear and be heard by all other participants in the meeting.
- 2.2 The electronic means shall be provided in such a way that the rules governing conflict of interest of members are complied with.

3.0 Public Participation

- 3.1 Section 3.0 applies to meetings of the Board or of a committee of the Board, including a committee of the whole Board, that are open to the public.
- 3.2 The Board may provide, at one or more locations within its jurisdiction, electronic means to permit participation in meetings by members of the public.

- 3.3 Where such locations are provided, members of the public shall participate only in those parts of the Board meeting or committee of the Board meeting where the public would normally participate. The extent and manner of participation shall be determined by the Board Chairperson based on the electronic means available.
- 3.4 Members of the public participating through electronic means shall not participate in any proceedings that are closed to the public.

SECTION 10: ELECTRONIC MEETINGS

10.1 Introduction

The Board shall provide for the use of electronic means for the holding of meetings of the Board and meetings of a committee of the Board, including a committee of the whole Board. The rules in this by-law apply to the extent they are not suspended or modified by Provincial regulation.

10.1.2 Attendance

At every meeting of the Board or committee of the whole Board, the following persons shall be physically present in the meeting room of the Board.

- a) The Chair of the Board or her or his designate;
- b) At least one additional member of the Board; and
- c) The Director of Education of the Board or her or his designate.

10.1.3 At every meeting of the Board or committee of the whole Board, the following persons shall be physically present in the meeting room of the Board.

- a) The chair of the committee or her or his designate; and
- b) The Director of Education of the Board or his or her designate.

10.1.4 Subject to 10.1.2 and 10.1.3, at the request of any Board member or student trustee, the board shall provide the member or representative with electronic means of participating in one or more meetings of the Board or of a committee of the Board, including a committee of the whole Board.

10.1.5 A Trustee or Student Trustee who participates in a meeting through electronic means shall be deemed to be present at the meeting. Subject to any exemptions for physical attendance under relevant legislation or Board policy, a member of the Board shall be physically present in the meeting room of the Board for at least three regular meetings of the Board in each twelve-month period beginning December 1. ~~(Education Act 1998 s.229(1)).~~

10.1.6 Subject to any exemptions for physical attendance under relevant legislation or Board policy, for the period beginning when a member of a Board is elected or appointed to fill a vacancy and ending on the following November 30, the member shall be physically present in the meeting room of the Board for at least one regular meeting of the Board for each period of four full calendar months that occurs during the period beginning with the election or appointment and ending the following November 30. ~~(Education Act 1998 s.229(2)).~~

10.2 Participation of Board Members and Student Trustees

10.2.2 The electronic means shall permit the member or representative to hear and be heard by all other participants in the meeting.

- 10.2.3 The electronic means shall be provided in such a way that the rules governing conflict of interest of members are complied with.
- 10.3.1 The Board may provide, at one or more locations within its jurisdiction, electronic means to permit participation in Board or Committee meetings by members of the public. Electronic meetings shall be made available for public viewing.
- 10.3.2 The extent and manner of public participation shall be determined by the Chair based on the electronic means available.
- 10.3.3 Members of the public participating through electronic means shall not participate in any proceedings that are closed to the public.

By-Law: School Board Member (Trustee) Code Of Conduct**1.0 Purpose and Application**

~~1.1 This Board Member Code of Conduct (“Code of Conduct”) supports both legislated requirements and Board established by laws, policies and procedures that set out the governance and accountability framework at the Durham District School Board (DDSB). The Education Act gives school boards the authority to adopt codes of conduct that apply to board members. This Code of Conduct supports the Board’s commitment to meeting high standards of conduct by trustees. The Education Act and the regulations thereunder mandate that school boards adopt a code of conduct that applies to Board members.~~

~~1.1~~

~~1.2 A Trustee position is an elected position which carries with it the understanding that the electorate will decide at election time its support for the effectiveness of a Trustee. At the same time, it is important to recognize the public trust and responsibility the collective body carries and that this trust and responsibility is honoured through determining and enforcing norms of acceptable behaviour. Transparency, accountability, and public confidence are fundamental components for the effective governance of school boards as public bodies responsible to their communities and to the provincial government. The conduct of the members of the Board of Trustees must be of the highest standard to maintain the confidence of the public.~~

~~1.2~~

~~1.3 A code of conduct policy contributes to confidence in public education and respect for the integrity of Trustees in the community. It deals with acceptable and respectful behaviours. This Code of Conduct meets the Board’s statutory obligations and supports the Board’s commitment to meeting high standards of conduct by trustees.~~

~~1.3~~**1.4**

Trustees will support the Vision and Values, and Strategic Priorities of the Durham District School Board. This Code of Conduct applies to all members of the Board of Trustees. It applies to members of the Board of Trustees from the date the Declaration is filed under section 209(1) of the Education Act and only while they hold the office. Conduct of a Trustee outside of this timeframe is not subject to sanction under this Code of Conduct.

~~1.4~~

~~1.5 Trustees responsibilities can be found in By Law #11.~~

~~1.6~~**1.5** The Selection, Appointment and Jurisdiction of the Integrity Commissioner and the Complaints Procedure is set out in Appendix 1. The Selection, Appointment and Jurisdiction of the Integrity Commissioner together with the Complaints Protocol are attached at Appendix 1 and 2 respectively.

~~1.71.6 Trustees shall sign the Trustee Code of Conduct Acknowledgement and Undertaking, set out at Appendix 3, at the annual inaugural meeting of the Board. The Selection, Appointment and Jurisdiction of the Integrity Commissioner together with the Complaints Protocol are attached at Appendix 1 and 2 respectively.~~

2.0 Objective

2.1 To establish governing principles and standards for accepted behavior by members of the Board of Trustees, including the Chair of the Board.

3.0 Responsibility

3.1 The Board of Trustees, the DDSB's Integrity Commissioner and the Director of Education.

4.0 Application and Scope

4.1 This Code of Conduct applies to all members of the Board of Trustees.

5.0 **Definitions**

Board means the Durham District School Board, ~~which is~~ also referred to as the DDSB, a statutory corporation under section 58.5 of the Education Act.

Discrimination means discriminatory behaviour as defined by the DDSB Workplace Violence and Harassment Prevention policies and the Ontario Human Rights Code.

Harassment means harassing behaviour as defined by the DDSB workplace Violence and Harassment Prevention policies and ~~the Ontario Human Rights Code~~ the Occupational Health and Safety Act, Ontario.

Integrity Commissioner means the Integrity Commissioner duly appointed by the Board of Trustees ~~in accordance with the Durham District School Board Bylaws.~~

Members of the Board (also referred to as Trustees) ~~means the Chair and all members of the Board of Trustees~~ are the members of the Board of Trustees of the DDSB.

Official Business means duties and responsibilities of Trustees as set out in as prescribed by in the *Education Act* and further delineated in the Board's Consolidated By-Laws and Policies. ~~explained in the By-Law #11 Trustee Responsibilities, and directly related to operations of the Durham District School Board.~~

Unless specified otherwise, staff means any employee of the Durham District School Board.
~~Staff members means employees of the Durham District School Board.~~

Trustee's office or office means the authority and public duties attached to the position of being a Trustee. ~~Trustees Office means the authority and public duties attached to the position of being elected as a DDSB Trustee.~~

6.0 **Code of Conduct**

6.1 Transparency, accountability, and public confidence are fundamental components for the effective governance of school boards as public bodies responsible to their communities and to the provincial government. The conduct of the members of the Board of Trustees must be of the highest standard to maintain the confidence of the public.

6.2 This Board Member Code of Conduct ("Code of Conduct") represents the Board's commitment to meeting high standards of conduct.

Integrity and Dignity of Office - Principles

6.3 Trustees ~~of the Board~~ shall discharge their duties, as set out in the Education Act, loyally, faithfully, impartially and in a manner, that will inspire public confidence in the abilities and integrity of the Board.

6.4 ~~Trustees of the Board shall recognize that the expenditure of school board funds is a public trust and endeavour to see that the funds are expended efficiently, in the best interests of the students.~~

- 6.5** Trustees, as leaders of the Board, must uphold the dignity of the office and conduct themselves in a professional manner at all times, and especially when attending Board events, or while on Board property.
- 6.6** Trustees shall ensure that their comments are issue-based and not personal, demeaning or disparaging with regard to any person, including Board staff or fellow Board members.

- 6.7 No Trustee shall engage in conduct during meetings of the Board or committees of the Board, and at all other times that would discredit or compromise the integrity of the Trustee or Board;
- 6.8 A Trustee shall not advance allegations of misconduct and/or a breach of this Code of Conduct that are trivial, frivolous, vexatious, made in bad faith or vindictive in nature against another Trustee of the Board;
- 6.9 Trustees shall serve and be seen to serve ~~their school communities~~ in a constructive, respectful, conscientious and diligent manner;
- 6.10 ~~Trustees shall recognize the public trust in the expenditure of DDSB funds efficiently and in the best interests of students;~~
- 6.11 Trustees shall be committed to performing their functions with integrity and to avoiding the improper use of the influence of their office, and conflicts of interest, both apparent and real;
- 6.12 Trustees are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence;
- 6.13 Trustees shall seek to serve the public interest by upholding both the letter and the spirit of the laws of the Federal Parliament and Ontario Legislature, and the By Laws and policies ~~adopted by~~ of the Board;
- 6.14 Trustees agree to the common understanding that individual trustees will not participate in activities that grant, or appear to grant, any special consideration, treatment, or advantage to an individual Trustee which is not available to every other individual. Allowable activities include those activities that are reasonably related to a Trustee's Office, taking into consideration the different interests and the diverse profiles of their wards/communities;
- 6.15 Trustees recognize that their Oath of Office binds them to the provisions of the *Municipal Conflict of Interest Act* (MCIA) ~~and~~;
- 6.16 ~~The following provincial and federal legislation also applies to Trustees:~~
- ~~(a) — Criminal Code of Canada~~
 - ~~(b) — Education Act~~
 - ~~(c) — Municipal Conflict of Interest Act~~
 - ~~(d) — Municipal Elections Act, 1996~~
 - ~~(e) — Municipal Freedom of Information and Protection of Privacy Act~~
 - ~~(f) — Occupational Health and Safety Act~~
 - ~~(g) — Ombudsman Act~~
 - ~~(h) — Ontario Human Rights Code~~

Confidential Information

6.17 Confidential Information includes,

- (a) information in the custody and/or control of the DDSB that is subject to the privacy provisions of the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) or other legislation, including, but not limited to personal information of staff and students, third party corporate, commercial, scientific, or technical information, solicitor-client or litigation privileged information;
- (b) information in respect of litigation or potential litigation affecting the Board, and information that is subject to solicitor-client privilege;
- (c) information discussed during closed sessions of the Board pursuant to section 207 of the *Education Act*;
- (d) intimate, personal or financial information of a Trustee, staff member or prospective staff member, student, parent or guardian;
- (e) the acquisition or disposal of the Board's real property, including a school site; and,
- (f) ~~decisions~~ information in respect of negotiations with staff members.

6.18 No Trustee shall disclose or release, to anyone, by any means, ~~to any member of the public~~, any confidential information acquired by virtue of their office, in either oral or written form, except when required by law or authorized by the Board to do so. This is a continuous obligation that extends beyond the Trustee's term of office.

6.19 No Trustee shall use confidential information for either personal gain or to the detriment of the Board.

6.20 Trustees should not access or attempt to gain access to confidential information in the custody of the Board unless it is necessary for the performance of their duties and not prohibited by Board policy. It is understood that any staff providing access to any such confidential information may share it with other Trustees, as may be appropriate in the circumstances.

6.21 Under the ~~DDSB Bylaws~~ Board's Consolidated By-Laws, a matter that has been discussed by any committee of the Board, ~~of Trustees including a committee of the whole board~~, in closed session in accordance with section 207(2) or 207(2.1) of the *Education Act* is confidential. Trustees shall not disclose the content of any such matter, or the substance of deliberations, of the closed session unless and until, and only to the extent that, meeting until the Board of Trustees discusses the information at a meeting that is open to the public or releases the information to the public or the Board of Trustees otherwise gives prior authorization for the disclosure.

6.22 ~~Individual members~~ Members of the Board are only entitled to information in the possession of the DDSB that is relevant to matters before the Board of Trustees or a committee of the Board. Otherwise, ~~an individual Trustee members~~ enjoys the same level of access rights to information as any other member of the community.

- 6.23 If there is uncertainty about whether information is confidential, ~~the a~~ Trustee may should check with the appropriate staff member, consult with the Director of Education or seek guidance from the Board's General Counsel. the advice of the Integrity Commissioner.

Upholding Decisions

- 6.24 All Trustees of the Board shall accept that authority rests with the Board of Trustees, and that a Trustee has no individual authority other than that delegated by the Board of Trustees. Trustees shall be mindful of this in all of their interactions with others and will not commit the Board, any Board committee or staff to any particular course of action.
- 6.25 Each Trustee shall uphold the implementation of any Board resolution after it is passed by the Board. A proper motion for reconsideration or rescission, or the like, if permitted by the Consolidated By-Laws Board's Rules of Order, can be brought by a Trustee and Robert's Rules of Order, if applicable, may be brought forward by a Trustee.
- 6.26 A Trustee should be able to explain the rationale for a resolution passed by the Board. A Trustee may respectfully state his or her position on a resolution provided it does not in any way undermine the implementation of the resolution.
- 6.27 Each Trustee shall comply with Board the Board's Consolidated By-Laws, Policies and applicable Procedures. policies, procedures, By Laws, and Rules of Order.
- 6.28 The Chair of the Board is the spokesperson to the public on behalf of the Board, unless otherwise determined by the Board. No other Trustee shall speak on behalf of the Board unless expressly authorized by the Chair of the Board or the Board of Trustees to do so. When individual Trustees express their opinions in public, they must make it clear that they are not speaking on behalf of the Board and must otherwise comply with this Code of Conduct.

Gifts, Benefits and Hospitality

- 6.29 Trustees are expected to carry out their duties with impartiality and objectivity. Trustees shall not accept a gift, benefit or hospitality in order to avoid the risk that this will compromise their objectivity or lead to an appearance of lack of objectivity, bias or influence ~~on the part of the Trustee.~~
- 6.30 For these purposes, a gift, benefit or hospitality provided with the Trustee's knowledge to a Trustee's spouse, child, or parent, or to a Trustee's staff that is connected directly or indirectly to the performance of the Trustee's duties is deemed to be a gift to that Trustee. of the Board.
- 6.31 There are circumstances in which the acceptance of a gift, benefit or hospitality occurs as part of the social protocol or community events linked to the duties of an elected official and his/her role in representing the Board. The exceptions do not apply in the case of vendors of goods and services, or those expecting to be vendors to the DDSB. The following is a list of recognized exceptions:
- (a) compensation authorized by law;
 - (b) gifts of a nominal value (eg. gift card, hat, t-shirt, mug, not exceeding approximately \$100.00).

~~(a)(c)~~ such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;

~~(b)~~ such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;

~~(e)~~(d) a political contribution otherwise reported by law, in the case of members running for office;

~~(d)~~(e) services provided without compensation by persons volunteering their time;

~~(e)~~(f) a suitable memento of a function honouring the member;

~~(f)~~(g) food, lodging, transportation and entertainment provided by provincial, regional and local governments or political subdivisions of them, by the federal government or by a foreign government within a foreign country, or by a conference, seminar or event organizer where the member is either speaking or attending in an official capacity. For the purposes of this exception, “*official capacity*” refers to attendance in a ceremonial, presentational or representational role on behalf of the Board or where the DDSB has authorized the member to attend on behalf of the organization;

~~(g)~~(h) food and beverages consumed at banquets, receptions or similar events, if:

- (i) attendance serves a legitimate business purpose;
- (ii) the person extending the invitation or a representative of the organization is in attendance; and
- (iii) the value is reasonable and the invitations infrequent;

~~(h)~~(i) communication to the offices of a member, including newspapers and periodicals; and,

~~(i)~~(j) no Trustee shall accept a gift from any person or entity that has dealings with the Board if a reasonable person might conclude that the gift could influence the Trustee when performing his or her duties to the Board. Any gifts received shall be reported to the Chair of the Board.

6.32 An invitation to attend a function where the invitation is connected directly with the performance of a Member’s duties of office (i.e. for which the Trustees has a ceremonial, presentational or representational official role) is not considered ~~by this Code of Conduct~~, to be a gift. This type of attendance is considered to be fulfillment of official public duties.

Conflict of Interest

6.33 A Trustee shall not use his or her office to advance the Trustee’s interests or the interests of any family member or person or organization with whom or with which the Trustee is related or associated.

6.34 No Trustee shall use his or her office to obtain employment with the Board for the Trustee or a family member.

6.346.35 Members of the Board shall comply with the *Municipal Conflict of Interest Act* and avoid conflicts of interest as defined by this Code of Conduct, and the Broader Public Sector (BPS) Directive and Code of Ethics.

Use of Board Property, Services and Other Resources

6.356.36 No Trustee should use, or permit the use of Board resources, including but not limited to staff members, Board events, Board facilities, Board funds, Board information and Board infrastructure or other resources (e.g., Board-owned materials, websites, and social media platforms) for activities other than the business of the DDSB. No Trustee may obtain personal financial gain from the use or sale of Board-developed intellectual property (e.g., inventions, creative writings and drawings), computer programs, technical innovations, or other items capable of being patented, or from the sale of Board provided mobile phones and all other technological equipment, since all such property remains exclusively that of the Board.

Election Campaign Work

6.366.37 Election activity refers to campaigns for municipal, provincial and federal office or campaigns on a question on a ballot.

6.376.38 No Trustee shall use the facilities, equipment, supplies, services or other resources of the Board (including newsletters, social media sites and websites linked through the Board's website, contact information including email addresses obtained as a result of the member's performance of his or her duties as a Trustee) for any election campaign or campaign-related activities. No Trustee shall undertake campaign-related activities on Board property unless permitted by Board policy. No Trustee shall use the services of persons for election-related purposes during hours in which those persons receive any compensation from the Board.

Improper Use of Influence

6.386.39 No Trustee shall use the influence of his or her office for any purpose other than for the exercise of his or her official duties. This includes using the influence of the office to obtain employment for a family member, or otherwise using one's status as a Trustee to improperly influence the decision of another person to the private advantage of oneself, or one's parents, children or spouse, staff members, friends, or associates, business or otherwise. Also prohibited is the holding out of the prospect or promise of future advantage through a Trustee's supposed or actual influence within the Board in return for present actions or inaction. It includes refraining from using one's status to improperly influence the decision of another person to improperly prejudice another person or persons.

6.396.40 For the purposes of the above this provisions, "private advantage" and "improperly prejudice" does not include discussion of a matter at a Board or committee meeting that:

- (i) that is of general application;
- (ii) ~~that~~ affects a Trustee, his or her parents, children or spouse, staff members, friends, or associates, business or otherwise as one of a broad class of persons; or
- (iii) ~~a committee or Board matter that~~ concerns the remuneration or benefits of a Trustee.

Conduct Regarding Current ~~a~~And Prospective Employment

6.406.41 No Trustee shall allow any current employment or the prospect of his or her future employment by a person or entity to improperly or for personal gain affect the performance of his or her duties to the Board.

6.416.42 No Trustee shall use his or her office to obtain employment with the Board for the Trustee or a family member of the Trustee.

Conduct ~~a~~At Board ~~a~~And Committee Meetings

6.426.43 ~~Trustees shall respect procedural rulings at Board and committee meetings and respect the views and opinions expressed by staff members, delegates and other Trustees. Trustees shall conduct themselves with decorum at Board and Committee meetings and in accordance with the provisions of the Consolidated By-Laws. Trustees act in the service of the community. They have the opportunity to set an example for future leaders who may look to them for guidance and leadership. They are expected to respect the procedural rulings of the Chair and behave respectfully in respect of the information, views and opinions expressed by staff members, delegates and other Trustees. It is vital that members of the Board conduct themselves with decorum at Board and Committee meetings and in accordance with the provisions of the DDSB's Bylaw concerning meeting procedures.~~

Conduct Respecting Staff Members

6.436.44 Trustees shall carry out their duties as defined within section 218.1 of the *Education Act*. ~~The Board of Trustees as a whole approves budget, policy, Committee processes, and other such matters. Staff members serve the Board of Trustees as a whole.~~

6.446.45 Trustees shall ~~be respectful of the~~ their role and the distinct role and responsibility of staff in accordance with the provisions of the *Education Act*, the Board's Consolidated By-Laws, and OPSBA's Good Governance guide, as amended from time to time. ~~of staff members to provide advice based on political neutrality and objectivity and without undue influence from any individual Trustee or faction of the Board of Trustees.~~

6.45 ~~Trustees will respect the distinct roles of staff in implementing policy in accordance with the provisions of the *Education Act*, the Board's Governance By Law #11, and OPSBA Good Governance.~~

6.46 ~~In dealing with parent/guardian concerns or community concerns, Trustees shall not provide express or implicit direction or suggested outcomes to school administrators or educators.~~

6.466.47 ~~Trustees shall not provide direction to staff. Trustees work with the Chair and Director of Education. The Director of Education is responsible for communicating directives and expectations to staff.~~

6.47 ~~Trustees shall respect the professionalism, reputations, duties and expertise of staff members.~~

6.496.48 ~~By way of example and for greater certainty, Trustees shall not falsely or maliciously injure the professional or other reputation of staff members; compel staff members to engage in partisan political activities or subject staff to threats or other maltreatment for~~

~~refusing to engage in such activities; or use or attempt to use their authority or influence to intimidate, threaten, coerce, command or influence staff members or interfere with staff members' duties, including to disclose improper activities.~~

Discreditable Conduct

6.506.49 All Trustees have a duty to treat members of the public, one another, and staff members respectfully and ~~without abuse, bullying or intimidation, and to ensure that the work environment at the Board is~~ free from discrimination and harassment. This provision applies to all forms of written and oral communications, including via social media.

6.516.50 ~~Harassing or discriminatory behavior, as indicated in the~~ DDSB Workplace Harassment Prevention and Human Rights policies and the *Ontario Human Rights Code and the Occupational Health and Safety Act*, ~~apply to the conduct of members which occurs in the course of, or is related to, the performance of official business and duties of Trustees, and to that extent are incorporated into and form part of this Code of Conduct. is subject to this Code of Conduct.~~ If an employee or a member of the public brings forward a harassment complaint against a Member of the Board to ~~staff, the DDSB Human Rights Office,~~ it shall be immediately forwarded to the Integrity Commissioner. If a complaint is filed with the Integrity Commissioner, after an initial assessment, the Integrity Commissioner may determine the appropriate next steps, including treating the matter as a Formal Complaint or referral of the complaint to an independent investigator. Upon receipt of the independent investigator's findings, the Integrity Commissioner shall report to the Board in the same manner as a report following an investigation into a Formal Complaint. ~~make a final recommendation in respect of compliance with the Code of Conduct.~~

Failure ~~t~~To Adhere ~~t~~To ~~t~~The Board Policies ~~a~~And Procedures

6.526.51 Trustees are required to observe the terms of all policies and procedures established by the Board that apply to members of the Board.

6.536.52 ~~Trustees shall comply with the provisions of the Employee and Trustee Expenses Policy and Regulation #4135 and corresponding procedures, as amended from time to time.~~

Reprisals ~~a~~And Obstruction

6.546.53 Trustees should respect the integrity of this Code of Conduct and are obliged to cooperate with inquiries conducted in accordance with the Complaints Protocol and any other procedures set by the Board for addressing complaints of a breach of this Code of Conduct. Any reprisal or threat of reprisal against a complainant or anyone else for providing relevant information to the Integrity Commissioner is prohibited. It is a violation of this Code of Conduct to obstruct the Integrity Commissioner in the carrying out ~~of her or his~~ the duties of that office, responsibilities, for example, by destroying documents or erasing electronic communications.

6.556.54 Trustees ~~shall be respectful of the role of the office of the Integrity Commissioner. of the Board have a duty to respond to and comply with all requests of the Integrity Commissioner and failure to do so is a violation of this Code of Conduct.~~

Acting ~~o~~On Advice ~~o~~Of Integrity Commissioner

6.566.55 ~~If a Trustee is~~ there is uncertainty about whether a proposed ~~an~~ action or activity by that Trustee refers to conduct is prohibited by the Code of Conduct, the ~~a~~ Trustee may directly seek the advice of the Integrity Commissioner prior to engaging in the proposed

action or activity. This shall not constitute an inquiry or investigation by the Integrity Commissioner pursuant to the Complaint Protocol. The advice is not binding on the member nor on the Board, but must be considered by the Integrity Commissioner in any subsequent investigation involving the member and the same or related conduct. ~~Where a member of the Board has received written~~ Any advice from by the Integrity Commissioner to a Trustee under this provision shall be in writing or, if oral, confirmed in writing by the Integrity Commissioner. ~~The fact that a member did not seek advice under this section shall not be considered by the Integrity Commissioner or the Board in any subsequent investigation or determination. on a particular matter, the advice is binding on the Board in any subsequent consideration of the conduct of the Trustee in the same matter as long as the Trustee disclosed all relevant facts to the Integrity Commissioner before the advice was provided.~~

6.56 Nothing in this Code prevents the Chair or Presiding Officer of any meeting of the Board or Committee of the Board from exercising their power pursuant to s. 207(3) of the Education Act to expel or exclude from any meeting any person who has demonstrated improper conduct at the meeting. ~~The Integrity Commissioner will work with the Chair and Director when providing advice to Trustees.~~

6.57 The Chair of the Board or Presiding Officer of any meeting of the Board or Committee of the Board shall exercise their powers in a fair and impartial manner having due regard for every Trustee's opinion or views.

6.576.58 he Chair of the Board or Presiding Officer shall always attempt to follow the special rules of order of the Board and/or the adopted Rules of Order and meeting procedures under the Consolidated By-Laws.

7.0 — Chair/Presiding Officer

7.2 ~~The Code of Conduct applies equally to the Chair of the Board. In the case of an allegation of a breach of the Code by the Chair, wherever a process requires action by the Chair, it shall be modified to read the Vice Chair of the Board.~~

7.4 ~~Each year two alternate Trustees shall be chosen by the Board to be used when the circumstance warrant that one or both Trustees are needed in place of the Chair and/or Vice Chair of the Board to carry out any of the duties required under this Code of Conduct. The two alternate Trustees will be selected annually at the inaugural meeting of the Board in December.~~

7.6 ~~Nothing in this Code prevents the Chair or Presiding Officer of any meeting of the Board or Committee of the Board from exercising their power pursuant to s. 207(3) of the Education Act to expel or exclude from any meeting any person who has demonstrated improper conduct at the meeting. For greater certainty, this may be done at the discretion of the Chair or Presiding Officer as the case may be, and without the necessity of a complaint or conducting an inquiry before an expulsion or exclusion from a meeting. The rationale for this provision is that a Chair or Presiding Officer must have the ability to control a meeting.~~

7.8 ~~The Chair of the Board or Presiding Officer of any meeting of the Board or Committee of the Board shall exercise their powers in a fair and impartial manner having due regard for every Trustee's opinion or views.~~

~~7.107.0~~ The Chair of the Board or Presiding Officer shall follow the special rules of order of the Board and/or the adopted Rules of Order and meeting procedures contained in any Policy or By Law of the Board. A breach of a rule of order should be dealt with at the meeting in question by a Trustee rising to a point of order or appealing a ruling of the Chair in accordance with any applicable rule of order. Once such a motion is dealt with by the Board of Trustees, all Trustees shall abide by that decision and no further action shall be undertaken pursuant to the Enforcement of the Code of Conduct, except for persistent improper use of the applicable rules of order by the Chair or Presiding Officer.

8.0 **Sanctions**

~~9.0~~ — If the ~~Board~~ Integrity Commissioner determines that the Trustee has breached ~~the Board's~~ this Code of Conduct, the ~~Board~~ Integrity Commissioner shall report to the Board of Trustees reciting the findings of the Integrity Commissioner. The Board of Trustees shall consider the report of the Integrity Commissioner and the Board of Trustees shall make its own assessment and determination of whether there has been a breach of the Code of Conduct and, if so, may impose one or more sanctions as provided for in section 218.3 of the *Education Act*, as may be amended from time to time. The Board has no power to declare the Trustee's seat vacant. ~~may impose one or more of the following sanctions:~~

~~(-) — Censure of the Trustee.~~

~~(-) — Barring the Trustee from attending all or part of a meeting of the Board or a meeting of a committee of the Board.~~

~~() — Barring the member from sitting on one or more committees of the Board, for the period of time specified by the Board.~~

~~9.7 — The Board shall not impose a sanction which is more onerous than the above but may impose one that is less onerous such as a warning or a requirement that the Trustee successfully complete specified professional development courses at the expense of the Board. The Board has no power to declare the Trustee's seat vacant.~~

~~9.9 — A Trustee who is barred from attending all or part of a meeting of the Board or a meeting of a committee of the Board is not entitled to receive any materials that relate to that meeting or that part of the meeting and that are not available to members of the public.~~

~~9.11 — The imposition of a sanction barring a Trustee from attending all or part of a meeting of the Board shall be deemed to be authorization for the Trustee to be absent from the meeting and therefore, not in violation of the Education Act regarding absences from meetings.~~

~~9.13 — Specific Directives~~

~~9.159.0 The Board of Trustees has authority to issue operational procedures to implement this policy.~~

10.0 Evaluation

10.1 This Code of Conduct is to be reviewed and updated as required but at a minimum every four (4) years, on or before May 15 beginning in May, 2019.

11.0 Appendices

N/A

12.0 — Reference Documents

Policies:

- ~~• — Trustee Expenses Policy & Regulation #4135~~
- ~~• — Workplace Harassment Policy & Regulation #4245~~

By-laws

- ~~• — Trustee Responsibilities Principles of Policy Governance By Law #11)~~
- ~~• — DDSB Bylaws~~

Procedures:

- ~~• — Workplace Violence Management Procedure #4146~~

Legislation:

- ~~• — Criminal Code of Canada~~
- ~~• — Education Act~~
- ~~• — Municipal Conflict of Interest Act~~
- ~~• — Municipal Elections Act, 1996~~
- ~~• — Municipal Freedom of Information and Protection of Privacy Act~~

- ~~Occupational Health and Safety Act~~
- ~~Ombudsman Act~~
- ~~Ontario Human Rights Code~~

Appendix:

1-~~32~~

Document Links:

Effective Date

2012-06-18

Amended/Reviewed

2015-11-16

2018-11-19

2019-03-14

Legislative References

Approved by

Appendix 1 – Appointment, Selection and Jurisdiction of the Integrity Commissioner

1.0 Appointment of the Integrity Commissioner

- 1.1 The Board of Trustees shall appoint an Integrity Commissioner by 2/3 vote. The Integrity Commissioner may be an individual or a firm/corporation. In the latter case, an individual in that firm/corporation may be referenced as the Board's Integrity Commissioner, with the consent of the Board and the firm/corporation.
- 1.2 The term of the Integrity Commissioner shall be five (5) years. The term may be extended by the Board of Trustees by 2/3 vote.
- 1.3 The Integrity Commissioner may be ~~removed or~~ terminated by the Board of Trustees for cause by 2/3 vote.
- 1.4 ~~The Integrity Commissioner may resign from his or her position with 90 days written notice to the Board of Trustees.~~

2.0 Selection of the Integrity Commissioner

- 2.1 The Integrity Commissioner shall be selected using the Board's hiring practices, overseen by a selection committee appointed by the Board and chaired by the Chair or designate. The selection committee shall make a recommendation to the Board.

3.0 Role of the Integrity Commissioner

- 3.1 The Integrity Commissioner has the following responsibilities:

- ~~a. providing advice to Trustees about the application of the Code of Conduct, Board policies and procedures, Complaint Protocol~~ fulfilling his or her responsibilities as set out in the Code of Conduct;
 - ~~a.b.~~ providing general instruction to Trustees about the Code of Conduct and Complaint Protocol;
 - ~~b.c.~~ providing general information to Trustees about their duties and obligations under the *Municipal Conflict of Interest Act*;
 - ~~e.d.~~ reviewing and making inquiries related to complaints made about Trustees in relation to the Code of Conduct and the Complaint Protocol, pursuant to the Complaint Protocol;
 - ~~d.e.~~ providing educational programs to Trustees on issues of ethics and integrity;
 - ~~e.f.~~ maintaining custody and control of their complaint and inquiry files and, on completion of their term, transfer any open files related to ongoing matters to the incoming Integrity Commissioner or as the Board may direct; and
 - ~~f.g.~~ providing such other duties respecting ethical and conduct matters as assigned by the Board.
- 3.2 The Integrity Commissioner does not have jurisdiction over complaints about Board staff.
- 3.3 The Integrity Commissioner shall act in an independent and objective manner. ~~shall carry~~

~~out his/her duties independently.~~

3.4 The Integrity Commissioner is accountable to and reports to the Board of Trustees.

3.5 ~~The Integrity Commissioner does not have jurisdiction to investigate or make inquiries in respect of complaints that are related to the Criminal Code, the Municipal Conflict of Interest Act, the Municipal Elections Act, or the Municipal Freedom of Information and Protection of Privacy Act.~~

The Director of Education, for the sole purpose of an inquiry or investigation undertaken by the Integrity Commissioner pursuant to the Complaint Protocol, provide information to the Integrity Commissioner, and facilitate access to all documents including, but not limited to books, accounts, financial records, electronic records and communications, files, papers, things or property in the possession or control of the DDSB that the Integrity Commissioner believes are necessary for an investigation of a complaint ~~or property belonging to or used by the Board of Trustees that the Commissioner believes are necessary for an investigation of a complaint~~ made in accordance with the Complaint Protocol, provided first that the Board's General Counsel has vetted the proposed access to confirm that same will not breach the Board's legal obligations.

3.6 —.

Appendix 2 – Complaints Protocol – Integrity Commissioner

1.0 RATIONALE

The Board has established a Board Member Code of Conduct (“Code of Conduct or “Code””) to govern the conduct of Trustees and to provide transparency, accountability, and public confidence in its governance. This Protocol supports the implementation of the Code of Conduct Board Member Code of Conduct, particularly as related to the complaints process, including the reporting, investigation and resolution of complaints.

2.0 OBJECTIVE

To outline the processes for making, investigating, resolving and reporting on the outcomes of complaints made under the Code of Conduct.

3.0 DEFINITIONS

Terms are as defined in the Code of Conduct.

~~*Board* refers to the Durham District School Board, which is also referred to as the DDSB.~~

~~*Discrimination* means discriminatory behavior as defined by the DDSB Workplace Violence and Harassment Prevention policy and the Ontario Human Rights Code. [NTD add in other policies/procedures at the board addressing this]~~

~~*Harassment* means harassing behavior as indicated by the DDSB Workplace Violence and Harassment Prevention policies and the Ontario Human Rights Code.~~

~~*Inquiry* includes an investigation.~~

~~*Integrity Commissioner* means the Integrity Commissioner appointed by the Board of Trustees in accordance with the DDSB Bylaws.~~

~~*Members of the Board* (also referred to as Trustees) means Trustees of the Board of Trustees.~~

~~*Official Business* means duties and responsibilities of trustees as prescribed by the Education Act and By-Law #11, Trustee Responsibilities, and directly related to operations of the Durham District School Board.~~

~~*Staff members* means staff members of the Durham District School Board.~~

~~4.0 — RESPONSIBILITY~~

~~The Board of Trustees, the DDSB's Integrity Commissioner, and the Director of Education.~~

~~5.0 — APPLICATION AND SCOPE~~

~~This procedure applies to all members of the Board.~~

6.0 COMPLAINT PROTOCOL

This Complaint Protocol describes informal and formal ways for members of the public, staff members and members of the Board of Trustees to address complaints concerning the Code of Conduct and members of the Board. The Complaint Protocol provides a number of ways to resolve complaints in addition to the process described in section 218.3(2) of the *Education Act*, ~~which permits a member to bring an alleged breach directly to the attention of the Board of Trustees. Nothing in this Code of Conduct impacts the ability of a member to elect to bring a complaint directly to the Board of Trustees under section 218.3 of the *Education Act*, rather than to the Integrity Commissioner.~~

~~The Integrity Commissioner may provide advice to members of the Board, information to staff members, and members of the public as well as options for resolving complaints as described in this Complaint Protocol. All of these processes are~~ The Complaint Protocol is intended to ensure that there is an opportunity to resolve complaints as fairly, expeditiously and meaningfully as possible.

6.1 Informal Complaint Process

Individuals (including staff members of the Board, members of the public, or members of the Board) ~~are encouraged may elect to use pursue an~~ informal process means first to address conduct prohibited by the Code of Conduct. With the consent of the complain~~anting individual~~ and the Trustee, the Integrity Commissioner may be a part of any informal process.

Individuals (including staff members of the Board, members of the public, or Trustees) who have identified or witnessed conduct by a Trustee that they believe is in contravention of the Code of Conduct may ~~address wish to consider addressing the conduct in an informal way including one or more of the following the prohibited conduct as follows:~~

- (a) advise the Trustee that the conduct contravenes the Code of Conduct with an explanation as to why;
- (b) encourage the Trustee to stop the prohibited conduct;

- (c) keep a written record of the incidents including dates, times, locations, other persons present, and any other relevant information; ~~advise tell someone else (for example, the Integrity Commissioner, a senior staff member or an officer of the organization)~~ about the concerns related to the Trustee and any response of the Trustee;
- ~~(e) if applicable, confirm to the Trustee the satisfaction with the response of the Trustee; or, if applicable, advise the Trustee of the dissatisfaction with the response;~~
- (d) ~~if applicable, confirm to the Trustee the satisfaction with the response of the Trustee; or, if applicable, advise the Trustee of the dissatisfaction with the responsespeak to the Chair of the Board to see if the matter can be resolved;~~
- (e) if the parties agree, the Integrity Commissioner can participate in resolving or attempting to resolve the issues ~~relating to the~~; and
- (f) consider the need to pursue a formal complaint as described in section 6.2.

~~An informal complaint must be made within six (6) months of the alleged violation or no action will be taken on the complaint Delay in making a formal or informal complaint to the Integrity Commissioner and any prejudice to the Trustee against whom the complaint is made as a result of such delay, shall be considered by the Integrity Commissioner and may, at the discretion of the Integrity Commission, be a sufficient basis for not proceeding with an investigation. In no case, shall a complaint be investigated if it is not made within 1 year of the events at issue.~~

The informal complaint process is encouraged; however, it is not required prior to beginning the formal complaint process.

Anonymous complaints will not be considered by the Integrity Commissioner, ~~but the Integrity Commissioner has the discretion to hide the identity of a complainant where the safety of the complainant is an issue or where the disclosure could have a material impact on the functioning of the Board and/or professional working relationships within the Board.~~

If an informal complaint is brought to the attention of the Integrity Commissioner during the pre-election period described in subsection 6.2(e), the Integrity Commissioner shall not participate in the informal process until after a new Board is deemed organized under section 6 of the *Municipal Elections Act*.

6.2 Formal Complaint ~~and Request for Inquiry Process~~

Requests for Inquiries

- (a) A request for an inquiry into a complaint that a Trustee has contravened the Code of Conduct (the “~~Formal e~~Complaint”) may be made to the Integrity Commissioner and if so, shall be made in writing on the prescribed form (~~sworn affidavit~~).
- (b) All written complaints shall be signed by an identifiable individual.
- ~~(c)~~ A written complaint shall set out reasonable and probable grounds for the allegation that the Trustee has contravened the Code of Conduct. The complaint should include the name of the alleged violator, the provision allegedly contravened, the facts constituting the alleged contravention, the names and contact information of witnesses, and contact information for the complainant during regular business hours. The Integrity Commissioner shall know the identity of the complainant, but where the safety of the complainant is an issue, or the identity of the complainant can impact the functioning of the Board and/or professional working relationships, the Integrity Commissioner can maintain the anonymity of the complainant, provided that the Integrity Commissioner is satisfied that the failure to identify the complainant does not and will not have a material impact on the fairness of the process to the member(s) against whom the allegations are made. Further, where the identity of the complainant is not disclosed to the Board of Trustees, the Board of Trustees may consider the fairness of the process to the member(s) against whom the allegations are made in considering the alleged breach and any sanction.
- ~~(d)~~ A Formal Complaint shall set out reasonable and probable grounds for the allegation(s) that a Trustee has contravened the Code of Conduct. The complaint should include the name of the alleged violator, the provision allegedly contravened, the facts constituting the alleged contravention, the names and contact information of witnesses, and contact information for the complainant during regular business hours.
- ~~(d)~~ (e) Where a complaint is brought forward by way of a Board decision under s. 218.3(a) of the *Education Act*, it may be referred to the Integrity Commissioner and, in that case, the Board shall direct whether the Integrity Commissioner is to treat the matter as a Formal Complaint or pursue informal inquiry and potential resolution. In any such matter where the Board has directed the Integrity Commissioner to pursue an informal inquiry and potential resolution, the Integrity Commissioner shall advise the Board in the event that the Integrity Commissioner has determined that the informal process

is not likely to resolve the matter. Upon receipt of such advice, the Board may then direct that the Integrity Commissioner to treat the matter as if it were a Formal Complaint; otherwise, the Board shall make inquiries into the matter and shall, based on the results of the inquiries, determine whether the member has breached this Code of Conduct and, if so, it shall consider whether to sanction the member under section 218.3(3) of the Education Act. 6.2 (a) will not apply.

~~(e)(f)~~ In a municipal election year, a Code of Conduct complaint respecting a Trustee who is seeking re-election will not be received by the Integrity Commissioner and any open complaint investigation shall be suspended during the period starting on Civic Monday and ending when a new Board is deemed organized under section 6 of the *Municipal Elections Act*.

~~(f)(g) A formal complaint must be made within six (6) months of the alleged violation or no action will be taken on the complaint.~~

6.3 Classification of Complaints by the Integrity Commissioner

(a) ~~The An~~ original written ~~Formal~~ ~~e~~Complaint shall be filed with the Integrity Commissioner for initial classification to determine if the matter is a complaint with respect to non-compliance with the Code of Conduct ~~and not whether is it~~ covered by other legislation or other policies.

(b) If the complaint is not a complaint with respect to non-compliance with the Code of Conduct or the complaint is covered by other legislation or ~~a the~~ complaint is covered by other legislation procedure under another Board policy, the Integrity Commissioner shall advise the complainant in writing as follows:

- i. if the complaint is an allegation of a criminal nature consistent with the *Criminal Code of Canada*, the complainant shall be advised that if the complainant wishes to pursue any such allegation, the complainant must pursue it with the appropriate police force;
- ii. if the complaint is with respect to non-compliance with the *Municipal Conflict of Interest Act*, the complainant shall be advised to review the matter with the complainant's own legal counsel;
- iii. if the complaint is with respect to non-compliance with the *Municipal Freedom of Information and Protection of Privacy Act*, the complainant shall be referred to the ~~appropriate~~ Board's General Counsel department;

~~iv. if the complaint is with respect to non-compliance with a specific Board policy with a separate complaint~~

~~procedure, the complainant shall be advised to pursue the complaint under that procedure; and~~

~~v.iv.~~ in other cases, the complainant shall be advised that the matter, or part of the matter, is not within the jurisdiction of the Integrity Commissioner to consider, with any additional reasons and referrals as the Integrity Commissioner considers appropriate.

(c) If the Integrity Commissioner ~~shall undertake a threshold assessment of any is of the opinion that the f~~Formal eComplaint and ~~shall determine whether the complaint is outside the timelines stipulated herein or request for an inquiry~~ is frivolous, vexatious, or not made in good faith, or that there are no grounds or insufficient grounds for an investigation, ~~in which case~~ the Integrity Commissioner shall not initiate an investigation, or, where that becomes apparent in the course of an investigation the Integrity Commissioner shall terminate the investigation. The complainant and Trustee, as appropriate, shall be advised of the decision with a rationale. ~~Where the complainant breaches the integrity of an investigation by sharing the details on social media, or in the public arena, the Integrity Commissioner may terminate the investigation. No report shall be presented to the Board of Trustees except as provided for in section 6.4(a).~~

~~(e) In assessing whether a complaint is frivolous, vexatious, or not made in good faith, the Integrity Commissioner shall consider whether the complainant is advancing a concern, issue or complaint that is consistent with the purpose of the Code of Conduct and also whether the complaint is, in essence, in the nature of a private interest.~~

6.4 Reports from the Integrity Commissioner: No Jurisdiction or Inquiry

- (a) The Integrity Commissioner may report to the Board of Trustees that a specific complaint is not within the jurisdiction of the Integrity Commissioner, ~~but shall not disclose information that could identify the complainant.~~
- (b) The Integrity Commissioner shall report annually to the Board of Trustees on complaints not within the jurisdiction of the Integrity Commissioner, but shall not disclose information that could identify a person concerned.
- (c) Other than in exceptional circumstances, the Integrity Commissioner will not report to the Board of Trustees on any complaint described in subsection 6.3 except as part of an annual ~~or other periodic~~ report.

6.5 Formal Complaint Inquiries by the Integrity Commissioner

- (a) If a complaint has been classified as being within the Integrity Commissioner's jurisdiction, the Integrity Commissioner shall proceed with an investigation as follows;

- i. Serve provide the complaint and supporting material ~~upon~~ to the Trustee whose conduct is in question with a request that a written response to the allegation be provided within ten days; and
- ii. Provide a copy of the response to the complainant with a request for a written reply within ten days.

~~(b) Provide a copy of the response provided upon the complainant with a request for a written reply within ten days.~~

- ~~(e)~~(b) If necessary, after reviewing the written materials, delivered under subsection 6.5 (a) the Integrity Commissioner may speak to anyone he or she deems relevant to the complaint, access and examine any of the information, documents or electronic materials and may enter any Board work location relevant to the complaint for the purposes of investigation and/or settlement, provided that the Board's General Counsel has pre-approved the release of any information, documents or materials to the Integrity Commission in accord with the Board's legal obligations.
- (c) The inquiry will be conducted in private and will remain confidential, save and except as may be disclosed in any report by the Integrity Commissioner to the Board of Trustees or as necessary for the conduct of the investigation.
- (d) The Formal Inquiry may involve both written and/or oral statements by any witnesses, persons with relevant information to the complaint, the complainant or the Trustee alleged to have breached the Code
- (e) The Statutory Powers Procedure Act does not apply.
- (f) Subject to the provisions of 5.4(g), at any time following receipt and review of a Formal Complaint or at any time during the Formal Inquiry, where the Integrity Commissioner believes there is an opportunity to successfully resolve the matter without a formal investigation, and both the complainant and the Trustee alleged to have breached the Code agree, an informal resolution may be pursued. If this process leads to a result that is satisfactory to the Complainant and the Trustee alleged to have breached the Code, then the complaint shall be deemed withdrawn.
- (g) Section 5.4(f) shall not be engaged unless the parties consent and unless the Integrity Commissioner is of the view that it is unlikely, on a balance of probabilities, that there would be a finding of a breach of the Code of Conduct.
- ~~(e)~~(h) A Formal Complaint may be withdrawn by the Complainant at any time prior to the Board making a determination on the alleged breach(es) under section 218.3 of the Education Act.

6.6 Reports to the Board of Trustees

- (a) The Integrity Commissioner shall report to the complainant and the Trustee generally no later than 90 days after the receipt of the Formal Complaint Form/Affidavit of the complaint unless the Integrity Commissioner determines that a longer period of time is required to complete the final report and the reason is explained in the final report. The Board of Trustees and the complainant shall be advised of the need for the extension of time with an expected date of delivery of the report. ~~If the investigation process takes more than 90 days, the Integrity Commissioner shall provide an interim report to the Board and will advise the parties of the anticipated date that the report will be available.~~
- ~~(b) The Integrity Commissioner shall not issue a final report to the Board in which there is a finding of a violation of the Code of Conduct on the part of any member of the Board unless the member has had reasonable notice of the basis for the proposed finding and any recommended sanction and an opportunity either in person or in writing to comment on the proposed finding and any recommended sanction, that the Integrity Commissioner may take into consideration in the final report submitted to the Board.~~
- (b) ~~(e)~~ The Integrity Commissioner may make interim reports to the Board of Trustees where necessary and to report on as required to address any instances of interference, obstruction or retaliation encountered during the investigation.
- (c) Where ~~the Formal Ce~~omplaint is sustained in whole or in part, the Integrity Commissioner shall ~~also~~ report to the Board of Trustees outlining the findings of the investigation. The report shall make recommendations as to sanction with reference to section 218.3 of the Education Act together with any relevant decisions of other Boards that the Integrity Commissioner believes may be of assistance to the Board in considering sanction, the terms of any settlement, or recommended corrective action or sanction.
- (d) ~~(d)~~ A report following an investigation into of a Formal Complaint will be delivered to the Board of Trustees for consideration in accordance with the provisions of sections 218.3 and 207 of the Education Act. Where the Integrity Commissioner's investigation into a Formal Complaint concludes that there has been no breach of the Code of Conduct, the Integrity Commissioner's investigative report shall not be delivered to the Board of Trustees, but a summary of the investigation shall be provided to the Board of Trustees. Report of a formal complaint investigation by the Integrity Commissioner will be considered by the Board of Trustees in a

~~public meeting, subject to the following exceptions:~~

~~In accordance with section 207(2) of the *Education Act*, a report of a formal complaint investigation may be considered in a meeting closed to the public when the subject matter under consideration involves:~~

- ~~○ the security of the property of the board;~~
- ~~○ the disclosure of intimate, personal or financial information in respect of a member of the board or Committee, an employee or prospective employee of the board or a pupil or his or her parent or guardian;~~
- ~~○ the acquisition or disposal of a school site;~~
- ~~○ decisions in respect of negotiations with employees of the board; or~~
- ~~○ litigation or any potential litigation affecting the Board.~~

(e) ~~Where the complaint is dismissed, the Integrity Commissioner shall not report to the Board of Trustees other than in an annual or periodic report or in exceptional circumstances. Where the Integrity Commissioner determines that a contravention of Code of Conduct occurred although the Trustee took all reasonable measures to prevent it, or that a contravention occurred through inadvertence or an error of judgment made in good faith, the Integrity Commissioner shall so state in the report.~~

~~(f) Any recommended corrective action must be permitted in law, by law or policy and shall be designed to ensure that the inappropriate conduct does not continue.~~

~~(h) Where the Integrity Commissioner determines that a contravention of the Code of Conduct occurred although the Trustee took all reasonable measures to prevent it, or that a contravention occurred that was trivial or committed through inadvertence or an error of judgment made in good faith, the Integrity Commissioner shall so state in the report and shall recommend that no penalty be imposed.~~

(f) The Integrity Commissioner shall give a copy of the report to the complainant and the Trustee whose conduct is concerned.

(g) The Integrity Commissioner shall bring the report before the next available meeting of the Board of Trustees.

(h) The Board of Trustees shall consider and make a decision in response to the Integrity Commissioner's report in a timely manner, and shall comply with the provisions of section 218.3 of the *Education Act* in considering and making a determination as to whether a breach has occurred and, if so, any sanction.

(i) The Board of Trustees shall consider the report of the Integrity Commissioner and the Board of Trustees shall make its own assessment and determination of whether there has been a breach of the Code of Conduct and, if so, may accept, reject or amend the Integrity Commissioner's recommendation, if any, as to sanction.

- (j) The Integrity Commissioner may attend at the meeting at which the Board of Trustees will be considering the final report to answer questions of members of the Board of Trustees.
- (k) Where a matter is being handled by the Integrity Commissioner, Individual Trustees shall not undertake their own investigation of any matter, including questioning a complainant, the Trustee who is alleged to have breached the Code or any witnesses or persons participating in any investigation.

~~6.7 — Duty of the Board of Trustees~~

- ~~— The Board of Trustees shall consider and make a decision in response to the Integrity Commissioner's report within 60 days after the day the report is considered at a Public Board Meeting.~~
- (a) ~~In responding to a report from the Integrity Commissioner, the Board of Trustees may accept, reject or amend the Integrity Commissioner's recommendation to impose a sanction or it may refer the recommendation back to the Integrity Commissioner.~~

6.86.7 Payment of Costs

- (a) Subject to subsection 6.78(e), a member of the Board who is a respondent to a formal complaint under this procedure shall be reimbursed by the Board for actual and reasonable legal and related expenses up to a maximum of \$5,000.
- (b) Subject to subsection 6.7(e), if In the case of an application under the *Judicial Review Procedure Act* for judicial review of actions taken on a complaint against a member of the Board by the Integrity Commissioner,
 - i. where a member of the Board made the judicial review application, the member is eligible for reimbursement of legal costs, including additional legal costs in a successful application, that are not recovered by any the costs awarded by the court, up to a maximum of \$20,000.
 - ii. a member of the Board is entitled to may apply for reimbursement of the legal costs of intervention in a judicial review application where the member's interests are at stake, up to a maximum of \$20,000.
- (c) Subject to subsection 6.7(e), the Board of Trustees may consider The Board may consider the reimbursement of costs above the limit in subsections 6.78(b)i. and 6.78(b)ii. on a case by case basis.
- (d) The Board may consider an advance payment to a Trustee for legal expenses prior to completion of an investigation for a maximum amount of \$5,000. While the Trustee must return to the Board all unused funds upon completion of an investigation, the Trustee will not be required to reimburse the spent funds if, upon completion of the investigation, either subsection 6.8(e)i or ii, apply. Otherwise, all advanced funds must be returned to the Board immediately upon conclusion of the investigation.

~~to completion of an investigation for a maximum amount of \$5,000. While the Trustee must return to the Board all unused funds upon completion of an investigation, the Trustee will not be required to reimburse the spent funds if, upon completion of the investigation, either subsection 6.8(e)i or 6.8(e)ii below applies. Otherwise, all advanced funds must be returned to the Board immediately upon conclusion of the investigation~~
- (e) Costs shall only be reimbursed under this section to the member of the Board:
 - i. if the Integrity Commissioner concludes that there has

been no contravention of the Code of Conduct by the member or that the member is not blameworthy, and the Integrity Commissioner's conclusion is not overturned on judicial review; or

- ii. ~~where the Board of Trustees receives the Integrity Commissioner's report on a violation and determines that it should not take any action if the member is successful, in whole or in part, on any judicial review application either as an applicant or intervenor.~~

- (f) Any ~~request award for~~ costs under subsection 6.78(e) shall be ~~contingent made in writing to the General Counsel who shall report to the Board of Trustees, on a report to the Board of Trustees from the General Counsel~~

6.96.8 Confidentiality and Formal Complaints

A ~~F~~formal ~~C~~complaint will be processed as follows:

- a) ~~The Integrity Commissioner and every person acting under the Integrity Commissioner's her or his instructions shall preserve confidentiality with respect to all Code of Conduct matters that come to his or her knowledge in the course of any investigation except as required by law in a criminal proceeding or in accordance with the provisions of the Code of Conduct and the Education Act. The following persons involved in any aspect of a Code of Conduct complaint, including any investigation, shall preserve confidentiality: and this related procedure concerning reporting to the Board of Trustees.~~

i. ~~the complainant;~~

ii. ~~individual Trustees;~~

iii. ~~witnesses;~~

iv. ~~the Integrity Commissioner, and~~

v. ~~staff.~~

~~Except that the Integrity Commissioner may disclose relevant information in a public report but only to the extent that the Integrity Commissioner deems it appropriate to do so and provided same has been pre-approved by the Board's General Counsel as being in accord with Board's legal obligations.~~

~~(a)b)~~

- (b) All reports from the Integrity Commissioner to the

Board of Trustees will be made available to the public. The report may be redacted appropriately to reflect the requirements of section 207(2) of the *Education Act*.

- (c) Any references by the Integrity Commissioner in an annual or other periodic report shall not disclose confidential information that could identify the trustee concerned, except where the trustee's name has been disclosed in the public sphere, or the Integrity Commissioner deems it necessary to identify the person concerned. ~~to a complaint or an investigation shall not disclose confidential information that could identify a person concerned.~~
- (d) The Integrity Commissioner in a report to the Board of Trustees on whether a member of the Board has violated the Code of Conduct shall only disclose such matters as in the Integrity Commissioner's opinion are necessary appropriate for the purposes of the report.

7.06.9 EVALUATION

This Code of Conduct ~~procedure~~ is to be reviewed and updated as required but at a minimum every four (4) years.

80 7.0 APPENDICES

Appendix A: Complaint Form ~~(Form 708A)~~

~~Legislative Acts and Regulations:~~

- ~~• *Judicial Review Procedure Act*~~
- ~~• *Municipal Elections Act*~~
- *Ontario Human Rights Code*

Appendix A

Durham District School Board
Code of Conduct - Formal Complaint Form

COMPLAINT OF

I, _____ (full name), of
 the _____
 (City, Town, etc.) _____ (municipality of
 residence) in the Province of Ontario.

STATE THE FOLLOWING:

1. I have personal knowledge of the facts as outlined in this affidavit, because

 (insert reasons e.g. I work for . . . I attended a meeting at which . . . etc.)

2. I have reasonable and probable grounds to believe that:

_____ (specify name of Trustee) a member of the
 Durham District School Board, has contravened Section (s) _____
 _____ (specify section(s) of
 the Trustee Code of Conduct. The particulars of which are as follows:

(Set out the statements of fact in consecutively numbered paragraphs in the space below, with each paragraph being confined as far as possible to a particular statement of fact. If you require more space, please use the attached Schedule A form and check the appropriate box below. If you wish to include exhibits to support this complaint, please refer to the exhibits as Exhibit A, B, etc. and attach them to this form.)

*Where a complainant chooses to litigate this matter in the court of public opinion and/or social media platforms, the Integrity Commissioner reserves the right to dismiss this complaint.

Please see the attached Schedule "A"



DATED THIS _____ DAY OF _____, 20____ at the City/Town of _____
 In the Province of Ontario.

 (Signature of person making the complaint)

Page _____ of _____

~~Appendix 3: ACKNOWLEDGEMENT AND UNDERTAKING~~

~~I confirm that I have read, understand and agree to abide by the Board's Code of Conduct and that I understand the Complaints Protocol for complaints made to the Integrity Commissioner.~~

~~DATE: _____ SIGNATURE: _____~~

~~Please Print Name: _____~~