



DURHAM DISTRICT SCHOOL BOARD

NOTICE OF MEETING

**SPECIAL GOVERNANCE AND POLICY COMMITTEE
PUBLIC SESSION**

Chairperson: Linda Stone

DATE: Tuesday, November 9, 2021
TIME: 6:30 p.m.
LOCATION: Virtual
ATTACHMENTS: Agenda

Copies to:
All Trustees
Director of Education
All Superintendents

SPECIAL GOVERNANCE AND POLICY COMMITTEE MEETING
Tuesday, November 9, 2021
6:30 p.m.

- | | | PAGE |
|----|---|---------|
| 1. | <u>Call to Order</u> | |
| 2. | <u>Land Acknowledgement</u> | Verbal |
| | <p>The Durham District School Board acknowledges that many Indigenous Nations have longstanding relationships, both historic and modern, with the territories upon which our school board and schools are located. Today, this area is home to many Indigenous peoples from across Turtle Island. We acknowledge that the Durham Region forms a part of the traditional and treaty territory of the Mississaugas of Scugog Island First Nation, the Mississauga Peoples and the treaty territory of the Chippewas of Georgina Island First Nation. It is on these ancestral and treaty lands that we teach, learn and live.</p> | |
| 3. | <u>Declarations of Interest</u> | Verbal |
| 4. | <u>Motion to Approve Agenda</u> | Verbal |
| 5. | <u>Information Items</u> | |
| | (a) Additional Draft Policy and Procedures to Support the Implementation of the Draft Human Rights, Anti-Discrimination and Anti-Racism Policy | 1 - 101 |
| 6. | <u>Adjournment</u> | |

**DURHAM DISTRICT SCHOOL BOARD
ADMINISTRATIVE REPORT**

REPORT TO: Durham District School Board
Governance and Policy Committee

DATE: November 9, 2021

SUBJECT: **Additional Draft Policy and Procedures to Support the Implementation of the Draft Human Rights, Anti-Discrimination and Anti-Racism Policy**

PAGE: 1 of 5

ORIGIN: Norah Marsh, Director of Education and Secretary to the Board
Patrick Cotter, General Counsel
Heather Mundy, Superintendent of Equitable Education, People and Culture
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 remaining draft policy and procedures that support the implementation of the draft Human Rights, Anti-Discrimination and Anti-Racism (“Human Rights”) 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.

- 3.3 At the October 25, 2021 Board Governance and Policy Committee meeting, Trustees received a report about the draft new Human Rights Policy. The policy package included a draft:
- Procedure to support human rights and to proactively prevent all forms of discrimination and racism in schools and workplaces; and
 - Roles, responsibilities and accountability framework.
- 3.4 The policy package includes two additional procedures to:
- Address student/family human rights issues, incidents and complaints (Appendix A); and
 - Support inclusive design and accommodation (Appendix B) and to:
 - Foster inclusive environments for all DDSB community members, with a focus on unique 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; and
- 3.5 Feedback during consultation indicated that staff also felt their workplace policy and procedures needed to be updated. To address that feedback, and to ensure that staff are aware that their working conditions and complaints process have been considered, the draft policy Workplace Harassment, Workplace Sexual Harassment and Safe and Respectful Workplace Policy and procedure require a simultaneous updating.
- 3.6 The draft policy and procedures:
- Focus on fair, transparent, safe, accessible and confidential processes to raise and effectively address human rights issues, complaints and accommodation requests; and
 - Include requirements to identify and report on potential trends to inform operational planning and initiatives to support inclusive design and prevent discrimination.
- 3.7 The procedures supporting the Human Rights, Anti-Discrimination and Anti-Racism Policy are informed by:
- Input received from the first phase of community consultations, which included wide engagement with students, families/caregivers, employees and DDSB communities;
 - Legislative requirements;
 - The Ontario Human Rights Commission's (OHRC) policies, guidelines and resources on:
 - The duty to accommodate;
 - Developing human rights complaints processes;
 - Accessible education for students with disabilities;
 - Preventing discrimination based on race, disability, mental health and addictions, sexual orientation, gender identity, gender expression and creed;
 - The Anti-Racism Directorate's policies, strategies and data collection standards; and
 - Other organizations' and school boards' human rights complaints and accommodation procedures and promising practices.

- 3.8 The draft revised workplace policy is attached for consideration. In addition, the draft revised procedure that supports the draft revised workplace policy is attached.
- 3.9 In addition, the remaining procedures in support of the Human Rights, Anti-Discrimination and Anti-Racism (Human Rights Inclusive Design and Accommodation Procedure and Student/Family Human Rights Issue/Incident and Complaint Resolution Procedure) are attached. Once community consultations occur on these draft policies, a full draft policy package with any tracked changes, will be brought back to the Governance and Policy Committee.

4.0 Analysis

- 4.1 The attached procedures support the proposed Duty Bearer responsibilities and objectives of the draft Human Rights Policy to:
- Uphold human rights for all DDSB community members;
 - Identify, prevent and address discrimination and discriminatory barriers in DDSB services, employment and learning and working environments;
 - Respond to human rights related issues and barriers;
 - Learn and build individual and organizational capacity around human rights issues; and
 - Correct discrimination when it happens.
- 4.2 The attached procedures set out the processes to fairly and effectively respond to accommodation needs and human rights issues and complaints in a manner that is consistent with the Human Rights Code and other applicable legislation and that is accountable to DDSB communities.

5.0 Financial Implications

- 5.1 As noted in the October 25, 2021 report, 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	Presented draft policy to Board Governance and Policy Committee
Nov 9, 2021	Present draft revised workplace policy and procedure and new human rights accommodation and complaints procedures to Board Governance and Policy Committee
Nov 15, 2021	Continue community consultations
Jan 2022	Revise and finalize policy package (including supporting document summaries, forms and templates based on consultation feedback)
TBD	Present revised policy package to Board Governance and Policy Committee
TBD	Present policy package to Standing Committee
TBD	Present policy package to Board of Trustees for notice of motion and final approval

7.2 Planning is underway to develop communication strategies and simplified procedure summaries to support the launch of the policies, 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

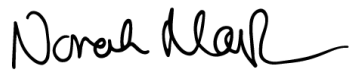
Appendix A: Draft Revised Workplace Harassment Prevention, Workplace Sexual Harassment Prevention and Safe and Respectful Workplace Policy (clean and tracked changes versions)

Appendix B: Draft Revised Complaints Procedure - Workplace Harassment Prevention, Workplace Sexual Harassment Prevention and Safe and Respectful Workplace (clean and tracked changes versions)

Appendix C: Draft Human Rights Inclusive Design and Accommodation Procedure

Appendix D: Draft Student/Family Human Rights Issue, Incident and Complaint Resolution Procedure

Report reviewed and submitted by:



Norah Marsh, Director of Education and Secretary to the Board



Patrick Cotter, General Counsel



Heather Mundy, Superintendent of Equitable Education



Devika Mathur, Human Rights and Equity Advisor



POLICY

Workplace Harassment Prevention, Workplace Sexual Harassment Prevention and Safe & Respectful Workplace Policy

1. General

- 1.1 The Durham District School Board (the “**Board**”) is committed to providing a working and learning environment in which all individuals are treated with respect and dignity. It is further recognized that every individual has an equal right to learn, work and feel safe in an environment that is free from discrimination and harassment according to the provisions of the Ontario Human Rights Code (the “Code”) and the Ontario Occupational Health and Safety Act (“OHS”).
- 1.2 Workplace discrimination and discrimination in the provision of education is unacceptable. It is the policy of the Board to address incidents of harassment and discrimination with seriousness and sensitivity. The Board has a duty to maintain an environment that respects and upholds Indigenous rights and human rights and is free of harassment for all persons served by it.
- 1.3 All workers and students must be treated equally regardless of their race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences (in employment), marital status, family status or disability.
- 1.4 The Board requires that all persons in its learning/working environments shall:
 - Be aware of and be sensitive to issues of harassment, discrimination, racism and disrespectful conduct;
 - Support individuals who are, or have been targets of harassment, discrimination, racism or disrespectful conduct;
 - Prevent harassment, discrimination, racism and disrespectful conduct by actively participating in training provided by the district;
 - Take all allegations of breach of this policy seriously and respond promptly;
 - Be positive role models; and
 - Not demonstrate, allow or condone behaviour contrary to this Policy.

2. Definitions

- 2.1 *Discrimination*: inequitable treatment on the basis of age, ancestry, colour, race, citizenship, ethnic origin, place of origin, creed, disability, family status, marital status (including single status), gender identity, gender expression, sex (including pregnancy), sexual orientation, and, in the case of employment, record of offences. Discrimination can involve harassment and may occur where a supervisor or worker accepts, condones or fails to deal with discrimination or harassment of or by a worker for whom the supervisor is responsible and also includes anything that is discrimination under the Board's Human Rights Policy including the failure to accommodate under the Code (except for systemic discrimination which is being addressed with other strategies).
- 2.2 *Disrespectful Conduct*: behaviour by an individual directed against another individual that a reasonable person would consider inappropriate and that may or may not rise to the level of harassment. While not an exhaustive list, disrespectful conduct may include:
- Gossiping
 - Written or verbal comments, actions, gesture, behaviours or jokes which would reasonably be perceived as unwelcome, humiliating, offensive, hurtful or belittling
 - Abuse of authority
 - Yelling, shouting, screaming, swearing, pounding a desk or table with a hand or fist;
 - Deliberately excluding or isolating a person from relevant work activities or decision making
 - Stereotyping or making inappropriate assumptions about an individual based on an individual's personal qualities, characteristics or role
 - Devaluing or trivializing a person's role, successes, contributions or concerns
 - Engaging in theft, attempted theft or vandalism that causes damages to Board property or personal property of other workers
 - Engaging in any other behavior that may result in a negative impact or perceived negative impact to the Board and its reputation or to students, staff or the public.
- 2.3 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 assumptions.

2.4 Worker – means all persons employed by the Board or contracted to work for the DDSB including regular, temporary, casual or contract staff, volunteers, placement, interns or any other person included in the definition of worker under OHSA.

2.5 The OHSA defines “workplace harassment” as:

- (a) engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome; or
- (b) workplace sexual harassment.

2.6 “Workplace sexual harassment” means,

- (a) engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome; or
- (b) making a 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 to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome. A reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment.

3. Objectives of This Policy

3.1 This policy is designed to promote a healthy, respectful and supportive working and learning environment. It highlights conduct that may lead to workplace harassment and outlines the system’s shared responsibility in fostering a healthy, respectful and supportive environment that is free from harassment, discrimination, racism and disrespectful conduct. The goal is to prevent unacceptable conduct from taking place and, where necessary, to investigate and respond to incidents/complaints of such behaviour in a fair, timely and effective manner.

4. Application and Scope

4.1 This policy addresses workplace harassment under the OHSA and the Code and applies to all workers.

- 4.2 This policy also addresses conduct that is detrimental to a safe and respectful workplace.
- 4.3 This policy applies any place where workers, students and other users perform work or work-related duties or functions, including schools, school-related activities such as extracurricular activities and excursions, Board offices and facilities, conferences, and training sessions. This policy further applies to any aspect of employment, including, but not limited to, recruitment, promotion, receipt of benefits, dismissal, layoff, performance evaluation, and working conditions. The policy applies to anything set out in this paragraph occurring on-line or in any virtual environment.

5. Roles and Responsibilities

5.1 In accordance with OHSA, the Board shall ensure that:

- This Policy is posted in a conspicuous place in the workplace;
- This Policy is reviewed as often as is necessary, but at least annually;
- All complaints or incidents of workplace harassment are investigated in a fair, respectful and timely manner; and
- All workers are provided with information and instruction that is appropriate for the worker on the contents of this policy and any related procedures with respect to Workplace Harassment and Workplace Sexual Harassment and other prohibited conduct.

5.2 All workers are expected to:

- Treat everyone in the workplace with dignity and in a manner that is respectful and free of intimidation and harassment, discrimination, racism and disrespectful conduct;
- Make changes to their own behaviour where they become aware that there is a potential for such behaviour to discriminate against, harass, harm, intimidate, threaten or cause offence to others;
- Refuse to accept harassing behaviour from others, regardless of whether that behaviour originates from one's supervisor or co-workers;
- Intervene and/or report instances of inappropriate behaviour on the part of others which could amount to a violation of this Policy;
- Be supporting of others who are victims of workplace harassment or discrimination;

- Cooperate fully with any and all workplace harassment investigations;
- Preserve evidence related to instances of alleged harassment, discrimination, racism or disrespectful conduct, documenting dates, times and the names of any witnesses.

5.3 Workers are required to adhere to this policy and will be held responsible by the employer for not following it. Workers will not be penalized or disciplined for reporting an incident or for participating in an investigation into an alleged breach of this policy.

5.4 The Director shall implement the terms of this Policy through procedure and as otherwise may be deemed appropriate.

6. Confidentiality

6.1 Information provided about an incident or about a complaint will not be disclosed except as necessary to protect workers, to investigate the complaint or incident, to take corrective action or as otherwise required by law.

7. Training

7.1 The Director of Education or designate shall provide regular training to employees, including by providing written documentation, on the contents of this Policy and the Workplace Complaints Procedure.

Appendix:

None

Effective Date

91-01-17

Amended/Review

95-05-08

2006-08-08

2010-09-20

2017-12-12

2018-01-31



POLICY

Workplace Harassment Prevention, Workplace Sexual Harassment Prevention ~~Workplace Harassment and Workplace Sexual Harassment~~ and Safe & Respectful Workplace Policy

1. General

- 1.1 The Durham District School Board (the “Board”) is committed to providing a working and learning environment in which all individuals are treated with respect and dignity. It is further recognized that every individual has an equal right to learn, work and feel safe in an environment that is free from discrimination and harassment or ~~objectionable behaviour~~ according to the provisions of the Ontario Human Rights Code (the “Code”) and the Ontario Occupational Health and Safety Act (“OHS”).
- 1.2 Workplace discrimination and discrimination in the provision of education is unacceptable. It is the policy of the Board to address incidents of harassment and discrimination with seriousness and sensitivity. ~~The Durham District School Board~~ has a duty to maintain an environment that respects and upholds respectful of Indigenous rights and human rights and is free of harassment for all persons served by it.
- 1.3 All workers and students must be treated equally regardless of their race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability.
- 1.31.4 The Board ~~expects~~requires that all persons in its learning/working environments shall-will:
- Be aware of and be sensitive to issues of harassment, discrimination, racism and disrespectful conduct;
 - Support individuals who are, or have been targets of harassment, discrimination, racism or disrespectful conduct;
 - Prevent harassment ~~through training,~~ discrimination, racism and disrespectful conduct by actively participating in training provided by the district;
 - Take all allegations of breach of this policy seriously and respond promptly;

- ~~Be Provide~~ positive role models; and
- ~~Not demonstrate, allow or condone behaviour contrary to thise~~ Policy.

~~2. Board Responsibility~~

~~2.1 In accordance with Bill 168 and Bill 132, the Durham District School Board shall ensure:~~

- ~~The Workplace Harassment and Workplace Sexual Harassment Policy is in written form and is posted in a conspicuous place in the workplace;~~
- ~~The Workplace Harassment and Workplace Sexual Harassment Policy is reviewed as often as is necessary, but at least annually;~~
- ~~All employees are provided with information and instruction that is appropriate for the worker on the contents of the policy and program with respect to workplace Harassment and Workplace Sexual Harassment and any other prescribed information.~~

~~3. Objectives of This Policy~~

~~3.1 This policy is designed to promote a healthy, respectful and supportive working and learning environment. It highlights conduct that may lead to workplace harassment as well as outlines the system's shared responsibility in fostering a harassment free workplace. The goal is to prevent workplace harassment from taking place and, where, necessary to investigate and respond to incidents/complaints of such behaviour in a fair, timely and effective manner.~~

~~4. Application and Scope~~

~~4.1 This policy addresses workplace harassment under the OHSA and the Code and applies to all workers within the meaning of OHSA. It addresses workplace harassment from all sources, including supervisors, workers, trustees, students, parents, suppliers, and members of the public.~~

~~5. Details of the Policy~~

~~2. Definitions~~

~~2.1 -Discrimination: inequitable treatment on the basis of age, ancestry, colour, race, citizenship, ethnic origin, place of origin, creed, disability, family status, marital status (including single status), gender identity, gender expression, sex (including pregnancy), sexual orientation, and, in the case of employment, record of offences. Discrimination can involve harassment and may occur where a supervisor or worker accepts, condones or fails to deal with discrimination or harassment of or by a worker for whom the supervisor is~~

responsible and also includes anything that is discrimination under the Board's Human Rights Policy including the failure to accommodate under the Code (except for systemic discrimination which is being addressed with other strategies).

2.2 *Disrespectful Conduct:* behaviour by an individual directed against another individual that a reasonable person would consider inappropriate and that may or may not rise to the level of harassment. While not an exhaustive list, disrespectful conduct may include:

- Gossiping
- Written or verbal comments, actions, gesture, behaviours or jokes which would reasonably be perceived as unwelcome, humiliating, offensive, hurtful or belittling
- Abuse of authority
- Yelling, shouting, screaming, swearing, pounding a desk or table with a hand or fist;
- Deliberately excluding or isolating a person from relevant work activities or decision making
- Stereotyping or making inappropriate assumptions about an individual based on an individual's personal qualities, characteristics or role
- Devaluing or trivializing a person's role, successes, contributions or concerns
- Engaging in theft, attempted theft or vandalism that causes damages to Board property or personal property of other workers
- Engaging in any other behavior that may result in a negative impact or perceived negative impact to the Board and its reputation or to students, staff or the public.

2.3 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 assumptions.

2.4 Worker – means all persons employed by the Board or contracted to work for the DDSB including regular, temporary, casual or contract staff, volunteers, placement, interns or any other person included in the definition of worker under OHSA;

•2.5 The OHSA defines “workplace harassment” as:

- (a) engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome; or
- (b) workplace sexual harassment;

5.22.6 ~~“workplace~~Workplace sexual harassment” means,

- (a) engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome; or
- (b) making a 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 to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome; A reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment.

~~**5.32.7** Workers are encouraged to report any incidents of workplace harassment to their supervisor or if their supervisor is the alleged harasser, then to the Superintendent of Education/Employee Relations.~~

3. Objectives of This Policy

~~**3.1** This policy is designed to promote a healthy, respectful and supportive working and learning environment. It highlights conduct that may lead to workplace harassment and outlines the system’s shared responsibility in fostering a healthy, respectful and supportive environment that is free from harassment, discrimination, racism and disrespectful conduct. The goal is to prevent unacceptable conduct from taking place and, where necessary, to investigate and respond to incidents/complaints of such behaviour in a fair, timely and effective manner.~~

4. Application and Scope

~~**4.1** This policy addresses workplace harassment under the OHSA and the Code and applies to all workers.~~

~~**4.2** This policy also addresses conduct that is detrimental to a safe and respectful workplace.~~

~~**4.3** This policy applies any place where workers, students and other users perform work or work-related duties or functions, including schools, school-related activities such as extracurricular activities and excursions, Board offices and~~

facilities, conferences, and training sessions. This policy further applies to any aspect of employment, including, but not limited to, recruitment, promotion, receipt of benefits, dismissal, layoff, performance evaluation, and working conditions. The policy applies to anything set out in this paragraph occurring on-line or in any virtual environment.

5. Roles and Responsibilities

5.1 In accordance with OHSA, the Board shall ensure that:

- This Policy is posted in a conspicuous place in the workplace;
- This Policy is reviewed as often as is necessary, but at least annually;
- The Employer will investigate and deal with all All complaints or incidents of workplace harassment are investigated in a fair, respectful and timely manner; and

5.4• Information provided about an incident or about a complaint will not be disclosed except as necessary to protect workers, to investigate the complaint or incident, to take corrective action or as otherwise required by law.

- All workers are provided with information and instruction that is appropriate for the worker on the contents of this policy and any related procedures with respect to Workplace Harassment and Workplace Sexual Harassment and other prohibited conduct.

5.2 All workers are expected to:

- Treat everyone in the workplace with dignity and in a manner that is respectful and free of intimidation and harassment, discrimination, racism and disrespectful conduct;
- Make changes to their own behaviour where they become aware that there is a potential for such behaviour to discriminate against, harass, harm, intimidate, threaten or cause offence to others;
- Refuse to accept harassing behaviour from others, regardless of whether that behaviour originates from one's supervisor or co-workers;
- Intervene and/or report instances of inappropriate behaviour on the part of others which could amount to a violation of this Policy;
- Be supporting of others who are victims of workplace harassment or discrimination;

- Cooperate fully with any and all workplace harassment investigations;
- Preserve evidence related to instances of alleged harassment, discrimination, racism or disrespectful conduct, documenting dates, times and the names of any witnesses.

5.55.3 ~~Supervisors and~~ workers are ~~expected~~required to adhere to this policy, and will be held responsible by the employer for not following it. Workers ~~are~~will not ~~to~~ be penalized or disciplined for reporting an incident or for participating in an investigation ~~involving workplace harassment into an alleged breach of this policy.~~

5.4 The Director shall implement the terms of this Policy through procedure and as otherwise may be deemed appropriate.

6. Confidentiality

6.1 Information provided about an incident or about a complaint will not be disclosed except as necessary to protect workers, to investigate the complaint or incident, to take corrective action or as otherwise required by law.

7. Training

7.1 The Director of Education or designate shall provide regular training to employees, including by providing written documentation, on the contents of this Policy and the Workplace Complaints Procedure.

Appendix:

None

Effective Date

91-01-17

Amended/Review

95-05-08

2006-08-08

2010-09-20

2017-12-12

2018-01-31



PROCEDURE

PERSONNEL

Complaints Procedure – Workplace Harassment Prevention, Workplace Sexual Harassment Prevention and Safe & Respectful Workplace

Objectives

- 1.1 This Procedure is adopted to support the implementation of the Durham District School Board's Human Rights, Anti-Discrimination and Anti-Racism Policy (the "Human Rights Policy") and the Workplace Harassment Prevention, Sexual Harassment Prevention and Safe & Respectful Workplace Policy (the "Workplace Harassment Policy") as established by the Board of Trustees.
- 1.2 Through these policies the Board recognizes that protecting and promoting human rights, anti-oppression, anti-racism and respectful learning and working environments are critically important for supporting:
 - Students, community members and employees' sense of safety, well-being, mattering, engagement and belonging;
 - a culture of care where students and employees are successful and thrive.
- 1.3 The district is committed to providing services, learning environments, employment and working environments that center human rights and equity and are welcoming, respectful, safe, inclusive, equitable, accessible and free from oppression, discrimination, racism, harassment and harm.
- 1.4 This procedure must be read in conjunction with the Workplace Harassment Policy and the Human Rights Policy and Procedures. These documents set out commitments and organizational roles, responsibilities, and accountabilities to promote and uphold human rights and to prevent discrimination, racism, harassment and disrespectful conduct.
- 1.5 This procedure will support safe, positive and respectful workplace relationships, environments and cultures that:
 - Value, model and promote courteous, supportive and professional conduct and communications;
 - Support the Durham District School Board's commitment to safe, respectful, and inclusive workplace environments that are free from discrimination and harassment under the Human Rights Code and the Occupational Health and Safety Act.

- 1.6 This procedure provides a mechanism for dealing with complaints of workplace conduct occurring in the working and learning environments in violation of the Workplace Harassment Policy and/or in violation of the Human Rights Policy.
- 1.7 Incidents of unacceptable workplace conduct will be dealt with promptly by all parties concerned. All incidents of unacceptable workplace conduct will be investigated in a fair, appropriate, consistent, thorough and confidential manner.
- 1.8 Nothing in this procedure denies or limits access to other avenues of redress available under the law or through progressive discipline. At any stage, a complainant may choose to refer the complaint to the Police, the Human Rights Tribunal of Ontario, or their Professional Organization or Association. Typically, multiple processes will not be permitted to proceed concurrently, although informal dispute resolution attempts will be permitted at any time with the agreement of the District and the parties. How to proceed in circumstances where there are concurrent processes underway is to be determined by the Superintendent responsible for Human Resources or designate in consultation with the parties.

2.0 Definitions:

- 2.1 The definitions from the Workplace Harassment Policy are adopted for this procedure. The Durham District School Board is referred to as the “District” or the “employer”.

3.0 Prohibited Conduct

- 3.1 The nature and scope of prohibited conduct is set out in the Workplace Harassment Policy which, but its terms, also incorporates and prohibits conduct in violation of the Human Rights Policy. Therefore, any reference to the Workplace Harassment Policy includes the terms of the Human Rights Policy as incorporated into the Workplace Harassment Policy.
- 3.2 Workplace Harassment is prohibited. The following are examples of conduct that will typically amount to workplace harassment:
 - Offensive or intimidating comments or jokes;
 - Bullying or aggressive behaviour;
 - Displaying or circulating offensive pictures or materials;
 - Inappropriate staring;
 - Workplace sexual harassment;
 - Isolating or making fun of a worker because of gender identity;
 - Creating a poisoned work environment: This is a specific form of harassment in which a psychological atmosphere is created which causes people to feel fearful, intimidated and/or disrespected;
 - Engaging in objectionable behaviour: Objectionable Behaviour is often but not always, persistent, ongoing, vexatious conduct or communications in any form, of attitudes, beliefs or actions towards an individual in the workplace which might reasonably be known to

be unwelcome. A single serious act or expression can constitute such behaviour.

While harassment is usually based on an ongoing pattern of abuse, in some instances a single incident can be sufficiently serious to constitute harassment.

Harassment does not include differences of opinion or minor disagreements between workers.

- 3.3** Discrimination is prohibited. Any breach of the Human Rights Policy is prohibited.
- 3.4** Sexual or racial harassment or harassing someone based on any ground prohibited by the Human Rights Code is a breach of the Human Rights Policy.
- 3.5** Disrespectful conduct is prohibited. Disrespectful conduct, which may or may not rise to the level of harassment, is behaviour by an individual directed against another individual that a reasonable person would consider inappropriate. While not an exhaustive list, disrespectful conduct may include:
- Gossiping;
 - Written or verbal comments, actions, gesture, behaviours or jokes which would reasonably be perceived as unwelcome, humiliating, offensive, hurtful or belittling;
 - Abuse of authority;
 - Yelling, shouting, screaming, swearing, pounding a desk or table with a hand or fist;
 - Deliberately excluding or isolating a person from relevant work activities or decision making;
 - Stereotyping or making inappropriate assumptions about an individual based on an individual's personal qualities, characteristics or role;
 - Devaluing or trivializing a person's role, successes, contributions or concerns;
 - Engaging in theft, attempted theft or vandalism that causes damages to Board property or personal property of other workers;
 - Engaging in any other behavior that may result in a negative impact or perceived negative impact to the Board and its reputation or to students, staff or the public.

4.0 Who May Initiate a Complaint:

- 4.1** The following persons may initiate a complaint under this procedure:
- All Board workers; and

- Other users which include employees of other organizations, and other persons, not related to the Board but who nevertheless work in or are invited onto Board premises.
- 4.2** In addition, anyone who has witnessed harassment or other conduct in violation of the Workplace Harassment Policy, received reports of same, or has reasonable grounds to suspect this is occurring, may initiate a complaint.
- 4.3** The rights of students and parents/guardians to a respectful working and learning environment, free from harassment, are addressed under other appropriate policy, legislation or regulations including but not limited to Codes of Conduct, Professional Codes of Conduct, and DDSB Policies, Regulations and Procedures, including the Human Rights Policy and related Student Complaint procedures.

5.0 Reporting:

- 5.1** All workers have a right to report harassment, discrimination or other conduct that is in breach of the Workplace Harassment Policy and are entitled to have access to the dispute resolution processes.
- It is the responsibility of the supervisor to notify the Superintendent responsible for Human Resources of the complaint.
- 5.2** If the alleged wrongdoer is a supervisor, reports should be made by the individual concerned directly to the Superintendent responsible for Human Resources or if the allegation is against a member of the senior team, to the Director of Education, the General Counsel or the Superintendent responsible for Human Resources as the complainant may deem most appropriate in the circumstances.
- 5.3** Reasonable efforts should be made to resolve matters through informal resolution.
- 5.4** Supervisors must address and attempt to resolve disputes in a timely manner in order to stop the conduct.
- 5.5** At the discretion of the Superintendent responsible for Human Resources in consultation with the General Counsel, an external person may be retained to conduct an investigation of a complaint made under this procedure. This would particularly be important to consider in matters where the alleged wrongdoer is a member of high-level management, senior team or where an external investigation is deemed appropriate to preserve procedural fairness and timeliness.
- 5.6** A report of an investigation must include the following information:
- Name(s) of the complainant(s), position and contact information;
 - Name of the alleged wrongdoer(s) position and contact information (if known);
 - Names of the witness(es) (if any) or other person(s) with relevant information to provide about the incident (if any) and contact

- information (if known);
- Details of what happened including date(s), frequency and location(s) of the alleged incident(s);

5.7 Anonymous reports will not be entertained for dispute resolution under this Procedure.

5.8 Individuals seeking information or resources to address unacceptable workplace conduct may contact their supervisor, union representative (where applicable), a joint health and safety committee member or health and safety representative, the Human Rights Legal Support Centre, the Employee Assistance Program, the Superintendent responsible for Human Resources, General Counsel, and/or the Director of Education.

6.0 Timelines for Initiating a Complaint:

6.1 All complaints must be filed within one (1) year of the most recent instance of alleged wrongdoing. At the discretion of the Superintendent responsible for Human Resources a complaint outside this time frame may be considered.

7.0 Informal Complaint Resolution:

7.1 When an individual is concerned that there is unacceptable workplace conduct in violation of the Workplace Harassment Policy, they should consider an informal complaint with a view to resolving the situation to the satisfaction of the worker who has allegedly experienced the offending conduct and ensuring that the offending behaviour ceases.

7.2 The worker who has allegedly experienced unacceptable conduct is encouraged to inform the alleged wrongdoer that the behaviour/conduct is unwelcome and to seek support from a colleague or union representatives, if applicable. However, this is optional and is not required as it is recognized that it is inappropriate to require a victim of conduct that is in breach of the Workplace Harassment Policy to confront the wrongdoer.

7.3 To initiate an informal complaint, the worker who has allegedly experienced unacceptable conduct shall follow the reporting requirement set out in Section 5.0.

7.4 Unless directed otherwise by the Superintendent responsible for Human Resources, whomever receives the complaint shall, with the consent of the parties, attempt to informally resolve the matter.

7.5 The worker is advised to keep a written record including the name of the alleged wrongdoer, date, time, location, description of the offending behaviour, potential witnesses and who has been informed.

7.6 If the offending behaviour does not cease or the worker who has allegedly experienced the unacceptable conduct is not satisfied with the result of the

Informal Complaint Procedure, the worker may proceed to the Formal Complaint Procedure.

8.0 Mediated Resolution:

- 8.1** Mediation involves an unbiased third party acting as a facilitator in direct communication between the parties who voluntarily agree to enter into this process. It is an opportunity to resolve disputes in a respectful manner. It provides the opportunity to generate a variety of options for resolution and contributes to restoring the working relationship between the parties.
- 8.2** Where there is already a formal complaint being investigated under this procedure, at any time during the investigation, the parties may agree to hold the investigation in abeyance and attempt to achieve a mediated resolution.
- 8.3** Mediation is appropriate when all parties agree that a mutually agreeable solution is achievable and desirable. If the parties agree to mediation, the investigator may request approval to act as the mediator or may engage the Superintendent responsible for Human Resources or the General Counsel to retain an independent mediator acceptable to both parties.
- 8.4** When matters are resolved through mediation, the complainant and the respondent will sign a memorandum of agreement outlining the terms to which they have agreed. The Superintendent of Education (people and Culture) or the General Counsel must approve the agreement before it is binding. Human Resources will take all appropriate follow-up action to ensure that the agreement is being complied with.
- 8.5** Mediation is voluntary and the complainant or the respondent may choose to withdraw at any time.

9.0 Formal Complaint Procedure:

- 9.1** A Formal Complaint shall be submitted to the Superintendent responsible for Human Resources using the Formal Complaint Form attached as Appendix A. The Formal Complaint Procedure is managed by the Superintendent responsible for Human Resources or designate who will initiate a formal investigation.
- 9.2** Within ten (10) working days or as soon as possible thereafter, the Superintendent responsible for Human Resources or designate will provide written confirmation of receipt of the Formal Complaint.
- 9.3** The Superintendent responsible for Human Resources may take immediate action with the non-disciplinary temporary reassignment of either the alleged

wrongdoer or the worker who has allegedly experienced unacceptable conduct, as may be appropriate in the circumstances.

- 9.4** Within five (5) working days or as soon as possible thereafter of issuing the written confirmation of the Formal Complaint, the Superintendent responsible for Human Resources or designate will initiate an investigation.
- 9.5** The Superintendent responsible for Human Resources shall designate an internal or external investigator and may consult with the General Counsel on the retainer of any external investigator.
- 9.6** The Superintendent responsible for Human Resources or designate may meet individually or collectively with the worker who has allegedly experienced the unacceptable conduct and the alleged wrongdoer in an attempt to resolve the situation.
- 9.7** The Superintendent responsible for Human Resources or designate, or an investigator, may determine that the conduct at issue is not a violation of the Workplace Harassment Policy or OHSa or the Human Rights Policy, as the case may be, but may, nonetheless, make recommendations for resolution of any workplace issues between the parties.
- 9.8** It is understood that, at any point in the process the Superintendent responsible for Human Resources may refer the matter to an external mediator, provided all parties consent. In such a case it is understood as follows:
- Mediation is dependent on the commitment of all parties;
 - The services of a trained mediator may be utilized;
 - Meetings for mediation will be arranged, where practical, in a time and place that preserves confidentiality and that is convenient for the parties;
 - Any settlement that is reached must be mutually accepted by the parties in writing and approved by the Superintendent responsible for Human Resources.

10.0 Investigation Process and Procedural Fairness

- 10.1** The district shall ensure an investigation appropriate in the circumstances is conducted when:
- the employer or a supervisor becomes aware of an incident where a worker has been subject to conduct that may constitute a breach of the Workplace Harassment Policy; or
 - a complaint is made, whether in writing or orally, of conduct that may constitute a breach of the Workplace Harassment Policy is made to the employer or supervisor.
- 10.2** An investigation must be completed within 90 calendar days unless there are extenuating circumstances warranting a longer investigation (e.g. more

than five witnesses, key witness unavailable due to illness).

10.3 The investigator must not be the alleged wrongdoer and must not be under the direct control of the alleged wrongdoer. The person must be able to conduct an objective investigation. The investigator conducting the investigation on behalf of the employer must, at a minimum, complete the following seven steps in an investigation:

10.3.1 The investigator must ensure the investigation is kept confidential and identifying information is not disclosed unless necessary to conduct the investigation or as required by law. The investigator must remind the worker who initiated the complaint, the alleged wrongdoer and any witnesses of any and all confidentiality requirements under the Workplace Harassment Policy.

10.3.2 The investigator must thoroughly interview both the worker who initiated the complaint and the alleged wrongdoer, if the alleged wrongdoer is an employee of the Board. If the alleged wrongdoer is not an employee of the district, the investigator must make reasonable efforts to interview the alleged wrongdoer.

10.3.3 The alleged wrongdoer must be given the opportunity to respond to the allegations raised by the worker. In some circumstances, the worker should be given a reasonable opportunity to reply.

10.3.4 The investigator must separately interview any relevant witnesses employed by the district as necessary to conduct a thorough investigation. The investigator must make reasonable efforts to interview any relevant witnesses who are not employed by the district as necessary to conduct a thorough investigation.

10.3.5 The investigator must collect and review any relevant documents.

10.3.6 The investigator must take appropriate notes and statements during interviews with the worker who initiated the complaint, the alleged wrongdoer and any witnesses.

10.3.7 The investigator must prepare a written report to the Superintendent responsible for Human Resources or designate summarizing the steps taken during the investigation, the allegations the response the evidence of any witnesses and any other relevant evidence. The report must set out findings of fact and come to a conclusion about whether the Workplace Harassment Policy was breached or not. At the discretion of the Superintendent responsible for Human Resources or designate, the report may be limited to findings of fact with conclusions as to breach to be left to the Superintendent responsible for Human Resources or designate.

11.0 Results of the investigation

- 11.1 The employer must ensure that written notice of the results of the investigation and any corrective action are provided to the worker who initiated the complaint and the alleged wrongdoer, if they are employed by the district.
- 11.2 The results of the investigation is not the same as the investigation report. The results of the investigation is a summary of the findings of the investigation. The results must be communicated in writing, within ten (10) calendar days of the investigation being concluded, to the worker who initiated the complaint.
- 11.3 The employer must also ensure that any corrective action) is communicated to the worker who initiated the complaint and the alleged wrongdoer, if the alleged wrongdoer is an employee of the district. The amount of information provided about the corrective action will depend on the circumstances but in all cases where a breach of the Workplace Harassment Policy is found the information provided must, at a minimum, indicate what steps the employer has taken or will take to best prevent a similar incident from occurring again future. The corrective action, if any, must be communicated in writing within ten (10) calendar days of the investigation being concluded.

12.0 Disciplinary Actions:

- 12.1 Following an investigation into a complaint under this procedure, the appropriate supervisor or manager may, in consultation with the Superintendent responsible for Human Resources impose discipline on a respondent as appropriate and consistent with the circumstances.
- 12.2 The principles of progressive discipline and proportionality will be applied in dealing with disciplinary actions. These would include the following possibilities:
- verbal warning;
 - written reprimand;
 - suspension with pay;
 - suspension without pay; or
 - dismissal from employment.
- 12.3 The decision may include a recommendation for counselling or support for the worker who initiated the complaint or a recommendation for counselling for the alleged wrongdoer. A copy of the summary report may be placed in the personnel file of the alleged wrongdoer.
- 12.4 For respondents who are not employees of the district, actions will be taken as appropriate for the individual situation and may include a letter of

disapproval and caution or warning, a revoking of permits or contracts, an exclusion from district property, issuing of a trespass notice, or any other remedy that may be available at common law and/or the appropriate legislation. The Superintendent responsible for Human Resources will consult with Administrative Council in making a determination on appropriate action under this paragraph.

13.0 Review:

13.1 In the event a complainant or respondent to a formal complaint has one or both of the specific concerns listed below, a written request may be made to the Superintendent responsible for Human Resources to convene a Review. Any such request shall be delivered within ten (10) working of receipt of the summary report. The reviewer may be internal or external and will be appointed by the Superintendent responsible for Human Resources.

13.2 The grounds for review are:

13.2.1 The investigator(s) did not comply with the procedures; or

13.2.2 New evidence has become known after the final decision but before the expiry of the ten working days limitation period for requesting a review.

No review of the final decision will be undertaken with regard to the claim that the conclusions drawn by the investigator(s) based on findings of fact were incorrect.

13.2.3 The reviewer will report findings to the Superintendent responsible for Human Resources who will affirm or amend the reviewed decision or require that a new investigation be undertaken.

14.0 Misuse of the Complaint Procedures:

14.1 If there is a determination on a balance of probabilities that a complaint has been filed in bad faith, including making of a false accusation by a person who knows it to be false, the complaint process may be discontinued and disciplinary action up to and including termination of employment may occur.

15.0 Reprisals:

15.1 Reprisals against individuals because they have reported a complaint in good faith are strictly forbidden.

15.2 Alleged reprisals shall be investigated as formal complaints and, if substantiated, are subject to the same consequences as any complaint under this procedure.

16.0 Confidentiality:

- 16.1** It is the duty of the supervisor to maintain confidentiality in the complaint process. All individuals involved in any complaint process, or who become aware of any complaint process under this Procedure shall ensure that all matters remain confidential. Witnesses will be informed that any statement they provide will be kept in confidence.
- 16.2** Notwithstanding the above, procedural fairness requires that the respondent to a complaint be apprised of the nature of the complaint and by whom it has been made so that they have an opportunity to respond to the charges.
- 16.3** The Board may be required to provide information obtained during an investigation to an outside agency as required by law.
- 16.4** While an investigation is ongoing, the worker who has allegedly experienced harassment, the alleged harasser(s) and any witnesses will be instructed not to discuss the complaint, incident or the investigation with other workers, witnesses, or any other person unless necessary to obtain advice about their rights.

17.0 Records:

- 17.1** All correspondence and other documents generated under this Procedure must, subject to the Municipal Freedom of Information and Protection of Privacy Act, be marked "PRIVATE AND CONFIDENTIAL" and be stored in a locked and secure file in the Employee Relations Department or the office of the General Counsel.

17.2 Records that will be stored include the following:

- A copy of the complaint and/or details about the incident(s);
- A record of the investigation including notes;
- A copy of witness statements, if any;
- A copy of the investigation report;
- A copy of the results of the investigation provided to the parties; and
- A copy of any corrective action taken to address the complaint.

- 17.3** The documents associated with a complaint, incident and/or investigation will not be disclosed unless necessary to investigate an incident or complaint under this procedure, take corrective action or otherwise as may be required by law.

17.4 Records will be kept for at least five (5) years from the conclusion of an investigation.

Appendix:

Appendix 1 - Overview of Complaint
Procedure Appendix A - Harassment
Formal Complaint Form

Effective Date

95-05-18

Amended/Revised

2006-08-08

2010-09-20

2018-01-31

Approved by

Administrative Council

Distribution

Elementary &



PROCEDURE

PERSONNEL

Complaints Procedure – Workplace Harassment Prevention, and Workplace Sexual Harassment Prevention and Safe & Respectful Workplace

Objectives

- 1.1 This Procedure is adopted to support the implementation of the Durham District School Board’s Human Rights, Anti-Discrimination and Anti-Racism Policy (the “Human Rights Policy”) and the Workplace Harassment Prevention, Sexual Harassment Prevention and Safe & Respectful Workplace Policy (the “Workplace Harassment Policy”) as established by the Board of Trustees.
- 1.2 Through these policies the Board recognizes that protecting and promoting human rights, anti-oppression, anti-racism and respectful learning and working environments are critically important for supporting:
- o Students, community members and employees’ sense of safety, well-being, mattering, engagement and belonging;
 - o a culture of care where students and employees are successful and thrive.
- 1.3 The district is committed to providing services, learning environments, employment and working environments that center human rights and equity and are welcoming, respectful, safe, inclusive, equitable, accessible and free from oppression, discrimination, racism, harassment and harm.
- 1.4 This procedure must be read in conjunction with the Workplace Harassment Policy and the Human Rights Policy and Procedures. These documents set out commitments and organizational roles, responsibilities, and accountabilities to promote and uphold human rights and to prevent discrimination, racism, harassment and disrespectful conduct.
- 1.5 This procedure will support safe, positive and respectful workplace relationships, environments and cultures that:
- o Value, model and promote courteous, supportive and professional conduct and communications;
 - o Support the Durham District School Board’s commitment to safe, respectful, and inclusive workplace environments that are free from discrimination and harassment under the Human Rights Code and the Occupational Health and Safety Act.

1.1.6 This procedure provides a mechanism for dealing with complaints ~~of harassment and sexual~~

~~harassment of workplace conduct occurring in the working and learning environments in violation of the Workplace Harassment Policy and/or in violation of the Human Rights Policy.~~

- ~~1.21.7 Incidents of unacceptable workplace conduct will be dealt with promptly by all parties concerned. All incidents of unacceptable workplace conduct will be investigated in a fair, appropriate, consistent, thorough and confidential manner.~~
- ~~1.31.8 Nothing in in these Procedures this procedure denies or limits access to other avenues of redress available under the law or through progressive discipline. At any stage, a complainant may choose to refer the complaint to the Police, the Human Rights Tribunal of Ontario, or their Professional Organization or Association. In such a case, this process shall cease until the parties and their respective representatives have met with the Superintendent of Education/Human Resource Services to determine which dispute resolution process will proceed and which one(s) will be held in abeyance pending completion of the chosen process. Typically, multiple processes will not be permitted to proceed concurrently, although informal dispute resolution attempts will be permitted at any time with the agreement of the District and the parties. How to proceed in circumstances where there are concurrent processes underway is to be determined by the Superintendent responsible for Human Resources of Education (people and culture) or designate in consultation with the parties.~~

2.0 Definitions:

- ~~2.1 The definitions from the Workplace Harassment Policy are adopted for this procedure. The Durham District School Board is referred to as the “District” or the “employer”.~~
- ~~2.1 The word “employer”, under this procedure, means the Durham District School Board (DDSB) and its Senior representative, the Superintendent of Education/Human Resource Services.~~
- ~~2.2 The word “employee”, under this procedure, includes all persons employed by the Board.~~
- ~~2.3 “Worker who has allegedly experienced harassment”: a worker who files a complaint of harassment or sexual harassment against another person.~~
- ~~2.4 “Alleged harasser”: person who is accused of harassment or sexual harassment; may or may not be an employee~~
- ~~2.5 “Supervisor”: a person who has charge of a workplace or authority over a worker; may be a supervisor, manager or Principal~~
- ~~2.6 The words “other users” include all persons, who are neither students nor employees, while on Board premises or attending Board or school programs/functions.~~
- ~~2.7 “Code” refers to the Ontario Human Rights Code.~~
- ~~2.8 “Workplace Harassment”: Workplace Harassment is defined in the Occupational Health and Safety Act (OHSA) as:~~
- ~~(a) engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome, or~~

~~(b) workplace sexual harassment;~~

~~2.9 “Workplace Sexual Harassment” means,~~

~~(a) engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or~~

~~(b) making a 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 to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.~~

~~Note: It is understood that abusive treatment of an employee by a supervisor, or abuse of authority, where it can be shown to be based on a prohibited ground under the Ontario Human Rights Code, will constitute a violation of this procedure. Harassment does not however include differences of opinion or minor disagreements between coworkers, or between supervisors and workers, nor does it include the normal exercise of supervisory responsibilities, including appraisals, counselling and discipline.~~

~~2.10 “Working and learning environment”: The working and learning environment is any place where employees, students and other users perform work or work related duties or functions. Schools and school related activities, such as extracurricular activities and excursions, comprise this environment, as do Board offices and facilities. Conferences and training sessions also fall within the ambit of this policy.~~

3.0 Prohibited Conduct Examples of Harassment

3.1 The nature and scope of prohibited conduct is set out in the Workplace Harassment Policy which, but its terms, also incorporates and prohibits conduct in violation of the Human Rights Policy. Therefore, any reference to the Workplace Harassment Policy includes the terms of the Human Rights Policy as incorporated into the Workplace Harassment Policy.

3.13.2 Workplace Harassment is prohibited. The following behaviours as are examples of conduct that will typically amount to workplace harassment:

- Offensive or intimidating comments or jokes;
- Bullying or aggressive behaviour;
- Displaying or circulating offensive pictures or materials; Inappropriate staring;
- Workplace sexual harassment;
- Isolating or making fun of a worker because of gender identity;
- Creating a poisoned work environment: ¶This is a specific form of harassment in which a psychological atmosphere is created which causes people to feel fearful, intimidated and/or disrespected;
- Engaging in objectionable behaviour: Objectionable Behaviour is often but not always, persistent, ongoing, vexatious conduct or communications in any form, of attitudes, beliefs or actions towards an individual in the

workplace which might reasonably be known to be unwelcome. A single serious act or expression can constitute such behaviour.

- ~~Engaging in gender-based harassment: this is one type of sexual harassment. Gender-based harassment is any behaviour that polices and reinforces traditional heterosexual gender norms. It is often used to get people to follow traditional sex stereotypes (dominant males, subservient females). It is also used as a bullying tactic, often between members of the same sex. Unlike some other forms of sexual harassment, gender-based harassment is not generally motivated by sexual interest or intent. It is more often based on hostility and is often an attempt to make the target feel unwelcome in their environment. In some cases, gender-based harassment may look the same as harassment based on sexual orientation, or homophobic bullying.~~

While harassment is usually based on an ongoing pattern of abuse, in some instances a single incident can be sufficiently serious to constitute harassment.

Harassment does not include differences of opinion or minor disagreements between workers.

3.3 Discrimination is prohibited. Any breach of the Human Rights Policy is prohibited.

3.3.4 ~~abuse of authority, where it can be shown to be Sexual or racial harassment or harassing someone based on a any ground prohibited ground under by the Ontario Human Rights Code is a breach of the Human Rights Policy. Harassment does not, however, include differences of opinion or minor disagreements between coworkers, or between supervisors and workers, nor does it include~~

3.5 Disrespectful conduct is prohibited. Disrespectful conduct, which may or may not rise to the level of harassment, is behaviour by an individual directed against another individual that a reasonable person would consider inappropriate. While not an exhaustive list, disrespectful conduct may include:

- Gossiping;
- Written or verbal comments, actions, gesture, behaviours or jokes which would reasonably be perceived as unwelcome, humiliating, offensive, hurtful or belittling;
- Abuse of authority;
- Yelling, shouting, screaming, swearing, pounding a desk or table with a hand or fist;
- Deliberately excluding or isolating a person from relevant work activities or decision making;
- Stereotyping or making inappropriate assumptions about an individual based on an individual's personal qualities, characteristics or role;

- Devaluing or trivializing a person's role, successes, contributions or concerns;
- Engaging in theft, attempted theft or vandalism that causes damages to Board property or personal property of other workers;-
- Engaging in any other behavior that may result in a negative impact or perceived negative impact to the Board and its reputation or to students, staff or the public.

4.0 Who May Initiate a Complaint:

4.1 Policy and Procedure 4245 on Workplace Harassment applies to The following persons may initiate a complaint under this procedure:

- All Board workers; and
- Other users which include employees of other organizations, and other persons, not related to the Board but who nevertheless work in or are invited onto Board premises.

4.2 In addition, anyone who has: witnessed harassment or other conduct in violation of the Workplace Harassment Policy, received reports of same, or has reasonable grounds to suspect this is occurring, may initiate a complaint.

4.3 The rights of students and parents/guardians to a respectful working and learning environment, free from harassment, are ~~dealt~~ addressed-with under other ~~the~~ appropriate policy, legislation or regulations including but not limited to Codes of Behaviour Conduct, ~~Safe Schools Act (now Section Part XIII of the Education)~~, Professional Codes of Conduct, and DDSB Polices, Regulations and Procedures, including the Human Rights Policy and related Student Complaint procedures.

5.0 Reporting

5.1 All ~~employees~~ workers have a right to report harassment, discrimination or other conduct that is in breach of the Workplace Harassment Policy Policy and Policy and are entitled to have access to the dispute resolution processes. ~~Further, these persons are encouraged to report instances of workplace harassment to the supervisor.~~

It is the responsibility of the supervisor to notify the ~~Superintendent of Education (people and culture)~~ Superintendent responsible for Human Resources/~~Human Resource Services~~ and/or the Board lawyer of the complaint of workplace harassment.

5.2 If the alleged harasser wrongdoer is a supervisor, reports should be made by an individual directly to the Superintendent of Education (people and culture) Superintendent responsible for Human Resources/~~Human Resource Services~~ or to, the Board Lawyerthe General Counsel if there is any real or perceived conflict of interest in reporting to the (people and culture)- Superintendent responsible for Human Resources/~~Human Resources~~ or the Director of Education if the allegation is against a member of the senior team.

- 5.2 If the alleged wrongdoer is a supervisor, reports should be made by the individual concerned directly to the Superintendent responsible for Human Resources or if the allegation is against a member of the senior team, to the Director of Education, the General Counsel or the Superintendent responsible for Human Resources as the complainant may deem most appropriate in the circumstances.
- 5.3 ~~Every attempt~~ Reasonable efforts should be made to resolve matters through an informal resolution. ~~The first step is to inform the individual that his/her behaviour is unwelcome and must stop immediately.~~
- 5.4 Supervisors must address and attempt to resolve disputes in a timely manner in order to stop the conduct.
- 5.5 At the discretion of the ~~(people and culture)~~ Superintendent responsible for Human Resources in consultation with the General Counsel, an external person may be retained to conduct ~~a workplace harassment or workplace sexual harassment investigation~~ an investigation of a complaint made under this procedure. This would particularly be important to consider in matters where ~~in circumstances included, but not limited to, when~~ the alleged wrongdoer harasser is a member of high-level management, senior team or trustee, or ~~in special circumstances~~ where an external investigation is deemed necessary appropriate to preserve procedural fairness and timeliness.
- 5.6 A report of an incident investigation must include the following information:
- Name(s) of the complainant(s), position and contact information;
 - Name of the alleged ~~harasser(s)~~ wrongdoer(s); position and contact information (if known);
 - Names of the witness(es) (if any) or other person(s) with relevant information to provide about the incident (if any) and contact information (if known);
 - Details of what happened including date(s), frequency and location(s) of the alleged incident(s);
 - ~~Any supporting documents the worker who complains of harassment may have in his/her possession that are relevant to the complaint; and~~
 - ~~A list of any documents a witness, another person or the alleged harasser may have in their possession that are relevant to the complaint.~~
- 5.7 Anonymous reports will not be entertained for dispute resolution under ~~these~~ Procedures.
- 5.8 Individuals seeking information or resources to address ~~workplace harassment unacceptable workplace conduct~~ may contact their supervisor, union representative (where applicable), a joint health and safety committee member or health and safety representative, the Human Rights Legal Support Centre, the Employee Assistance Program, the ~~Superintendent of Education (people and culture)~~ Superintendent responsible for Human Resources, Employee Relations and/or the Board Lawyer General Counsel, and/or the Director of Education.

6.0 Timelines for Initiating a Complaint:

6.1 All ~~reports/complaints~~ must be filed within ~~six months~~ one (1) year of the most recent instance of alleged wrongdoing harassment. At the discretion of the Superintendent of Education (people and culture) Superintendent responsible for Human Resources ~~report a complaint~~ outside this time frame may be considered, ~~by consulting the principal or appropriate supervisor.~~ Formal Complaints filed outside this time frame may be considered by consulting the Superintendent of Education/Human Resource Services.

8.0 ~~Confidentiality:~~

8.1 ~~It is the duty of the supervisor to maintain confidentiality in the complaint process. All workers who have allegedly experienced harassment, alleged harassers and other persons involved with the complaint processes under these Procedures will ensure that all matters remain confidential. Witnesses should be informed that supervisory and managerial personnel, in obtaining a statement, will maintain said statement in confidence, subject to their ability to conduct a full and thorough investigation.~~

8.2 ~~Notwithstanding the above, procedural fairness requires that the respondent to a complaint be apprised of the nature of the complaint and by whom it has been made so that they have an opportunity to respond to the charges.~~

8.3 ~~The Board may be required to provide information obtained during an investigation to an outside agency that has the right to require information otherwise protected by the Municipal Freedom of Information and Protection of Privacy Act.~~

8.4 ~~While an investigation is on going, the worker who has allegedly experienced harassment, the alleged harasser(s) and any witnesses will be instructed not to discuss the complaint, incident or the investigation with other workers or witnesses unless necessary to obtain advice about their rights.~~

9.0 ~~Records:~~

9.1 ~~All correspondence and other documents generated under these Procedures must, subject to the Municipal Freedom of Information and Protection of Privacy Act, be marked "PRIVATE AND CONFIDENTIAL" and be stored in a locked and secure file in the Employee Relations Department.~~

9.2 ~~Records that will be stored include the following:~~

- ~~• A copy of the complaint or details about the incident(s);~~
- ~~• A record of the investigation including notes;~~
- ~~• A copy of witness statements, if taken;~~
- ~~• A copy of the investigation report;~~
- ~~• A copy of the results of the investigation that were provided to the worker who reported workplace harassment and the alleged harasser; and~~
- ~~• A copy of any corrective action taken to address the complaint or incident of workplace harassment.~~

9.3 ~~The documents associated with a workplace harassment complaint, incident and/or~~

~~investigation will not be disclosed unless necessary to investigate an incident or complaint of workplace harassment, take corrective action or otherwise as may be required by law.~~

~~9.4 For the purposes of the Occupational Health and Safety Act, records will be kept for at least one year from the conclusion of an investigation.~~

~~10.0 Misuse of the Complaint Procedures:~~

~~10.1 If there is a determination that a complaint has been filed in bad faith, the complaint process may discontinue and disciplinary action may occur.~~

~~11.0 Reprisals:~~

~~11.1 Reprisals against individuals because they have reported a complaint are strictly forbidden.~~

~~11.2 Alleged reprisals shall be investigated as formal complaints and, if substantiated, are subject to the same consequences as complaints of workplace harassment.~~

7.0 Informal Complaint Resolution:

7.1 When an individual is concerned that there is unacceptable workplace conduct in violation of the Workplace Harassment Policy, feels that he or she is the object of harassment under this policy, the first step is to initiate an Informal Complaint. they should consider an informal complaint. The purpose of the Informal Complaint Procedure is to with a view to resolving the situation to the satisfaction of the worker who has allegedly experienced harassment the offending conduct and to ensure that the offending behaviour, if evident, ceases.

7.2 The worker who has allegedly experienced harassment unacceptable conduct is encouraged shall inform to inform the alleged harasser wrongdoer that the behaviour behaviour/conduct is unwelcome and to seek support from a colleague of union representatives, if applicable. However, this is optional and is not required as it is recognized that it is inappropriate to require a victim of conduct that is in breach of the Workplace Harassment Policy to confront the wrongdoer.

~~7.3 The worker who has allegedly experienced harassment is encouraged to seek support from a colleague or union representative.;~~

~~7.3 To initiate an informal complaint, the worker who has allegedly experienced harassment unacceptable conduct shall follow the reporting requirement set out in Section 5.0.~~

7.4 Unless directed otherwise by the Superintendent of Education (People and Culture) Superintendent responsible for Human Resources, the supervisor who ever receives the complaint shall, with the consent of the attempt parties, attempt to informally resolve the matter through intervention or mediation.;

7.5 The worker who has allegedly experienced harassment is advised to keep a written record including the name of the alleged wrongdoer harasser, date, time, location, description of the offending behaviour, potential witnesses and who has been was informed. No official file shall be opened at this stage;

7.6 If the offending behaviour does not cease or the worker who has allegedly experienced ~~harassment~~ the unacceptable conduct is not satisfied with the result of the Informal Complaint Procedure, the worker ~~who has allegedly experienced harassment~~ may proceed to the Formal Complaint Procedure.

8.0 Mediated Resolution:

8.1 Mediation involves an unbiased third party acting as a facilitator in direct communication between the parties who voluntarily agree to enter into this process. It is an opportunity to resolve disputes in a respectful manner. It provides the opportunity to generate a variety of options for resolution and contributes to restoring the working relationship between the parties.

8.2 Where there is already a formal complaint being investigated under this procedure, at any time during the investigation, the parties may agree to hold the investigation in abeyance and attempt to achieve a mediated resolution.

8.3 Mediation is appropriate when all parties agree that a mutually agreeable solution is achievable and desirable. If the parties agree to mediation, the investigator may request approval to act as the mediator or may engage the ~~Superintendent of Education (People and Culture)~~ Superintendent responsible for Human Resources or the General Counsel to retain an independent mediator acceptable to both parties.

8.4 When matters are resolved through mediation, the complainant and the respondent will sign a memorandum of agreement outlining the terms to which they have agreed. The Superintendent of Education (people and Culture) or the General Counsel must approve the agreement before it is binding. Human Resources will take all appropriate follow-up action to ensure that the agreement is being complied with.

8.5 Mediation is voluntary and the complainant or the respondent may choose to withdraw at any time.

9.0 Formal Complaint Procedure:

9.1 A Formal Complaint shall be submitted to the ~~(People and Culture)~~ Superintendent responsible for Human Resources ~~and~~ using the Formal Complaint Form attached as Appendix A. The Formal Complaint Procedure is ~~conducted~~ managed by the ~~Superintendent of Education (People and Culture)~~ Superintendent responsible for Human Resources/Human Resource Services or designate who will initiate a formal investigation. ~~The focus of the investigation may be to mediate the situation to achieve a resolution satisfactory to the worker who has allegedly experienced harassment. As circumstances merit, the investigation may result in an alternate resolution or disciplinary action.~~

- ~~9.2~~ The worker who has allegedly experienced harassment shall submit the Formal Complaint Form (Appendix A) to the Superintendent of Education/Human Resource Services;
- ~~9.39.2~~ Within ten (10) working days or as soon as possible thereafter, the Superintendent of Education (People and Culture) Superintendent responsible for Human Resources/Human Resource Services or designate will provide written confirmation of confirm receipt of the Formal Complaint, in writing to the worker who has allegedly experienced harassment and the alleged harasser;
- ~~9.49.3~~ The Superintendent of Education (People and Culture) Superintendent responsible for Human Resources /Human Resource Services may take immediate action with the non-disciplinary temporary reassignment of either the alleged wrongdoer harasser or the worker who has allegedly experienced harassment unacceptable conduct, as may be appropriate to in the circumstances, of the complaint;
- ~~9.59.4~~ Within five (5) working days or as soon as possible thereafter of issuing the written confirmation of the Formal Complaint, the Superintendent of Education (People and Culture) Superintendent responsible for Human Resources /Human Resource Services or designate will initiate an investigation.;
- ~~9.69.5~~ The Superintendent of Education (People and Culture) Superintendent responsible for Human Resources shall /Human Resource Services may designate an alternate to conduct the investigation as necessary or appropriate to the circumstances. If necessary, an Investigation Committee of two Superintendents of Education will be assigned to investigate; an internal or external investigator and may consult with the General Counsel on the retainer of any external investigator.
- ~~9.79.6~~ The Superintendent of Education (People and Culture) Superintendent responsible for Human Resources /Human Resource Services or designate may meet individually or collectively with convene a meeting with the worker who has allegedly experienced harassment the unacceptable conduct and the alleged harasser wrongdoer in an attempt to mediate resolve the situation, as circumstances warrant;
- ~~9.8~~ The decision may include a recommendation for counselling or support for the worker who has allegedly experienced harassment or a recommendation for counselling for the alleged harasser. Disciplinary action may include the requirement of a written apology by the alleged harasser, a change in workplace, or further discipline up to and including termination, as appropriate. A copy of the report may be placed in the alleged harasser's personnel file;
- ~~9.99.7~~ The Superintendent of Education (People and Culture) /Human Resource Services or designate, or an investigator, may determine that the conduct at issue complaint is not a violation of the Code Workplace Harassment Policy or OHS or the Human Rights Policy, as the case may be, and but may, nonetheless, make recommendations for resolution of any workplace issues between the parties.;

~~9.10~~ If the worker who has allegedly experienced harassment is not satisfied with the outcome of the investigation, he or she has the right to proceed to the Ontario Human Rights Commission or take further or other legal action as may be appropriate;

~~9.119.8~~ It is understood that, at any point in the process the ~~Superintendent~~ Education (People and Culture) Superintendent responsible for Human Resources may refer the matter to ~~outside mediation~~ an external mediator, provided all parties consent. In such ~~a~~ cases, it ~~case it~~ is understood as follows:

- Mediation is dependent on the commitment of all parties;
- The services of a trained mediator may be utilized;
- Meetings for mediation will be arranged, where practical, in a time and place that preserves confidentiality and that is ~~-convenient for the worker who has allegedly experienced harassment, the alleged harasser and the mediator for the parties, while ensuring privacy;~~
- Any settlement that is reached must be mutually accepted by the parties in writing and approved by the Education (People and Culture) Superintendent responsible for Human Resources.

10.0 Investigation Process and Procedural Fairness

~~10.1~~ ~~An employer~~ The district shall ~~must~~ ensure an investigation appropriate in the circumstances is conducted when:

- the employer or a supervisor becomes aware of an incident ~~of workplace harassment by the worker who allegedly experienced it or another worker~~ where a worker has been subject to conduct that may constitute a ~~in~~ breach of the Workplace Harassment Policy; or
- a complaint is made, whether in writing or ~~verbally~~, of ~~workplace harassment~~ conduct that may constitute a breach of the Workplace Harassment Policy is made to the employer or supervisor.

~~10.2~~ An investigation must be completed within 90 calendar days ~~or less~~ unless there are extenuating circumstances warranting a longer investigation (e.g. more than five witnesses, key witness unavailable due to illness).

~~10.3~~ The investigator must not be the alleged ~~harasser~~ wrongdoer and must not be under the direct control of the alleged ~~harasser~~ wrongdoer. The person must be able to conduct an objective investigation. The investigator conducting the investigation on behalf of the employer must, at a minimum, complete the following seven steps ~~into~~ an investigation:

~~10.3.1~~ The investigator must ensure the investigation is kept confidential and identifying information is not disclosed unless necessary to conduct the investigation or as required by law. The investigator must remind the worker who allegedly experienced workplace harassment initiated the complaint, the alleged harasser(s) wrongdoer and any witnesses of any and all confidentiality requirements under the Workplace Harassment Policy. ~~employer's workplace harassment program.~~

~~10.3.2~~ The investigator must thoroughly interview both the worker who ~~has~~

~~allegedly experienced workplace harassment and initiated the complaint and the alleged harasser(s) wrongdoer, if the alleged harasser(s) wrongdoer is a worker of the employer/employee of the Board. If the alleged harasser wrongdoer is not a worker of the employer an employee of the district, the investigator must make reasonable efforts to interview the alleged harasser wrongdoer, if the alleged harasser is known to the employer.~~

- 10.3.3** The alleged ~~harasser(s) wrongdoer~~ must be given the opportunity to respond to the ~~specific~~ allegations raised by the worker. In some circumstances, the worker ~~who has allegedly experienced workplace harassment~~ should be given a reasonable opportunity to reply.
- 10.3.4** The investigator must separately interview any relevant witnesses employed by the ~~district employer who may be identified by either the worker who has allegedly experienced workplace harassment, the alleged harasser(s) or~~ as necessary to conduct a thorough investigation. The investigator must make reasonable efforts to interview any relevant witnesses who are not employed by the ~~employer district if there are any identified by either the worker who has allegedly experienced workplace harassment, the alleged harasser(s) or~~ as necessary to conduct a thorough investigation.
- 10.3.5** The investigator must collect and review any relevant documents.
- 10.3.6** The investigator must take appropriate notes and statements during interviews with the worker who ~~has allegedly experienced workplace harassment initiated the complaint~~, the alleged ~~harasser wrongdoer~~ and any witnesses.
- 10.3.7** The investigator must prepare a written report ~~to the Superintendent of Education (People and Culture) Superintendent responsible for Human Resources or designate~~ summarizing the steps taken during the investigation, ~~the complaint~~, the allegations ~~of the worker claiming harassment~~, the response ~~from the alleged harasser~~, the evidence of any witnesses and ~~the evidence gathered any other relevant evidence~~. The report must set out findings of fact and come to a conclusion about whether ~~workplace harassment the Workplace Harassment Policy was found or breached or~~ not. ~~At the discretion of the Superintendent of Education (People and Culture) Superintendent responsible for Human Resources or designate, the report may be limited to findings of fact with conclusions as to breach to be left to the Superintendent of Education (People and Culture) Superintendent responsible for Human Resources or designate. must be provided to the employer or supervisor to take appropriate action.~~
- ~~**10.3.8** It is understood that where allegations of harassment pertain to Human Rights Code violations the Director's office will be prudently informed and the protocol for investigations for Human Rights Code violations~~

~~may be activated by the discretion of the Director or Superintendent of Education/ Human Resource Services.~~

~~10.3.9 — It is understood that the decision to outsource investigations rests with the Superintendent of Education/ Human Resource Services, with discretionary consultation with the Director of Education as appropriate.~~

11.0 Results of the investigation

- 11.1 The employer must ensure that ~~written notice of the~~ ~~the~~ results of the investigation and any corrective action are provided to the worker who ~~allegedly experienced workplace harassment- initiated the complaint~~ and the alleged ~~harasser wrongdoer~~, if they are ~~a worker of the~~ ~~employed by the district.- employer, in writing.~~
- 11.2 The results of the investigation ~~is are~~ not the same as the investigation report. The results of the investigation ~~is are~~ a summary of the findings of the investigation. The results must be communicated in writing, within ten (10) calendar days of the investigation being concluded, to the worker who ~~has experienced the alleged harassment initiated the complaint.~~
- 11.3 The employer must also ensure that any corrective action ~~taken, if any (or to be taken)~~ is communicated to the worker who ~~allegedly experienced workplace harassment initiated the complaint~~ and the alleged ~~harasser(s) wrongdoer~~, if the alleged ~~wrongdoer harasser~~ is ~~a worker an employee of the district. of the employer.~~ The amount of information provided about the corrective action will depend on the circumstances but ~~in all cases where a breach of the Workplace Harassment Policy is found the information provided must, at a - indicate minimum, indicate~~ what steps the employer has taken or will take to ~~best prevent a similar incident from occurring again future. of workplace harassment if workplace harassment was found.~~ The corrective action, if any, must be communicated in writing within ten (10) calendar days of the investigation being concluded.

12.0 Disciplinary Actions:

- 12.1 Following an investigation into a complaint under this procedure, the appropriate supervisor or manager may, in consultation with the ~~Superintendent of Education (People and Culture)~~ Superintendent responsible for Human Resources impose discipline on a respondent as appropriate and consistent with the circumstances.
- 12.2 The principles of progressive discipline and proportionality will be applied in dealing with disciplinary actions. These would include the following possibilities:
- verbal warning;
 - written reprimand;

- suspension with pay;
- suspension without pay; or
- dismissal from employment.

12.3 The decision may include a recommendation for counselling or support for the worker who initiated the complaint or a recommendation for counselling for the alleged wrongdoer. A copy of the summary report may be placed in the personnel file of the alleged wrongdoer.

12.4 For respondents who are not employees of the district, actions will be taken as appropriate for the individual situation and may include a letter of disapproval and caution or warning, a revoking of permits or contracts, an exclusion from district property, issuing of a trespass notice, or any other remedy that may be available at common law and/or the appropriate legislation. ~~The Superintendent of Education-~~ ~~(People and Culture)~~ Superintendent responsible for Human Resources will consult with Administrative Council in making a determination on appropriate action under this paragraph.

13.0 Review:

13.1 In the event a complainant or respondent to a formal complaint has one or both of the specific concerns listed below, a written request may be made to the ~~(People and Culture)~~ Superintendent responsible for Human Resources to convene a Review. Any such request shall be delivered within ten (10) working of receipt of the summary report. The reviewer may be internal or external and will be appointed by the ~~n-(People and Culture)~~ Superintendent responsible for Human Resources

13.2 The grounds for review are:

13.2.1 The investigator(s) did not comply with the procedures; or

13.2.2 New evidence has become known after the final decision but before the expiry of the ten working days limitation period for requesting a review.

No review of the final decision will be undertaken with regard to the claim that the conclusions drawn by the investigator(s) based on findings of fact were incorrect.

13.2.3 The reviewer will report findings to the ~~(People and Culture)~~ Superintendent responsible for Human Resources who will affirm or amend the reviewed decision or require that a new investigation be undertaken.

14.0 Misuse of the Complaint Procedures:

14.1 If there is a determination on a balance of probabilities that a complaint has been filed in bad faith, including making of a false accusation by a person who knows it to be false, the complaint process may be discontinued and disciplinary action up to and including termination of employment may occur.

15.0 Reprisals:

15.1 Reprisals against individuals because they have reported a complaint in good faith are strictly forbidden.

15.2 Alleged reprisals shall be investigated as formal complaints and, if substantiated, are subject to the same consequences as any complaint under this procedure.

16.0 Confidentiality:

16.1 It is the duty of the supervisor to maintain confidentiality in the complaint process. All individuals involved in any complaint process, or who become aware of any complaint process under this Procedure shall ensure that all matters remain confidential. Witnesses will be informed that any statement they provide will be kept in confidence.

16.2 Notwithstanding the above, procedural fairness requires that the respondent to a complaint be apprised of the nature of the complaint and by whom it has been made so that they have an opportunity to respond to the charges.

16.3 The Board may be required to provide information obtained during an investigation to an outside agency as required by law.

16.4 While an investigation is ongoing, the worker who has allegedly experienced harassment, the alleged harasser(s) and any witnesses will be instructed not to discuss the complaint, incident or the investigation with other workers, witnesses, or any other person unless necessary to obtain advice about their rights.

17.0 Records:

17.1 All correspondence and other documents generated under this Procedure must, subject to the Municipal Freedom of Information and Protection of Privacy Act, be marked "PRIVATE AND CONFIDENTIAL" and be stored in a locked and secure file in the Employee Relations Department or the office of the General Counsel.

17.2 Records that will be stored include the following:

- A copy of the complaint and/or details about the incident(s);
- A record of the investigation including notes;

- A copy of witness statements, if any;
- A copy of the investigation report;
- A copy of the results of the investigation provided to the parties; and
- A copy of any corrective action taken to address the complaint

17.3 The documents associated with a complaint, incident and/or investigation will not be disclosed unless necessary to investigate an incident or complaint under this procedure, take corrective action or otherwise as may be required by law.

17.4 Records will be kept for at least five (5) years from the conclusion of an investigation.

Appendix:

Appendix 1 - Overview of Complaint
 Procedure Appendix A - Harassment
 Formal Complaint Form

Effective Date

95-05-18

Amended/Review

2006-08-08

2010-09-20

2018-01-31

Approved by

Administrative Council

Distribution

Elementary &

DRAFT Human Rights Inclusive Design and Accommodation Procedure

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

1.0 Objective

- 1.1 This procedure is adopted under the Human Rights, Anti-Discrimination and Anti-Racism Policy (“Human Rights Policy”) to implement the duty to accommodate in respect of Human Rights Code related needs, and to support inclusive design.
- 1.2 This procedure shall be read in conjunction with the Human Rights Roles, Responsibilities and Accountability Framework and the Human Rights, Anti-Discrimination and Anti-Racism Procedure adopted under the Human Rights Policy. These documents 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 services, employment, and learning and working environments of the Durham District School Board (“District” or “DDSB”), including:
 - a) Intentional efforts to address racism, ableism, homophobia, biphobia, transphobia, faithism and all other forms of discrimination, and classism; and
 - b) Requirements to apply culturally relevant and responsive pedagogy, Universal Design for Learning, inclusive design, differentiated instruction and accessibility principles to all aspects of the District’s work to proactively prevent discriminatory barriers.

The District recognizes that in addition to efforts to address barriers, accommodations are required to address individual identities, strengths, abilities and needs based on Human Rights Code grounds.

- 1.3 The District also recognizes the unique and distinct rights of Indigenous Peoples (for example, related to Two Spirit identities and to freely practice and preserve Indigenous cultural and spiritual practices and traditions). Indigenous Peoples may elect to pursue any right under the Human Rights Policy and this procedure or under the Indigenous Education Policy and procedures, as they may deem appropriate in any given circumstance.
- 1.4 Additional procedures are adopted under the Human Rights Policy to proactively prevent discrimination and to address human rights accommodation issues, incidents and complaints.
- 1.5 For students, the purpose of the duty to accommodate is to ensure that all eligible students have meaningful access to education where learning conditions can be adjusted to meet Human Rights Code related needs without undue hardship to the District.
- 1.6 For employees, the purpose of the duty to accommodate is to ensure that persons who are otherwise fit to work are not unfairly excluded from working where working conditions can be adjusted to meet Human Rights Code related needs without undue hardship to the District.

- 1.7 The duty to accommodate under the Ontario Human Rights Code includes both a procedural component (i.e., the factors considered and assessed, the steps taken to respond to an accommodation need, and treating individuals with dignity and respect) and a substantive component (i.e., the appropriateness or reasonableness of the chosen accommodation and, where appropriate, the reasons for not providing accommodation, including evidence of undue hardship).
- 1.8 The District will meet its procedural and substantive duty to accommodate a student's or an employee's Human Rights Code related needs to the point of undue hardship. In so doing, each matter will be assessed on a case-by-case basis in recognition of the unique identity of each person, without relying on biases, assumptions or stereotypes about the person based on ancestry, race, disability, sexual orientation, gender identity, gender expression, creed, any other Human Rights Code ground or combination of grounds, and classism, in accordance with the terms of the Human Rights Policy and this procedure.
- 1.9 The duty to accommodate is informed by three key principles: respect for dignity, individualization and integration and full participation.

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. This procedure also includes specific inclusive design and accommodation considerations for students and employees based on disability, gender identity, gender expression and creed.
- 3.2 All organizational practices and decision making related to inclusive design and accommodation 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. Student, employee and community voice and engagement is critical to help the District inclusively design its services, employment and learning and working environments. The District will engage students, employees and communities on initiatives that affect them ("nothing for/about us without us").
- 3.4 All schools and system departments will review the requirements of this procedure and adjust, remove, or develop new structures, practices, and decision-making processes to align with inclusive design principles and considerations.
- 3.5 As part of the District's efforts to create inclusive and welcoming environments for all community members, the Director of Education and/or designates will provide opportunities for professional development for employees to:

- a) Enhance understanding of the duty to accommodate, including barriers for and inclusive design and accommodation needs based on ancestry, disability, gender identity, gender expression, creed and other Human Rights Code grounds, combination of grounds and classism; and
- b) Address and prevent potential stigma or actions informed by negative/deficit thinking about students or employees who may require accommodation.

Proactively Offering Accommodation

3.6 The District will:

- a) Regularly share information about the availability of human rights accommodations, including the request process, confidentiality provisions and protection from reprisal; and
- b) Provide and support respectful, inclusive and accessible spaces and processes for students, parents/families/guardians and employees to safely identify human rights related barriers and accommodation needs without reprisal.

3.7 The District will communicate its commitment to meeting its legal duty to accommodate and will proactively promote human rights, offer accommodation and request information about potential Human Rights Code related accommodation needs at or during:

- a) For students: registration, admission, orientation, returning student processes, parent/guardian-teacher interviews, etc. and other relevant activities/events involving students, families and communities, and will request information about new or changing needs as appropriate (e.g., field trip permission forms);
- b) For employees: recruitment (e.g., job ads, interviews), onboarding processes and other events/activities involving employees (e.g., training events, conferences, etc.); and
- c) For community members: in communications about District community meetings and events.

This will help the District:

- a) Identify individual accommodation needs; and
- b) Plan and inclusively design services, employment, programs and events and address potential barriers.

Requesting Accommodation

- 3.8 A student (or their parent/guardian) or employee requesting accommodation should identify their Human Rights Code related needs to the District as soon as possible and provide sufficient documentation as may be required.
- 3.9 Students (or their parent(s)/guardian(s)) should submit any request for accommodation to their school principal using the attached *Student Accommodation Request Form* [template].
- 3.10 Employees should use the attached *Employee Accommodation Request Form* [template] to submit their request for disability-related accommodation to Abilities Management, Human Resource Services or, for all other accommodation requests, to their manager or supervisor. The manager or supervisor shall consult with Human Resource Services, including to address any potential intersecting needs that may be related to disability.
- 3.11 It is recognized that Human Rights Code related needs (e.g., disability, language barrier) may impact a person's ability to raise accommodation requests and/or to understand the process. As such, accommodation requests may be submitted in any language and may be raised in writing or in other ways without using the prescribed form. Staff who receive the request must document it on a request form.

Duty to Inquire

- 3.12 A student (or their parent/guardian) or employee may not be able to disclose or communicate accommodation needs (for example, due to the nature of a disability, fear of stigmatization or stereotypes, etc.). Where a student or employee is clearly unwell or perceived to have a disability, or where the District is aware or reasonably ought to be aware that a student or employee's behavior, performance or inability to fulfill their duties as a service user or employee may be linked to disability, the District has a duty to inquire about this link before making a decision that may adversely affect the student or employee (e.g., imposing discipline). The responsible staff shall:
- a) Take steps to support them, even if no accommodation request is made;
 - b) Pay special attention to situations that could be linked to mental health issues or addictions;
 - c) Ask the student (or their parent/guardian) or employee if they need support to help them participate in school or work and remind them of the availability of accommodation;
- a) Provide a meaningful opportunity for the student (or their parent/guardian) or employee to identify a disability or other Human Rights Code ground) related need(s) and request accommodation; and
 - b) Respect dignity and confidentiality, and not pressure a student (or their parent/guardian) or employee to share or disclose information if they do not wish to share or disclose information.

- 3.13 Where a student (or their parent/guardian) or employee does not indicate a disability or other Human Rights Code related need, does not request accommodation or does not participate in the accommodation process, the responsible staff will not make repeated inquiries, and should document steps taken to inquire and to attempt to start the accommodation process.
- 3.14 Where the student (or their parent/guardian) or employee does indicate a disability-related need or requests accommodation, the responsible staff will document it on a request form (or provide the person with an accommodation request form and provide appropriate support as may be required to complete the form) and proceed with the duty to accommodate.

Confidentiality

- 3.15 It is recognized that information shared by students (or their parent/guardian) or employees related to accommodation needs is confidential and sensitive. Therefore, in processing accommodation requests or issues, responsible staff shall:
- a) Limit requests for information to that which is least intrusive and required to support the accommodation process;
 - b) Take steps to maximize and protect the privacy of the accommodation requestor's personal information as much as practicable in the circumstance and in accordance with applicable privacy laws;
 - c) Maintain the confidentiality of personal information related to accommodation requests and the accommodation process, including the duty to inquire and the duty to accommodate;
 - d) Store accommodation information in a secure physical and/or cyber location that only authorized designated personnel can access;
 - e) Only share information with others, if necessary, as part of the determination of what, if any, accommodation ought to be provided and/or the implementation of any accommodation; this may include sharing limited and relevant information to help explore potential accommodation options and solutions; and
 - f) Only disclose this information with the student (or parent/guardian) or employee's consent, unless required under legal proceedings or as required by law (e.g., proceedings under the Education Act or as part of disclosure obligations related to complaint resolution options).

Roles and Responsibilities in the Accommodation Process

- 3.16 The accommodation process is a shared responsibility and staff are to cooperatively and respectfully engage with the students/parents/guardians or employees (and union representative, where appropriate) to consider individual needs and, where accommodation is required, to collaboratively explore accommodation options and solutions.
- 3.17 A student (or their parent/guardian) or employee requesting accommodation must, to the best of their ability:
- a) Raise accommodation requests in good faith;
 - b) Co-operate and provide necessary information to support the accommodation process; this includes, for example, taking part in discussions to explore accommodation options and solutions, providing information about relevant restrictions or limitations, including from medical and health care professionals where necessary, etc.
 - c) Meet bona fide education/academic or employment requirements, once accommodation is provided; and
 - d) Advise the District of any issues or challenges with the accommodation, or of new/changing accommodation needs as soon as possible.

Note: the student (or their parent/guardian) or employee is not responsible for leading the accommodation process and is only required to discuss their Human Rights Code related needs with those who are directly involved in the accommodation process.

- 3.18 Responsible District staff are required to:
- a) Accept and respond to accommodation requests in good faith, unless there are objective reasons to question the legitimacy of the request;
 - b) Be alert to situations that may trigger the duty to inquire about accommodation needs;
 - c) Act promptly to facilitate the accommodation process and implement the accommodation;
 - d) Limit requests for information to that which is reasonably related to the nature of the Human Rights Code-related need or limitation and to establish legal responsibilities, assess needs, limitations or restrictions and to make the accommodation;
 - e) Consult with internal and external expertise when needed to support the accommodation process;
 - f) Communicate regularly with the student (or their parent/guardian) or employee to provide updates on the status of the accommodation, next steps (where appropriate) and accommodation decision;
 - g) Cover costs related to the required accommodations, unless the accommodation amounts to undue hardship. Note: Where a student or employee requires assistance for daily living (e.g., assistive device, service animal), the District is generally not required to arrange or pay for it but is required to support the student or employee's access to it in learning and working environments, to the point of undue hardship;
 - h) Implement the accommodation solution and, where needed, monitor its ongoing effectiveness; and
 - i) Document accommodation requests and actions taken.
- 3.19 In addition, all DDSB community members must fulfill their responsibilities under the Human Rights Policy and related procedures.
- 3.20 Where the District may contract out work to a third party to provide a service or an employment function, the District will require that the third party fulfills its obligations under the Human Rights Code, including the duty to accommodate.

Exploring Accommodation Options

- 3.21 Responsible staff will make every effort to provide appropriate and reasonable accommodation under the Human Rights Code that respects the student or employee's dignity (e.g., identity, integrity, sense of self-worth, empowerment, privacy, confidentiality, autonomy, individuality and self-esteem) and that responds to their individual needs.
- 3.22 The duty to accommodate applies to needs, restrictions or limitations based on a Human Rights Code ground(s) and not to preferences, expectations or any one type of accommodation.
- 3.23 The process used to determine the accommodation is important. The process must include the accommodation requestor's input, and the requestor and responsible staff must collaboratively engage in discussions to explore accommodation options.
- 3.24 To explore accommodation options, responsible staff may also consult with internal resources (e.g., Indigenous Education, Inclusive Student Services, Equity and Inclusive Education, Human Resources, Human Rights and Equity Advisor, General Counsel, etc.).

- 3.25 Responsible staff may also request additional information about the student or employee's Human Rights Code-related needs, limitations and restrictions to facilitate the accommodation process.
- 3.26 Depending on individual needs, accommodation options may be seen along a continuum. Where there is more than one option, the most appropriate accommodation is the one that goes no further than the point of undue hardship and that: maximizes the individual's dignity, integration and participation; and is most responsive to the individual's needs and circumstances.
- 3.27 Responsible staff will also consider:
- a) Whether the student can perform the essential duties of the service, or the employee can perform the essential duties of employment with or without accommodation; and
 - b) Unique needs and barriers for newcomers, English language learners and children and youth in care.
- 3.28 Where it is not possible to implement the most appropriate accommodation option in a timely way (e.g., where it will take time to implement or when further information or consultation is required), interim next best solutions/options are to be considered, implemented and documented. Creative solutions may be required.
- 3.29 The responsible staff will:
- a) Involve the student (or their parent/guardian) or employee throughout the accommodation process;
 - b) Inform them of the accommodation solution/decision; and
 - c) Implement the most appropriate accommodation under the circumstance; and
 - d) document the decision and steps taken in an accommodation plan.

Accommodation Solutions

- 3.30 Depending on the individual needs and case by case assessments, accommodations may include modifications or adjustments to the physical environment, policies, procedures, standards, processes, rules, decision making practices, support services, service animals, technology and communications (e.g., alternative formats). In addition, accommodations for students may include curriculum, learning plans, assessment or evaluation timelines, methodologies or formats, transportation, etc.
- 3.31 In addition to the individual accommodation outcome, an accommodation request may have systemic implications and may result in new (or changes to existing) policies, procedures, supports, etc., based on (and not limited to) the nature or frequency of accommodation requests, impacts and data trends over time.

Accommodation Plan

- 3.32 The accommodation process and result will be documented in an accommodation plan (template) for each student or employee that requires an accommodation. The accommodation plan shall include:
- a) A statement of relevant functional limitations or needs;
 - b) Supporting documentation (e.g., medical assessment) where appropriate/required;
 - c) Steps taken to fulfill the procedural duty to accommodate, including accommodation options explored, interim accommodations and any timelines, input from the person

- requesting accommodation, consultations, additional information requested/received and communications with the student/family or guardian or employee;
- d) The nature of the accommodation provided (e.g., statement of services or support, modification or adjustment, etc.);
 - e) Products or services required (e.g., adaptive technology), including dates ordered, acquired and implemented; and
 - f) Next accommodation review date (to assess if accommodation needs are being met or if adjustments or further accommodations may be required).

For student disability-related accommodations, a completed IEP will satisfy the requirements of this section.

Monitoring Accommodation and New or Changing Accommodation Needs

Once the accommodation has been implemented, responsible staff will monitor to assess if it continues to be appropriate. The accommodation must be reviewed when the student or employee's needs or circumstances change and impact the effectiveness of the accommodation. This includes and is not limited to transition needs (e.g., when a student moves through grades or to another school, educational setting or program; or when an employee changes roles or worksites and notifies their manager/supervisor of new, changing or ongoing accommodation needs). A review may also be required when a student (or their parent/guardian) or employee raises a concern about the accommodation. The accommodation review date in the accommodation plan is designed to facilitate ongoing reviews.

- 3.33 An individual may have new or changing accommodation needs (or may have previously not felt comfortable discussing their needs) or may require accommodation that was not previously disclosed or requested. The duty to accommodate is dynamic and responsive to changes in the student or employee's needs. Adjustments or new needs will be accommodated to the point of undue hardship so that the accommodation continues to meet the individual's needs.

Undue Hardship

- 3.34 Undue hardship is the legal test which sets the parameters as to the extent an organization must accommodate Human Rights Code related needs to support a student's meaningful access to education or an employee's access to work. It is a very high standard.
- 3.35 In assessing whether it would cause undue hardship to accommodate a student or employee's Human Rights Code related needs, only three factors can be considered:
- a) Costs;
 - b) Outside sources of funding; and
 - c) Health and safety requirements where health and safety risks cannot be adequately mitigated or reduced.
- 3.36 To amount to undue hardship, costs must be:
- a) Quantifiable;
 - b) Shown to be related to the accommodation and not offset through outside sources of funding; and
 - c) So substantial that they would alter the essential nature of the organization, or so significant that it would substantially alter its viability.

- 3.37 Costs are considered from an organizational perspective rather than from a school or departmental perspective. Where possible, steps are to be taken to recover the costs of accommodation through grants, subsidies, other outside sources of funding and cost sharing options. A student or employee seeking accommodation is also expected to avail themselves of any available outside sources of funding to help cover expenses related to their own accommodation.
- 3.38 In assessing whether health and safety risk amounts to undue hardship, all possible steps must first be considered to assess the nature and scope of the risk(s) and to mitigate or reduce the risk associated with providing the accommodation.
- 3.39 Where the only person at risk is the individual requesting the accommodation, in some cases it may be appropriate to proceed with the accommodation to achieve a result that promotes their dignity, integration and full participation.
- 3.40 In some situations, a student's or an employee's disability-related behaviour may pose health and safety concerns that affect the individual or other people in the learning or working environment, including students and employees. It is not discriminatory to respond to behaviours where the behaviours cause health and safety risks such that immediate intervention or other actions may be required to prevent or reduce risks and harm. Any such measures shall be regularly reviewed, on an individual, case by case basis, to determine when they may be adjusted with appropriate accommodations and supports as may be required.
- 3.41 In assessing whether a student's or an employee's behavior may result in undue hardship based on health and safety risks, consideration must be given to all relevant factors including whether and how the behaviour is connected to the disability and whether any current or planned accommodation is appropriate, including consideration of whether accommodation needs may have changed.

Undue Hardship Decision

- 3.42 Where a principal is of the view that a requested accommodation for a student would result in undue hardship, the principal shall contact their superintendent who will engage an interdisciplinary team which may include, as appropriate, Indigenous Education, Equity and Inclusive Education, Inclusive Student Services, Human Resource Services and the General Counsel.
- 3.43 Where a manager/supervisor believes that a requested accommodation for an employee would result in undue hardship, the manager shall engage and consult with their superintendent or senior manager and Human Resource Services. Where Abilities Management is handling an employee's disability-related accommodation request, Abilities Management will engage and consult the superintendent or senior manager and the Superintendent of Human Resource Services.

- 3.44 The interdisciplinary team (for students) or Human Resource Services team (for employees) shall undertake a review of all available relevant information and shall request any further information necessary to process the accommodation request before making a decision. The team will also consider organizational accommodation patterns and potential learning needs.
- 3.45 If undue hardship has not been reached, appropriate accommodation will be implemented and documented in the accommodation plan.
- 3.46 Where a decision is made that undue hardship has been reached, the reasons for the decision shall be documented and a clear and concise summary of the reasons for the decision shall be provided to the requester. The decision will also be reported to the appropriate Associate Director. Interim or next best solutions must still be explored and implemented to the point of undue hardship.

Other Limits to the Duty to Accommodate

- 3.47 The duty to accommodate is not absolute and is not unlimited. The District will have met its duties as to accommodation where:
- a) Notwithstanding that appropriate accommodations have been provided or explored, the employee is unable to fulfill the essential employment related duties or requirements or the student is unable to have meaningful access to educational services;
 - b) The person requesting accommodation does not participate in or provide necessary information to support the accommodation process or to take part in developing potential solutions; and/or
 - c) The accommodation requested is outside of the District's mandate for services or employment (i.e., the District is not required to develop or provide a service outside of its legislated mandate).
- 3.48 The duty to accommodate does not require exempting a person from performing the essential duties of the job. The duty to accommodate does not require an employer to fundamentally change the working conditions of employees, assign the essential duties of an employee with a disability to other employees or change the essential duties and requirements of a position. Accommodation may include job restructuring, job bundling, reassignment to open positions, or retraining for alternative positions if that would not constitute undue hardship for the employer. Consideration should be given to available posts that would allow the employee to maximize skills and abilities.
- 3.49 The duty to accommodate does not require the District to exempt a student or employee from meeting essential bona fide educational/academic or employment requirements. When considering if a rule, standard, requirement or factor is bona fide or necessary, consideration is to be given to whether:
- a) It was adopted for a purpose rationally connected to function being performed (i.e., taking part in the educational service or essential duties of employment);
 - b) It was adopted in good faith, in the belief that it is necessary to fulfill the purpose or goal; and
 - c) It is reasonably necessary to accomplish its purpose or goal and that it is impossible to accommodate the student or employee without undue hardship.

Right to Pursue Other Avenues

- 3.50 This procedure does not replace or duplicate other resolution processes identified in other District policies, regulations, procedures, or guidelines (e.g., Accommodation Review Committee or the Identification, Placement and Review Committee) or those established by law.
- 3.51 This procedure in no way affects students/families' or employees' ability to exercise their rights under other processes established through legislation or collective agreements (e.g., filing an application to the Human Rights Tribunal of Ontario, filing a grievance, etc.).

Protection from Reprisal

- 3.52 The District recognizes that students, families/parents/guardians, employees and community members may not feel comfortable or safe disclosing identity-based needs, requesting accommodation or raising issues or complaints because they fear that they will be subject to stigmatization, discrimination or reprisal.
- 3.53 No student (or their parent/guardian) or employee will be penalized, threatened, negatively treated or be subject to reprisal for asserting their rights under the Human Rights Code or this procedure, including:
- a) Requesting information about human rights and accommodation;
 - b) Requesting an accommodation;
 - c) Raising concerns about the accommodation process or outcome;
 - d) Filing a human rights related complaint, grievance, application to the Human Rights Tribunal of Ontario or raising a complaint to another external body; and/or
 - e) Providing information related to an issue or complaint (or participating as a party or witness in) a complaint or issue resolution process.
- 3.54 Persons who are found to have reprised against students, parents/families/guardian or employees are subject to corrective and disciplinary action, up to and including dismissal as outlined in the Code of Conduct and the Human Rights Policy, the Student/Family Human Rights Issues, Incidents and Complaints Resolution Procedure [*working title*] and the Safe and Respectful Workplace Procedure [*working title*].

Specific Inclusive Design and Accommodation Considerations

- 3.55 In addition to the general framework outlined above, implementation of the Board's Human Rights Policy will engage some specific Human Rights Code related needs/accommodations that require guidance to navigate. This procedure provides guidance with respect to:
- Disability;
 - Gender identity and gender expression; and
 - Creed/religion.

I. Disability

- 3.56 The District recognizes:
- a) The broad and evolving definition of disability under the Human Rights Code and case law;
 - b) Unique barriers for students and employees with mental health disabilities, addictions and disabilities that may be "invisible", episodic, temporary and/or permanent; and

- c) Individuals may experience disability-related barriers differently (in other words, not everyone with the same type of disability may have the same accommodation needs).

The District also recognizes that ableism and stigmatization, misinformation and negative biases, assumptions and stereotypes may prevent students and employees with disabilities from disclosing disability related needs, requesting accommodation and/or seeking medical treatment (and that this may in turn trigger, exacerbate or create new disability related needs).

- 3.57 The District recognizes unique considerations for students and employees with disabilities (and intersecting identities) that may affect them in District learning and working environments, including and not limited to:
- a) Communication and information about the right to accommodation, the accommodation process and options to raise concerns and complaints about accommodations;
 - b) Training for employees on ableism, disability-related issues and the duty to accommodate;
 - c) Accessibility barriers (attitudinal, physical, architectural, information/communication, technological) and policies and procedures that may not consider disability related needs;
 - d) Access to classroom and employment resources and supports to assist students and employees with disabilities;
 - e) Wait lists and other barriers to accessing appropriate and timely medical assessments in some communities and/or based on the nature of the disability (e.g., access to specialist services or culturally responsive services in some areas, which may affect the ability to access treatment or to obtain and provide medical documentation to support accommodation requests);
 - f) Side effects associated with treatment (e.g., medication for their disability, or accommodating symptoms of withdrawal) that may result in new or changing accommodation needs and adjustments to accommodation plans; and
 - g) Intersecting discrimination based on disability and another Human Rights Code protected ground (e.g., another type of disability, ancestry, race, sexual orientation, gender identity, gender expression, creed, etc.) and socioeconomic status, which may affect accommodation needs, plans and access to treatment/services, etc.
- 3.58 The District recognizes that ableism and forms of intersecting discrimination may also lead to negative perceptions and deficit ideologies about (or additional barriers for) students or employees with disabilities, including related to:
- a) Strengths, abilities and talents;
 - b) Functional limitations (e.g., low expectations for people with certain types of disabilities, or not taking accommodation needs seriously for people who may have “non-evident” or less understood forms of disability); and
 - c) Disability related behaviours that can lead to inappropriate placements, over scrutiny, unnecessary response escalation and disproportionate disciplinary outcomes (e.g., suspensions); this includes:
 - Behaviours that are deemed to be “unusual” without considering the nature of the disability or the disability related accommodation needs (or that may be the results of inappropriate accommodations and supports); and
 - Assumptions that a student or employee has an increased risk of engaging in aggressive or violent behaviours, without considering disability related needs and objective evidence.

Medical Information for Disability Related Accommodation

- 3.59 In situations where a student may not have a formal assessment or documentation, responsible staff will consider other available information to facilitate consideration of any accommodation issues. This information may include how the individual identifies their own needs, history of formally identified needs, disability or accommodations, third party reports and screening tools.
- 3.60 Where disability related needs are unclear, responsible staff may request additional medical information, in addition to disability related needs, where objectively necessary to assess accommodation. This may include information about the nature of the illness or condition (e.g., if it is a learning, mental health or physical disability, without requiring a medical diagnosis); and/or an independent medical examination or assessment. However, a student or employee is not required to attend an independent medical examination or assessment but not doing so may frustrate, delay or limit the accommodation process.
- 3.61 For disability related accommodations, a diagnosis is not required. However, in some cases there may be an overlap in the description of needs and an actual diagnosis. In very limited and complex cases, requisite information may include a diagnosis to appropriately support the accommodation process.

Classroom Placements for Students with Disabilities

- 3.62 In addition to the principles and requirements set out in this procedure, decisions about the most appropriate classroom placement for students with disabilities shall take into consideration other relevant factors including:
- a) Student and parent/guardian input;
 - b) The student's preferred learning style, academic performance and the nature of the supports required;
 - c) Proximity to home;
 - d) Opportunities to interact with other students;
 - e) Potential health and safety issues, where applicable; and
 - f) The best interests of the student, including making decisions that:
 - Are not discriminatory;
 - Are not based on biases, stereotypes, stigmatization and assumptions;
 - Prevent and do not perpetuate harm; and
 - Support the student's meaningful access to education.
- 3.63 Where it is determined that a placement decision outside of the regular classroom is the most appropriate accommodation, every reasonable effort should be made to meaningfully integrate and include the student in school programs and activities including but not limited to some time in classes with school peer groups, lunch, recess, gym, school trips, and events, to the point of undue hardship.

I. Gender Identity and Gender Expression

- 3.64 The District recognizes the unique needs and experiences of, barriers for and negative biases, stereotypes and assumptions about Two Spirit, trans, transitioning, and other non-binary, gender non-confirming and gender expansive and intersex students, parents/guardians, employees and community members.

Note: Members of 2SLGBTQI communities may use different terminology to reflect individual expressions of gender and gender identity that may not be reflected by the 2SLGBTQI acronym. For the purpose of this procedure, “trans” is used as an umbrella term to includes diverse gender identities and expressions, unless otherwise noted.

People who identify as trans:

- a) May not feel safe disclosing their gender identity;
- b) May be vulnerable and subjected to transphobic discrimination, bullying and violence (for example, trans youth are vulnerable to harassment and bullying from peers, and trans employees are vulnerable to unwelcoming or unsafe work environments);
- c) Are often negatively affected by cisgenderism/cisnormativity and cissexism in their learning and working environments; and
- d) May not have readily available access to resources or support or feel safe raising concerns or complaints, including a lack of awareness and understanding by other students, employees, parents/guardians/families (including, in some cases, a student’s own parent/guardians/family) and community members.

These concerns may be compounded for trans people who also identify as a member of another group(s) or community(ies) that is also discriminated against, marginalized or minoritized because of ancestry, race, disability, sexual orientation, creed/faith and other Human Rights Code protected grounds.

- 3.65 Trans students and employees may have individualized, specific and evolving needs related to safety and dignity, having their gender identity and expression (and other intersecting Human Rights Code grounds) recognized, and accommodations (where required). These needs might include:

- a) The recognition and use of their chosen name and pronouns that correspond to their lived gender identity;
- b) Respecting and protecting privacy and confidentiality, including treating any information indicating trans identity as confidential;
- c) Access to safe and inclusive:
 - Washrooms and change rooms/facilities;
 - Activities, programs and events (including ones that are typically gender segregated, such as physical education classes, extracurricular activities, competitive sports and other events); and
 - Resources, support and role models; and
- d) Inclusive and anti-discriminatory environments and interactions that respect and support gender identity and expression, including but not limited to:
 - Curriculum, teaching practices, school/classroom environments, language, learning materials and academic and other resources that positively reflect and affirm trans and gender non-conforming identities; and
 - Learning and working environments; and
- e) Unique needs of students and employees who may be transitioning at school or work.

- 3.66 Trans students and employees are encouraged to be who they are and to express their lived or felt gender identity in District learning and working environments. Trans students may also choose to indicate their gender identity, chosen name and pronouns verbally or in writing at any time, including on registration/returning student information forms. For employees, this includes new employee information/onboarding processes and forms.
- 3.67 Self-identification is sufficient for trans students and employees to be addressed by their chosen name and pronouns and to be recognized according to their gender identity (e.g., access to washrooms, services that correspond with their lived gender, etc.).
- 3.68 Where a trans student or employee seeks additional accommodations to support their gender identity or gender expression (and any other Human Rights Code related needs) students (or their parents/guardians) may advise the teacher, principal or other trusted District employee (e.g., guidance counsellor) and/or complete the attached form; employees may advise their supervisor/manager and/or complete the attached form.
- 3.69 Trans students and employees are not required to provide any “proof” of their gender identity, (and trans students or employees may or may not choose to legally change their names and update gender markers on official identity documents). For some accommodation requests, the District may require additional information to support the accommodation process.

Privacy and Confidentiality

- 3.70 It is recognized that trans students and employees may not be open or “out” about their identity to their family or to other District community members.
- 3.71 Subject to record keeping and disclosure requirements in the OSR Guidelines and other legislation, students have a right to privacy, and schools must keep a trans student’s trans status confidential. Subject to record keeping requirements and processes described below, staff shall maintain privacy and confidentiality of trans students and will not disclose a student’s gender identity to the student’s parent/family/guardian, employees or other students without the student’s explicit prior consent and unless the student requests it.
- 3.72 As a best practice, and to support safe options for students, school staff that are advised by the student that the student is or may be trans will:
- a) Honour and respect the student’s self-identified trans identity;
 - b) Ask the student how staff should refer to them (student’s chosen name, legal name or deadname and pronouns) in District learning environments including in calls, correspondence and meetings with the student’s parent/family/guardian;
 - c) Discuss with the student any additional school or District staff who may need to know the student’s gender identity (e.g., the principal/vice principal and other employees who may interact with the student in District learning environments such as other teachers, guidance counsellors, child and youth workers, social workers, supply teachers, team or activity coaches, etc.) to support safety and any accommodations, and to prevent misgendering or outing a trans student to others, including when other staff may need to contact the student’s parent/family/guardian;
 - d) Ask the student about any other safety concerns they may have and supports they may need; and
 - e) Request that the student inform staff if their needs or safety concerns change.

- 3.73 Wherever possible, the District will also make best efforts to protect privacy and confidentiality in virtual/online learning environments (e.g., screen names, names or pronouns used in the virtual environment, etc.) based on the student's preferences and safety needs.
- 3.74 The District will maintain privacy and confidentiality and will not disclose an employee's trans identity to other employees or District community members without the employee's explicit prior consent, unless the employee requests it.

Names and Pronouns

- 3.75 Trans students and employees have the right to:
- a) Be addressed (verbally and in writing) by their chosen name and pronouns corresponding to their gender identity; this applies regardless of the age of the student and whether they have parent/guardian consent or support, and subject to any safety concerns a student may have; and
 - b) Have their chosen name/pronouns (including pronouns other than the masculine or feminine, such as "they", "ze", "hir") reflected in school and employment documents and records.

School staff will pay special attention to use the student's chosen name and pronouns on printed reports/documents that are provided to the student, unless the student requests otherwise.

- 3.76 Misgendering (i.e., intentionally or persistently refusing to acknowledge a student's or employee's chosen name, pronoun or gender identity) causes harm, is unacceptable and discriminatory and will not be condoned.

Changing School Records and Documents

- 3.77 The District recognizes that discrepancies on official documents can create significant barriers and risks for trans people. The District will develop and maintain student and employee records, electronic records, databases and/or administrative documents that reflect lived identities and chosen names for trans students, parents/guardian and employees.
- 3.78 Some databases and electronic records are created or maintained provincially. The District will advocate for changes to databases that the District does not maintain and/or develop internal business procedures and local solutions so that records and documents reflect trans students' or employees' lived gender, chosen name, pronouns and gender markers as much as possible.
- 3.79 The District will accommodate a trans person's request to have records and documents reflect their chosen name and pronouns and will:
- a) Update a legal name change (i.e., the District will change a student's or employee's official records to reflect a legal name or gender marker upon receipt of documentation that their legal name or gender marker has changed); and/or
 - b) Recognize a name that differs from their legal name in records and documents, wherever possible, provided that in no case shall a trans employees' name differ from the name the person uses with any professional college or regulatory body.

The process to change a name or gender marker in records and databases will be respectful, non-intrusive, and will not be based on whether a trans person has had a medical procedure(s) to support their lived gender.

- 3.80 The student's chosen name and gender marker should be used in all school related electronic administrative systems and databases, unless the student requests otherwise. Where it may take time to implement technical changes to databases, school staff may need to make manual changes to documents to reflect the student's chosen name and pronouns.

Parent/Guardian Consent

- 3.81 The District recognizes that some parents/guardians may not be aware or may not agree with or support their child's gender identity or the child's use of a chosen name, pronouns and gender marker that correspond with their lived gender/gender identity. The District has legal obligations to uphold the rights of the child and will honour, affirm, recognize and respect the student's self-identified gender identity in District services and learning environments.
- 3.82 Where a student indicates that their parent/guardian is not aware of or does not support the student's trans identity, school staff will consider the student's age and level of understanding of potential impacts and safety risks to the student on an individualized, case-by-case basis. School staff will discuss these risks (and any options to mitigate them) with the student, so the student is aware of and understands the potential risks and implications. Where there is a concern about the potential capacity of the student to understand these impacts and make decisions about them, school staff shall consult with their Superintendent who may engage the Board's General Counsel.
- 3.83 Where appropriate, school staff may also refer the student to District or community resources for additional support.
- 3.84 Where the student has indicated a safety concern about disclosing their gender identity to their parent/guardian, responsible staff will respect the student's wishes around communications, report cards, etc. that might "out" them to their parent/guardian. School staff will ask the student before including their chosen name and pronouns on report cards, transcripts, yearbooks, activity/sports lists, awards, etc. or to communications and documents that are sent to parents/guardians/s/families.

Consent for District Clinical Services

- 3.85 Students under the age of 16 require parent/guardian consent to access District clinical services (e.g., psychological services, etc.). The consent form is part of a formal medical record, and it generally must match the student's legal name. Where a trans student wishes to access District clinical services and their name does not match the name on their legal documents, or where the parent/guardian may not consent to using the student's chosen name, the District's clinical service provider will work with the student or their parent/guardian in a way that addresses capacity issues, medical consent requirements, and respects the student's dignity, and best addresses the student's safety and well-being concerns in the circumstances.

Washroom and Change Rooms/Facilities

- 3.86 Trans students and employees have the right to:
- a) Access and use washroom and change rooms/facilities that align with their self-identified lived gender identity;
 - b) Request access to additional options that uphold safety, dignity, privacy and confidentiality (for example, trans students and employees can request access to private spaces/rooms to enhance privacy and address safety concerns); and
 - c) Not be discriminated against or harassed for accessing washrooms and change rooms/facilities that align with their self-identified lived gender identity.

- 3.87 Trans students and employees may use one or both gendered washrooms or a private single stall or universal washroom. Where possible, schools will provide an easily accessible all-gender single stall washroom for use by any trans person (and people who do not identify as trans) who may wish to have increased privacy. Trans students and employees may choose which washroom or change room to use. They must not be required to use a universal/all gender washroom or a separate washroom or change room because others express discomfort or transphobic attitudes.
- 3.88 Alternative arrangements requested for change rooms/spaces will be facilitated in a way that best meets the student's or employee's specific needs and safety concerns, respects privacy and confidentiality and is acceptable to the student or employee. This may include (and is not limited to):
- a) The use of a private area within a public area (e.g., a bathroom stall with a door; an area separated by a curtain);
 - b) A separate changing schedule (e.g., using the change room before or after other students) or access to a nearby space or private area (e.g., a vacant office or close washroom);
 - c) Access to the change room corresponding to a student's assigned sex at birth; and/or
 - d) Satisfaction of a physical education requirement by independent study outside of gym class.
- 3.89 For future buildings and renovations, the District will include universally inclusive spaces and options that enhance privacy and safety for trans students, employees and community members (e.g., gender inclusive/universal washrooms, privacy stalls in change rooms, universal single user-gender inclusive washrooms with showers and change spaces/rooms). Providing gender-inclusive single-user washrooms or gender-inclusive multi-stall washrooms also increases privacy and accessibility for everyone.

Gender Segregated Classes and Activities

- 3.90 The District promotes the inclusive design of classes, events and activities (e.g., extracurricular activities, sports teams/competitive sports and other activities or events) that include all identities and expressions of gender. Trans students have the right to take part in gender segregated physical education and other classes and activities in accordance with their lived gender identity.
- 3.91 Activities that may involve travel and overnight gender segregated housing/sleeping accommodations will be assessed on an individualized, case by case basis and will prioritize student dignity, respect, well-being and safety.
- 3.92 Staff will be attentive to and will address potential discrimination, bullying or harassment by other students, staff and other people at all events including those that are taking place at or hosted by other Districts or organizations.

Gender Inclusive and Trans Positive Environments

- 3.93 The District recognizes the importance of creating learning and working environments that respect and include diverse gender identities. The District will (among other things):
- a) Encourage the use of gender inclusive:
 - Pronouns in school and work settings (for example, using “they”, “them” as gender-inclusive singular pronouns) and using non-gendered language; and
 - Classes and activities
 - b) Encourage all students and employees from all gender identities to identify their

- pronouns, with careful attention to safety needs (and to recognize that in different circumstances and for various reasons, some trans students and employees may not be comfortable identifying their pronouns);
- c) Develop and offer inclusive gender markers and choices (instead of binary options) and the ability to self-identify on appropriate forms and databases; this may include reviewing and modifying forms, electronic databases, IT systems and other relevant information processes to recognize a person's chosen name, gender identity and gender markers;
 - d) Promote anti-homophobic, anti-biphobic and anti-transphobic education through pedagogies, curriculum, learning materials, resources and classroom/school environments that:
 - Consider, reflect and affirm trans and gender non-conforming identities;
 - Challenge and do not perpetuate gender stereotypes, cisnormativity/cisgenderism, cissexism, transphobia, biases, assumptions, stigma and inaccurate information;
 - Integrate trans-positive content; and
 - Include resources and supports for student well-being that reflect the unique barriers for and needs of trans students;
 - e) Implement gender inclusive and flexible policies, procedures and practices that do not adversely affect trans people or create barriers for trans students to access education and trans employees to access employment without discrimination (for example, dress codes that are inclusive of diverse gender identities and gender expression);
 - f) Gender inclusive (or private options within) washrooms, change rooms/facilities and other spaces;
 - g) Be attentive and sensitive to potential discrimination and harassment against trans people in District learning and working environments, and take appropriate action to address it (see Student/Family Human Rights Issues, Incidents and Complaints Resolution Procedure and Complaints Procedure - Workplace Harassment, Workplace Sexual Harassment and Safe and Respectful Workplace [*working titles*])
 - h) Take steps to invite employment applications from trans and gender non-conforming people to help diversify the District's workforce; and
 - i) Support affinity groups and spaces for trans and gender non-conforming students and employees.

Transitioning at School and Work

3.94 The District recognizes that transitioning:

- a) Means different things to different people and may evolve over time;
- b) Can be a very difficult and stressful for some trans students and employees; they may experience or be subjected to heightened stress, anxiety, bullying, discrimination and physical and emotional health and safety risks; and
- c) Can sometimes (but not always) involve medical surgeries and other procedures to support a person's gender identity; a person may or may not have surgery(ies) for many personal reasons, and a surgery is not in and of itself a goal or purpose of transitioning. Medical information related to transitioning that is communicated to the District will be treated confidentially.

- 3.95 In addition, people who are transitioning may not have support from their friends, parents/guardians, families, colleagues, communities and other people as they transition.
- 3.96 The District recognizes the important role it plays in creating welcoming schools and workplaces to support transitioning students and employees. All employees will treat students and staff with dignity and respect and will support transitioning students and employees.
- 3.97 Students and employees who are transitioning may have additional needs and require accommodations to safely, respectfully and confidentially transition in District learning and working environments, including (but not limited to):
- a) If, how, when and what information to share with others and to communicate about their transition;
 - b) Time away for potential medical procedures or other activities to support their transition (where applicable); and
 - c) Temporary accommodations during or pending their transition, where requested (e.g., flexible use of chosen names and pronouns, access to private washroom and change rooms/spaces, awaiting formal changes to identity documents to update databases, etc.).
- 3.98 The District's [Supporting Our Transgender Students](#) and [Supporting Trans Students in Our Schools](#) documents provide further information for students transitioning in District learning environments, including collaboratively developing an individualized transition plan.
- 3.99 Employees who identify as trans or who are transitioning can contact their manager/supervisor, federation/association (where applicable) or Human Resource Services to request accommodation or to discuss their transition-related needs. The above principles will apply with respect to the use of chosen names/pronouns, access to washrooms and other gendered spaces in District working environments and updating employment documents as may be required.
- 3.100 For employees who are transitioning, the District will work collaboratively with the employee and with their federation/association (where applicable) to address accommodation needs and concerns and to develop an individualized transition plan before their planned transition date. The transition plan will include and consider (among other things):
- a) If, how, when and what information to share and communicate with other employees and students (where applicable), including chosen names and pronouns;
 - b) Time away for potential medical procedures or other activities to support their transition (where applicable);
 - c) Changes to employee identification and documents (security and access badges, name plates, email and phone directories, contact lists and distribution lists, how names appear on student report cards, etc.); some employment forms (e.g., benefits forms and tax forms) may require that names and gender markers match official identity documents or legal name change documents; and
 - d) Establishing a supportive environment and network, including potential gender awareness training (note: the District is responsible for providing the training, not the person transitioning).

- 3.101 Some employees who are transitioning may want to discuss options for working in a different department or location, for safety or other reasons. The District will explore these options where feasible to support a successful transition.
- 3.102 The Safe and Respectful Workplace procedure [*working title*] sets out additional requirements to support inclusive and respectful working environments for all employees, and to address discrimination in the workplace.

Creed/Religion

- 3.103 The District recognizes that creed may influence and be an important part of a person's identity, worldview and way of life, and the rights of student, employees and District community members to freely hold and observe their creed beliefs.
- 3.104 The District also recognizes community members may experience creed-based discrimination, faithism and hate in various ways, including:
- a) Faithism and creed-based biases, stereotypes, assumptions, stigmatization and barriers can have an adverse effect or can exclude people belonging to (or are perceived to belong to) communities of belief including (and not limited to) Indigenous peoples, people who identify as Jewish, Muslim, Sikh, Hindu, Buddhist, members of minoritized faith groups and people who belong to newer or lesser-known creed communities;
 - b) Discriminatory and derogatory creed-based slurs and actions including and not limited to antisemitism, Islamophobia and anti-Sikhism;
 - c) Distinctive forms of stereotyping and discrimination, where creed-based discrimination intersects with discrimination based on (among other things):
 - Race-related Human Rights Code grounds (for example, ancestry, colour, race, ethnic origin, citizenship, ancestry, place of origin) where religious differences are linked to racial differences, ethnicity and forms of faithism, racism and xenophobia;
 - Sex/gender, including creed and gender discrimination and stereotyping (e.g., creed-based dress/modesty requirements, assumptions about women/girls who wear a niqab or hijab);
 - Sexual orientation, gender identity, gender expression where creed beliefs may limit or violate the rights of members of 2SLGBTQI communities; and
 - Disability and race where individuals may be subjected to increased scrutiny, surveillance or assumptions about health and safety risks when addressing disability-related accommodation needs because the person identifies as (or is perceived to be) a member of a certain faith group;
 - d) Discrimination against people who practice religion (anti-religious discrimination); and
 - e) Discrimination against people who are agnostic, atheist or do not follow a creed.
- 3.105 The District also recognizes that structures, policies, procedures and practices may adversely affect students and employees because of creed. To trigger the duty to accommodate, a policy, procedure, rule, requirement, standard or organizational practice in the District must:
- a) Have an adverse effect;
 - b) On a student or employee's sincerely held belief;
 - c) That is connected to creed.
- 3.106 The District recognizes that creed:
- a) Is not defined in the Human Rights Code and understandings of creed have evolved over time;

- b) Includes the spiritual beliefs and practices of Indigenous peoples/cultures;
- c) Means different things to different people;
- d) Is generally recognized by courts and tribunals as religious beliefs, practices and other belief systems; a creed:
 - Is sincerely, freely and deeply held;
 - Is integrally linked to a person's identity, self definition and fulfilment;
 - Is a comprehensive, overarching system of belief that influences or governs a person's conduct and practices;
 - Addresses ultimate questions of human existence, including ideas about life, purpose, death, and the existence or non-existence of a Creator and/or a higher or different order of existence; and
 - Has a "nexus" or connection to an organization or community that professes a shared system of belief;
- e) May not be connected to formal organized religions and does not require a belief in a God, gods or a single supreme being or deity;
- f) Shares some characteristics with religion; for example, a creed may:
 - Require or be expressed through group-based activities and institutions;
 - Take many and varied forms; and
 - Is subjectively based and rooted in sincerely held beliefs;
- g) Does not require written tenets, doctrine or articles of faith; in addition, members of a faith groups may not practice all aspects of their faith (or practice them in the same ways) and there may be differences within the same faith group;
- h) Can include newer or lesser known religions (assessed on a case-by-case basis based on the criteria set out above); and
- i) Does not include every belief, opinion, expression, practice, matter of conscience, political belief or conviction.

3.107 Under the Human Rights Code, creed also includes protection from discrimination for atheists, agnostics and other people who do not follow or practice a creed.

Sincerely Held Belief

3.108 "Sincerely held belief" means honesty of belief (for example, consistency of a person's current practice with asserted belief) where the belief must be based on creed. The focus is on the person's sincerely held personal or subjective understanding of their creed. The person does not need to show that the belief, practice or observance is:

- a) An essential or obligatory element of their creed;
- b) Required or recognized as valid by religious officials or creed teachings;
- c) Recognized by others of the same creed (including religious officials); or
- d) Consistent with the beliefs, practices or observances of others of the same faith.

3.109 The District recognizes that creed and sincerely held beliefs may change over time and:

- a) Inconsistent adherence to a creed practice in the past or present may not mean that a belief is not sincere;
- b) Strength of belief is not the same as sincerity of belief;
- c) Some people may more intensely practice their creed beliefs during certain days/times of significance without this in any way diminishing the sincerity of the belief;
- d) Not all religious or creed traditions require an exclusive commitment; and
- e) Individuals may follow more than one religious or spiritual tradition, and this does not indicate inconsistency or insincerity of belief.

3.110 Students or employees may request creed-related accommodations for (and not limited to):

- a) Indigenous spirituality/spiritual practices;
- b) Faith days (holidays, leaves, ritual observances), scheduling and spaces for smudging or prayers;
- c) Opening exercises;
- d) Food practices and restrictions (including fasting);
- e) Dress codes, including modesty requirements and health and safety rules and standards;
- f) Displaying creed-based symbols;
- g) Photo and biometric identification;
- h) Exemptions from curriculum and activities; and
- i) Recruitment, hiring and employment practices.

3.111 As set out in this procedure, the District will:

- a) Foster and maintain environments where students, families/guardians and employees of all (and no) religious, faith or creed backgrounds feel welcome and respected in District learning and working environments;
- b) Consider the significant diversity of beliefs and practices within and among creed groups when inclusively designing for or accommodating creed beliefs;
- c) Accept requests for accommodation in good faith unless the District has legitimate reason to believe otherwise;
- d) Meet its procedural and substantive duty to accommodate creed-based needs for students to access education and for employees to access employees, to the point of undue hardship (and subject to the limits to accommodation and bona fide educational and employment requirements) and
- e) Address competing rights where required.

3.112 It is recognized that asking for information about a person's creed beliefs, practices and related accommodation needs has implications for their privacy and dignity. However, the District must have enough information to assess the duty to accommodate. This may require:

- a) Information about current beliefs and practices at the time of the accommodation request;
- b) Sensitive inquiries into creed beliefs and practices to help assess creed needs and potential accommodation options; these inquiries into the sincerity of person's beliefs should be as limited as possible and least intrusive of the person's privacy to establish that the belief is in good faith and "neither fictitious nor capricious and that it is not an artifice";
- c) Objective information and analysis to establish that a person's sincerely held belief or practice requiring accommodation is connected to a creed. While it is inappropriate to require expert opinions to show that a practice or belief is mandatory, required or that it is sincerely held, a person seeking accommodation may choose to refer the District to (or provide information from) a religious authority figure or expert to support their accommodation request; and
- d) Objective information and analysis to show how the ability to practice the sincerely held creed belief is adversely affected by a policy, standard, rule, qualification or practice in District services, employment or learning and working environments. This may require information about the nature of the belief or practice to establish an adverse impact and to clarify any resulting accommodation needs.

- 3.113 The District recognizes that it is inappropriate to assess if a person's beliefs or practices are reasonable or correct when responding to a request for accommodation, unless there is an objective basis to question the legitimacy of the request or where there are reasonable grounds to believe that it may promote or incite hatred or violence or contravene criminal law.
- 3.114 There is no general right not to be exposed to views and beliefs that contradict or differ from one's own.

Faith Days and Prayer Observances and Spaces

- 3.115 The District recognizes that the standard work week and statutory holiday calendar in Ontario and the District's education or employment schedules (e.g., school day, hours of work), break times and holidays may adversely affect different faith groups who may have creed beliefs related to engaging in specific acts of worship, observance and celebration at certain times of the day, week or year. This includes situations where prayer observances conflict with regular daily routines or hours of school or work.
- 3.116 District students and employees may request accommodation for time away from school or work to observe or participate in creed-based religious and spiritual observances, including but not limited to religious or creed based: holidays, Sabbath observances, pilgrimages, rites of passage, mourning and bereavement rituals, hunting/harvesting practices, prayers, etc.
- 3.117 The District will accommodate creed-based requests for time off from work to observe creed-based practices to the point of undue hardship.
- 3.118 Subject to (but not limited by) collective agreement provisions (where applicable), terms and conditions of employment and Employment Standards Act provisions, the District will offer options (e.g., special/compassionate leave, scheduling changes, use of lieu time where available, etc.) to prevent potential loss of wages or benefits to accommodate a creed-related absence from work. Under the Human Rights Code, there is no automatic entitlement to paid days off.
- 3.119 The District has a resource calendar that sets out a list of common religious holidays and observances of diverse creed groups that may require accommodation. The calendar can be used to proactively and inclusively plan exams, trips, conferences, events and significant meetings so that they do not fall on dates where students or employees may not be able to participate for creed-related reasons. However, the exclusion or inclusion of anything on the calendar should not be used as a basis to deny any accommodation request.
- 3.120 It is recognized that some people may need to observe short periods of prayer at set times of the day, and that for some religions, the time for prayer may change with the seasons or lunar calendar. They may be accommodated by:
- a) Providing an appropriate space/location within District buildings for prayer (for example, a designated multi-faith room, a quiet space in the library or an empty room, or wherever it is mutually satisfactory for the student or employee);
 - b) Availability of or access to a private washroom space for washing before prayers;
 - c) Not requiring participation in school activities during obligatory prayer observances;
 - d) For students: allowing flexible late school arrival or early school departure; and
 - e) For employees: using flexible or modified scheduling options (e.g., break/lunch schedules, hours of work or staggered hours, subject to but not necessarily limited by collective agreements, terms and conditions of employment, and Employment Standards Act requirements), to the point of undue hardship. Short breaks or insignificant amounts of time required for prayer observances should not result in loss of pay and should not be

placed under more scrutiny than any other short work break.

Opening Exercises

- 3.121 Students and employees may wish to not participate in school opening exercises (i.e., the playing/singing the national anthem) in District learning and working environments (e.g., to start the school day, at sporting or other events and at Board and other meetings). A student, parent/guardian, employee or community member may opt out of opening exercises. They will not be required to participate and may choose to stay in the room/area or wait in another location during opening exercises.

Dietary Requirements

- 3.122 Food services and options for students, employees and community members in District learning and working environments where food is available or served should be inclusive of and responsive to creed-based dietary needs and restrictions. This includes and is not limited to:
- a) Cafeteria menus and snacks;
 - b) Catering or food provided for special occasions, meetings and community events;
 - c) Breakfast and lunch programs; and
 - d) Field trips that extend over a meal period, overnight trips and outdoor education activities.
- 3.123 Student or employee individual sincerely held creed-related food restrictions will be accommodated to the point of undue hardship. In doing so, responsible staff should not rely on generalizations about creed based dietary restrictions and should provide food options that are of comparable nutritional value to that offered to other people.
- 3.124 People responsible for cooking, handling and serving food must take special care to:
- a) Keep vegetarian and non-vegetarian foods separate, with separate serving utensils;
 - b) Label all food items with a list of ingredients; for packaged foods, kosher or halal certification markings should be visible on the packaging; and
 - c) Adjust snacks, pizza days, fun fairs, meal programs and community events to reflect dietary needs and restrictions.

Fasting

- 3.125 Students and employees may observe creed related practices to fast or abstain from food for set periods of time which may vary based on an individual's beliefs and practices. These practices may coincide with other religious observances that, together with fasting, may be physically and mentally demanding and could affect a person's ability to perform at school or work or to comply with a rule or schedule.
- 3.126 Creed practices related to fasting will be accommodated to the point of undue hardship which may include:
- a) Where appropriate, the provision of space outside of cafeterias or lunchrooms for students who are fasting, and avoiding food related events (including pizza days) when students or employees may be fasting;
 - b) Providing flexible, alternative or less strenuous options or exemptions from classes or activities that require physical exertion or where dehydration could be an issue;
 - c) Considering intersecting needs (e.g., where disability needs may arise during a period of fasting); and
 - d) Wherever possible, scheduling exams during times when most students are not fasting or

adjusting or deferring an individual's exam time or date.

Dress Requirements, Including Modesty and Health and Safety Concerns

- 3.127 Students and employees may observe their creed beliefs through religious attire, including but not limited to wearing crucifixes, Stars of David, head coverings for men/boys and women/girls, modesty in attire/dress, or ceremonial dress. This may affect dress requirements for physical education classes, activities and sports events or may be perceived as contriving safety policies. Religious attire also makes students or employees' creed-based beliefs "visible" and may make them more vulnerable to discrimination and harassment.
- 3.128 The District will meet its duty to accommodate students' and employees' creed-related dress needs to the point of undue hardship, including in respect of:
- a) Students who do not wear shorts or T-shirts to class for creed related reasons (they may wear other safe and comfortable clothing);
 - b) Students who cannot dress for physical education in front of others in the change room for religious reasons (they may change in a stall within the change room, or in another location or at another time to maximize privacy); and
 - c) Students who may need swimwear options to take part in swim class (they may wear another style of swimwear that meets the pool facility's safety requirements).
- 3.129 It is recognized that certain clothing or gear may conflict with religious dress/attire but that there may be bona fide requirements for clothing or gear for health or safety reasons (e.g., safety goggles for students in certain programs/classes, or for employees who may be handling hazardous materials, etc.). The District will explore any accommodation needs to the point of undue hardship.
- 3.130 A kirpan is an article of faith and the District will accommodate the wearing of a ceremonial kirpan to the point of undue hardship.

Displaying Religious or Creed-Based Symbols

- 3.131 It is recognized that students and employees may express a creed belief by displaying or wearing a religious symbol in District learning and working environments.
- 3.132 The District will not organizationally privilege or disadvantage one creed over another and will:
- a) Maintain environments free from religious or creed-based pressure;
 - b) Promote equality through universal design and equal recognition and inclusion of diverse creed symbols;
 - c) Consider if a display or symbol has a significant negative impact (e.g., exclusion, discrimination against others or creed pressure) or creates or contributes to a poisoned working or learning environment for students, parents/guardians, employees or District community members, including where the symbol may promote hate or incite violence; Note: symbols that promote hate or incite violence are not permitted; and
 - d) Accommodate individual creed beliefs and practices to the point of undue hardship, subject to the limits of creed-based accommodation.

Photographs and Biometric Information

- 3.133 It is recognized that students or employees may hold creed beliefs about not being photographed, wear face or head coverings as part of their expression of creed beliefs, and/or may not show their face in photographs. In considering any accommodation issues, responsible staff should consider if a requirement for a photograph is bona fide and if the purpose of the photograph can be achieved in other ways.

Exemptions from Curriculum and Activities

- 3.134 It is recognized that there may be some situations where students or parents/guardians may request to be exempted from curriculum, activities or resources/materials where they believe that the content of curriculum, learning activity or resources/materials may infringe on creed-based rights and freedom of religion.
- 3.135 There is no broad right not to be exposed to views and beliefs that contradict or differ from one's own, including school curriculum that may conflict with creed related beliefs and practices. The DDSB is a publicly funded school board, and the District meets provincial curriculum requirements, expectations and standards. This includes teaching students about, affirming and supporting the expression of diverse identities (including those related to ancestry, race, disability, sexual orientation, gender identity, gender expression, creed and all Human Rights Code protected grounds) and challenging all forms for discrimination and racism.
- 3.136 A student (or their parent/guardian) may raise a concern that curriculum content or a resource, material or activity interferes with a creed-based practice or objectively infringes on freedom of religion and may and request an exemption. In such a case, staff will discuss possible individual solutions with a focus on meeting curriculum requirements, preserving dignity and privacy and promoting integration and full participation. Appropriate substitution, exemption or withdrawal from the curriculum, activity or resource through a differentiated instructional model, may also be considered but may be limited due to undue hardship or a bona fide requirement.

Limits to the Duty to Accommodate Creed-Related Requests

- 3.137 Human rights protections for creed do not extend to creed practices and observances that are hateful or incite hatred or violence against other individuals or groups, or that contravene criminal law. The duty to accommodate creed beliefs and practices may also be limited where the creed right interferes with the human rights of others or announces an intention to discriminate under section 13 of the Human Rights Code in District services, employment and learning and working environments.

Creed and Competing Rights

- 3.138 The District recognizes that:
- a) Creed rights can be part of competing rights scenarios, conflicts and claims that are connected to sex/gender, sexual orientation, gender identity and expression and disability rights;
 - b) The protection of religious beliefs may be broader than the protection of conduct motivated by those beliefs (in other words, that acting on beliefs may have more of an adverse or harmful impact on the rights of others than holding these beliefs);
 - c) Assessing and addressing competing rights will not be based on stereotypes and assumptions about groups and beliefs and will consider:
 - Evidence of an actual adverse impact on the rights of others that is not based on speculation or hypothetical views of how recognizing a creed right or granting a creed

- accommodation might affect others;
 - The difference between the freedom to hold beliefs versus conduct based on those beliefs; and
 - The extent of the interference with each set of rights (is it a significant interference with a right, or one that is trivial and insubstantial? Is each right affected at its core (a fundamental aspect of the right) or its periphery?); and
- d) When considering potential options for balancing rights, the District will:
- Apply section 3,143; and
 - Consider underlying constitutional values and broader societal interests and harms, including respect for human dignity, commitment to social justice and equality, accommodating a wide variety of beliefs, addressing negative stereotyping of groups that are marginalized and minoritized, gender equality and protecting the best interests of the child/student.

Inclusive Design

3.139 The District will:

- a) Support welcoming, inclusive and equitable learning and working environments that reflect the multicultural and multi-faith identities of the school community it serves, including people with no creed; this includes maintaining environments that are free of creed-related pressure or compulsion;
- b) Engage students, parents/guardians and employees to identify creed related barriers and needs;
- c) Design inclusively to identify, prevent and address barriers and to support diverse creed-based needs; this includes and is not limited to:
 - Developing or changing service, operational and employment policies, programs, procedures, standards and requirements to reflect the needs of diverse creed communities;
 - The design, construction and renovation of facilities to include spaces and design elements to accommodate diverse creed related needs; and
 - Identifying and addressing existing creed related barriers in:
 - Learning, services, classrooms, schools and extracurricular activities; and
 - Employment and employment related spaces and activities;
- d) Provide a range of accommodation options to maximize students' and employees' participation in programming, activities and learning;
- e) Address and correct all forms of faithism and creed-based discrimination and harassment based on all Human Rights Code grounds and intersections of grounds in District learning and working environments; and
- f) Address potential competing rights.

3.140 The District's *Accommodating Creed in Schools: An Inclusive Design Approach* guide provides additional information on supporting inclusive environments and addressing creed related accommodation needs.

3.141 The Human Rights Policy and related procedures set out expectations for creating inclusive and respectful environments for District members from all faith backgrounds.

Accommodating other Human Rights Code Related Needs

3.142 The District recognizes that some District community members may require accommodation based on family status, pregnancy, language and other Human Rights Code related needs to support a student's equitable access to education and an employee's equitable access to employment. Students and employees can request accommodations using the attached form. The District will work with community members on an individualized case by case basis to identify and address barriers and to accommodate Human Rights Code related needs, to the point of undue hardship, using the processes set out in this procedure.

Accessibility and Accommodation in Employment

3.143 The District recognizes that in addition to requirements set out in this procedure, barriers to inclusion and accessibility issues also affect general recruitment and employment practices and processes. The District is committed to meeting Human Rights Code and Accessibility for Ontarians with Disabilities Act (AODA) requirements and obligations in all aspects of:

- 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.

This includes using workforce and student census data to inform decision making.

3.144 The District will:

- a) Adhere to the Equitable Recruitment policy, procedure and guideline to support and implement fair, consistent and transparent hiring procedures and practices to attract, recruit and retain a qualified and diverse work force;
- b) Include its commitment the Human Rights Code, AODA and inclusive design in all job postings, including the duty to accommodate;
- c) Inquire about accommodation needs when candidates are invited to participate in recruitment selection processes and interviews;
- d) Provide recruitment, assessment and selection materials in accessible formats upon request;
- e) Notify successful candidates about District's policies and procedures to support Indigenous rights, human rights, anti-discrimination, equity and inclusion and the availability of accommodation;
- f) Inquire about accommodation needs upon hire;
- g) Provide employees with information and training about rights, responsibilities and legal

- obligations under the Human Rights Code and AODA, including the availability of accommodation;
- h) Accommodate employees' Human Rights Code related needs to the point of undue hardship; and
 - i) Support safe and respectful return to work processes for employees who may be on leave due to illness, injury or other Human Rights Code related reasons.

Competing Rights

- 3.145 The District recognizes that in a complex and diverse service and employment organization, a request for accommodation may affect the legal right of another person in the learning or working environment, or that rights may come into conflict with one another. The District:
- a) Recognizes that no rights are absolute and there is no hierarchy of human rights;
 - b) Respects the importance of all sets of rights; and
 - c) Will collaboratively explore options and solutions to address conflicting and competing rights and to maximize rights for everyone.
- 3.146 If a student or employee's Human Rights Code related needs conflict with the rights or Human Rights Code related needs of another student or employee, the District will consider each situation on a case-by-case basis using the OHRC's framework and steps set out in its Policy on Competing Rights, including (but not limited to):
- a) Assessing the needs of both parties;
 - b) Considering potential accommodation needs, options and combinations of solutions that may resolve the potential competing rights; and
 - c) Consulting with internal resources/expertise (Indigenous Education, Equity and Inclusive Education, Inclusive Student Services, Mental Health and Well-Being, Positive School Climates, Human Rights and Equity Advisor, Human Resources, General Counsel, etc.), other areas impacted and/or external expertise as appropriate.

Concerns with the Accommodation Process

- 3.147 The Student/Family Human Rights Issue, Incident and Complaint Resolution Process [*working title*] and the Complaints Procedure – Workplace Harassment, Workplace Sexual Harassment and Safe and Respectful Workplace [*working title*] outline the processes for raising and resolving issues or complaints related to the accommodation process.

Accommodating Parents/Guardians and Other Community Members

- 3.148 Parents/guardians, community members and visitors may require human rights accommodation when:
- a) Accessing District learning or working environments, including District schools, offices and meetings;
 - b) Participating in District-hosted events, committees and meetings;
 - c) Supporting a student's meaningful access to education or an employee's meaningful access to employment; and
 - d) Communicating and interacting with District employees for all other District educational service or employment related reasons.
- 3.149 Parents/guardians, community members and visitors should:
- a) Make their human rights accommodation needs known to the District in advance (e.g., by

- submitting the attached accommodation request form); and
- b) Collaboratively engage in the accommodation process outlined in this procedure so that the District can facilitate appropriate accommodation.

Organizational Trends Analysis

- 3.150 The Director of Education and designates will collect and analyze accommodation data in accordance with Human Rights Policy, related procedures and accountability framework to monitor organizational accommodation trends and accessibility issues. Where appropriate, this data may be used to inform:
- a) Professional development planning;
 - b) Revisions to relevant procedures and practices; and
 - c) Special initiatives, programs strategies, plans or actions to address unique and intersecting inclusive design barriers that affect students and employees based on ancestry, race, 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.

Communications and Information Sharing

- 3.151 The Director and designates will communicate about and publicly post this procedure in accordance with the requirements of the Human Rights Policy, procedures and accountability framework.

Review Process

- 3.152 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/guardians, School Community Councils and community partners.
- 3.153 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.
- 3.154 The District will share the consultation results with all stakeholders.

4.0 Reference Documents

4.1 Policies

- Indigenous Education
- Human Rights Policy
- Consultative Process
- Equity and Inclusive Education
- Equitable Recruitment
- Positive School Climates
- Workplace Harassment Prevention, Workplace Sexual Harassment Prevention and Safe and Respectful Workplace

4.2 Procedures

- Classroom Practices: Teaching and Learning
- Human Rights, Anti-Discrimination and Anti-Racism Procedure
- Human Rights Roles, Responsibilities and Accountability Framework
- Equity and Inclusive Education
- Equitable Recruitment
- Positive School Climates
- Complaints Procedure - Workplace Harassment Prevention, Workplace Sexual Harassment Prevention and Safe and Respectful Workplace

4.3 Other Documents

- Universal Declaration of Human Rights
- United Nations Declaration on the Rights of Indigenous Peoples
- United Nations Convention on the Rights of the Child, Rights of Persons with Disabilities, Yogyakarta Principles and other United Nations documents and instruments
- 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
- Ministry of Education strategies, plans, and policy and procedures memoranda
- DDSB's Guide for Transitioning Gender Identity and Expression
- DDSB's Guidelines and Procedures for the Accommodation of Creed in Schools: An Inclusive Approach

Appendix:

[NOTE: Forms and templates referenced in procedure to be added to final draft package and will be based on consultation feedback]

Effective Date

YYYY-MM-DD

Amended

YYYY-MM-DD

DRAFT

Student/Family Human Rights Issue, Incident and Complaints Resolution Procedure

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

1.0 Objective

- 1.1 The objective of the Student/Family Human Rights Incident/Issue and Complaint Resolution Procedure is to support the implementation of the Durham District School Board's (DDSB) Human Rights, Anti-Discrimination/Anti-Racism Policy (the "Human Rights Policy").
- 1.2 This procedure addresses human rights issues, incidents and complaints against or involving employees for not following or for violating the rights of students under the Human Rights Policy.
- 1.3 The District takes all human rights issues and complaints seriously. All forms of discrimination under the Human Rights Policy are unacceptable and will not be condoned.
- 1.4 This procedure shall be read in conjunction with the Human Rights Roles, Responsibilities and Accountability Framework, the Human Rights, Anti-Discrimination and Anti-Racism Procedure and the Human Rights Inclusive Design and Accommodation Procedure adopted under the Human Rights Policy.
- 1.5 The District recognizes the unique and distinct rights of Indigenous Peoples. Indigenous students and families may elect to pursue any right under the Human Rights Policy and this procedure or under the Indigenous Education Policy and procedures, as they may deem appropriate in any given circumstance.
- 1.6 It is recognized that issue and complaint resolution processes can be complex and hard to navigate for students or their parents/guardians. The purpose of this procedure is to give students and families accessible ways to raise issues and complaints that focus on informal or formal options, safety and support for students/families, early resolution and restorative practices. The procedure also outlines transparent, fair and accountable steps to address issues and complaints.
- 1.7 Nothing in this procedure prevents anyone from seeking to address a human rights issue or complaint through the Human Rights Tribunals of Ontario or as otherwise may be lawfully available through other means or forums.
- 1.8 This procedure does not replace or duplicate other resolution processes identified in other policies, procedures, or guidelines (e.g., Accommodation Review Committee or the Identification, Placement and Review Committee) or those established by law.
- 1.9 Student complaints against other students or District community members will be addressed through the Code of Conduct.

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 and their parents/guardians and to all Human Rights Code related grounds (and intersection of grounds) as set out in the Human Rights Policy. This procedure also includes specific considerations in issue resolution and complaints processes related to disability, sexual orientation, gender identity, gender expression and race.
- 3.2 All organizational practices and decision making related to the resolution of student/family human rights issues, incidents and complaints will comply with this procedure and uphold the strategic direction of the Human Rights Policy.
- 3.3 The District shall investigate potential discrimination upon becoming aware of it (or where it should reasonable be known), including when a formal written complaint has not been submitted.

Key Principles

- 3.4 When addressing human rights issues, incidents and complaints, responsible staff will:
- a) Treat all parties involved in the issue or complaint with dignity and respect;
 - b) Handle issues and complaints sensitively and with care;
 - c) Consider and address safety needs and related support;
 - d) Provide accessible options that focus on agency, empowerment, early resolution and restorative practices;
 - e) Uphold principles of procedural fairness;
 - f) Use transparent and accountable processes;
 - g) Support consistent approaches and decision making that are thorough, contextual and flexible to adapt to specific situations and circumstances;
 - h) Keep parties informed about the process and next steps, and address issues and complaints in a timely manner;
 - i) Reinforce confidentiality and protection from reprisal;
 - j) Apply human rights, anti-discrimination and anti-racism principles and analyses, including intersectionality, to all aspects of issue and complaint resolution processes;
 - k) Focus on the impacts and effects of conduct (whether intentional or unintentional) that may be discriminatory;
 - l) Take appropriate responsive, remedial, corrective and disciplinary actions to address findings of discrimination, prevent it from happening again and to support learning;
 - m) Address potential underlying systemic issues, where appropriate; and
 - n) Collect and analyze incident and complaint data to identify, address and report on potential trends.
- 3.5 To support these principles, students (or their parents/guardians on their behalf) may choose to:
- a) Raise human rights issues and incidents directly with their teacher, principal or another employee (Issue and Incident Reporting and Response Process); or
 - b) File a complaint through a formal complaints process, which includes alternative dispute resolution options or an investigation (Complaints Process)

Note: If a student (or their parent/guardian) initially chooses (a) and is not satisfied with the response, they may choose to proceed with (b).

3.6 This procedure has three main parts:

- a) Part I is the Issue and Incident Reporting and Response Process;
- b) Part II is the Complaints Process; and
- c) Part III are general requirements and considerations that apply to both processes.

I. Issue and Incident Reporting and Resolution Process

3.7 This part sets out the process for reporting and responding to issues and incidents of discrimination (including and not limited to racist, ableist, xenophobic, sexist, gendered, homophobic, transphobic and faithist hate, bias, slurs, epithets and behaviours) based on all Human Rights Code grounds, intersecting grounds and classism. A student (or their parent/guardian) may speak with their teacher or the school principal about any issues and incidents of discrimination that affect students at school or at a school-related activity or event, or that affects the learning environment.

3.8 Anyone who witnesses or becomes aware of an incident or issue that affects students in District learning environments should report it to a District employee.

Employees Must Act

3.9 When an employee becomes aware of an issue or incident (or sees or overhears discriminatory actions or words that affect students) the employee must act and report it to the principal or their supervisor (or if the matter involves the principal or supervisor, to the next level manager not involved or implicated in the issue or incident). The employee must:

- a) Interrupt and intervene immediately to stop the conduct;
- b) Name the discriminatory act;
- c) Immediately acknowledge that what was said or done was inappropriate and harmful (in way a that is appropriate to the circumstances and based on a student's age, level of understanding, etc.); an employee may consult with their principal or manager/supervisor where needed to support this discussion;
- d) Consider potential opportunities to support discussions/learning about why the conduct was inappropriate;
- e) Determine potential safety or supports for individuals involved or impacted in the matter; and
- f) Report the incident to their principal (or manager/supervisor) immediately.

Principal's Actions

- 3.10 If an issue or incident involves a possible hate crime, the principal must contact Positive School Climates, the superintendent and the police. District responses and the principal's actions (as outlined below) may need to await police direction/investigation. The principal will consult with the police on any steps the District can take to support safety and to communicate to affected students (and their parents/guardians), pending any police investigation.
- 3.11 Where an issue, incident or complaint raises a suspicion on reasonable grounds that a child may be in need of protection, steps will be taken immediately to contact the Children's Aid Society (see the Board's Procedure on Reporting Children and Youth in Need of Protection). This decision will be based on objective information and not on biases, stereotypes or assumptions about the student or their parent/guardian based on any Human Rights Code protected ground or combinations of grounds.
- 3.12 For all other issues/incidents, the principal will:
- a) Assess if any immediate or additional steps or safety/supports are required, and if so, will act on it;
 - b) Notify the parent/guardian as soon as possible;
 - c) Notify the superintendent within one day;
 - d) Contact emergency services if medical attention is required;
 - e) Note the names of any witnesses and preserve any pertinent evidence or information; and
 - f) Document all actions taken on the incident reporting form [template attached].

Note: depending on the circumstances, all steps above may not be necessary or may not happen sequentially; the principal will assess the circumstances and act based on the nature of the incident, steps/action already taken and what may be required to immediately address the situation.

- 3.13 The principal may need to speak to the parties involved and those impacted to gather preliminary information and details about the incident.
- 3.14 All incidents/issues must be reported to the superintendent. This is a mandatory requirement regardless of the circumstances, including where the principal assesses that the situation does not require any further action or response. The principal will submit the completed incident reporting form to the superintendent, with a copy to the Human Rights and Equity Advisor.

Superintendent's Action

- 3.15 The superintendent will assess steps taken and consider if further action is appropriate based on whether:
- a) The issue has been appropriately resolved at the school level;
 - b) Any further supports, actions or communications are required to immediately address the incident, as well as longer-term impacts; and
 - c) The situation requires an integrated response team (discussed below).

- 3.16 The superintendent will also assess if there is sufficient information to take appropriate restorative, corrective and disciplinary action against the person(s) who engaged in the discriminatory incident. If further information is required, the superintendent and/or principal will arrange to meet with students and/or employees, including potential witnesses, to gather additional information, investigate the incident and take appropriate action.
- 3.17 The superintendent will report all issues and incidents to the Associate Director of Equitable Education. Where the issue/incident involves a hate crime, the superintendent will notify the Director of Education.
- 3.18 If the superintendent determines that further action is required, the superintendent will:
- a) Direct the principal to take additional action and will document all steps taken to address the issue; and
 - b) Consider convening an integrated response team to collaborate on additional actions that may be required, based on the following criteria:
 - Severity, scale, extent and intensity of the impact of the incident;
 - Previous incidents at the school or involving same party(ies);
 - Nature of impact (or number of people involved or impacted);
 - Risks to persons and/or property;
 - Legal and/or reputational risks;
 - Public interest and impacts;
 - Potential systemic issues;
 - Other reporting or consulting requirements (e.g., under Positive School Climates policies and procedures);
 - Expertise required to address the issue; and
 - Other relevant factors based on the circumstances.
- 3.19 If the superintendent determines that an integrated response team is appropriate, the superintendent will:
- a) Notify the Associate Director of Equitable Education and the Human Rights and Equity Advisor;
 - b) Convene a response team within three days of being notified of the incident; depending on the nature of the incident, the response team may include (where appropriate) representatives from:
 - Administration at the affected school (unless they are involved or implicated in the incident);
 - Leads from relevant portfolios:
 - Indigenous Education
 - Equity and Inclusive Education
 - Positive School Climates
 - Inclusive Student Services
 - Mental Health and Well-Being
 - Student Success/Curriculum
 - Human Rights and Equity Advisor;
 - General Counsel;
 - Critical friends, subject matter experts or other individuals at the discretion of the superintendent, provided that anyone not employed by the District shall only be engaged with the express consent of the student/family/guardian;
 - Other internal DDSB personnel as may be deemed appropriate by the superintendent based on the specific incident(s) and input/expertise required (e.g., Human Resources, Associate Director of Equitable Education, Director of

Education, etc.).

- 3.20 Depending on the nature of the incident, safety concerns and confidentiality requirements, the superintendent may also engage and seek input from individuals impacted, student voice, school employees and school community members.
- 3.21 The response team will respect confidentiality and develop an appropriate response based upon consideration of all relevant facts and circumstances including:
- a) Safety and supports for affected students, parents/guardians, employees and community members;
 - b) Responsive, restorative, remedial, corrective and/or disciplinary action, up to and including dismissal (for employees), suspension or expulsion (for students) and other actions as necessary to address inappropriate behaviours and to restore the learning environment; Note: any discussions about outcomes for specific employees (e.g., potential discipline) will be strictly limited to Human Resource Services, the employee's supervisor and senior team members as may be required;
 - c) Potential systemic issues or actions that may be required;
 - d) Individual, team/group, school or organizational learning and growth (e.g., professional development/learning needs, including coaching/mentoring and other potential preventative individual or systemic actions for the classroom, school or District);
 - e) Communications to those impacted and the broader school, District/DDSB community (including the Director of Education and Trustees), where appropriate; this may include interim communications while an appropriate response is developed and implemented; and
 - f) Monitoring and follow up as may be required to ensure that the response was appropriate and to consider if:
 - Additional or ongoing support or actions are required; and
 - Any new or continuing issues or incidents need to be addressed.
- 3.22 Based on the work of the response team, the superintendent will develop a response action plan [attached form] with timelines to implement the response and recommendations. The principal and other identified leads will fulfill the required actions and report back to the superintendent once completed.
- 3.23 After the response has been implemented, the superintendent and principal will debrief to discuss potential lessons learned, promising practices and potential preventative measures.
- 3.24 All responses and communications will be kept confidential subject to section x.xx. Specific details about individual disciplinary responses involving students or employees are confidential matters and will generally not be disclosed. However, disaggregated data on disciplinary actions taken to address human rights issues and complaints may be included as part of annual reports and trends analysis. The District may communicate about other aspects of a response (e.g., systemic actions) to support transparency and accountability and without sharing confidential information.

II. Complaint Process

- 3.25 Where there is a concern that the Board's Human Rights Policy has been breached or is not being following, a student or a parent/guardian (on the student's behalf) may file a complaint using the attached complaint form [template] and submit it to their superintendent. This could include concerns that a student's Human Rights Code related needs have not been accommodated to the point of undue hardship or concerns as to systemic barriers.
- 3.26 Before filing a complaint, individuals are encouraged to tell the person who is engaging in discriminatory actions to stop. However, the District recognizes that students (or their parents/guardians on their behalf) and community members may be vulnerable, have safety concerns, fear reprisal and/or require assistance and support. There may also be power imbalances. This step is therefore not required.
- 3.27 A complainant may withdraw a complaint at any time during the complaint resolution process. Depending on the circumstances and the stage of the complaint resolution process, the District may speak with the complainant to determine if the withdrawal is because of safety concerns or fear of reprisal, and the District will attempt to address those concerns.
- 3.28 It is noted that the District must investigate potential discrimination upon becoming aware of it (or where it should reasonably be known), even in the absence of any complaint or if a complaint is withdrawn. In the case of a withdrawal, if the District proceeds with an investigation, the complainant may be treated as a witness.

Types of Complaints

- 3.29 Group complaints (i.e., where several individuals file a complaint dealing with the same or similar issue or involving the same respondent) raise potential procedural concerns and other investigative challenges. The District encourages people who have human complaints to raise them individually. Where the District receives multiple complaints involving the same situation or same individual, the District may process them together (e.g., assign the matters to the same investigator).
- 3.30 Where the District receives an anonymous complaint, the District may be limited in how it can address it based on the information provided in the complaint, the District's ability to reasonably gather additional information or to resolve the matter. The District will assess and treat the complaint in a manner deemed appropriate in the circumstances. No formal investigation summary will be provided to any party to an anonymous complaint.
- 3.31 Where the District becomes aware of potential discrimination in the absence of a formal complaint or where a complainant withdraws a complaint, the District may proceed with a management-initiated complaint. This is to support the District's commitment to addressing potential discrimination. The principal (or manager/supervisor) will consult with their superintendent, the Human Rights and Equity Advisor and General Counsel before initiating a complaint.

Preliminary assessment

- 3.32 Upon receipt of a complaint, the superintendent will review and assess if the matter falls under the scope of the Human Rights Policy and procedures. The superintendent will consider if any of the allegations, if they were found to be true, would amount to discrimination under the Human Rights Code.

- 3.33 If the allegations involve a hate crime or other criminal activity, the superintendent will contact the Positive School Climates superintendent, the Associate Director of Equitable Education, and the police for direction on next steps, including support for and communications to the complainant.
- 3.34 If the superintendent assesses that the matter does not fall under the Human Rights Policy, the superintendent will consider whether the complaint is best addressed through another policy or procedure (e.g., Code of Conduct) and may take appropriate action to address it or refer the matter to the principal or another appropriate area for handling and shall notify the complainant in writing of the determination.
- 3.35 If the complaint is assessed to fall under the scope and application of the Human Rights Policy and procedures, the superintendent shall:
- a) Report the matter to the Associate Director of Equitable Education and inform the Human Rights and Equity Advisor;
 - b) Determine if interim safety or supports are required pending the resolution of the matter; and
 - c) Consider potential early resolution options.

Early Communication with the Parties

- 3.36 The superintendent will notify the respondent about the complaint in writing and may provide either a copy or a summary of the complaint so that the respondent has sufficient information to respond. Where appropriate, the superintendent will also inquire if the respondent would be willing to participate in early resolution efforts.
- 3.37 The respondent may provide a written response to the complaint.
- 3.38 The superintendent will remind the parties of the following as outlined in this procedure:
- a) Confidentiality;
 - b) Protection from reprisal; and
 - c) The right to have a support person.

The superintendent will also inquire if the parties have any human rights accommodation needs (e.g., translator) to participate in a resolution process.

Holding the Complaint in Abeyance

- 3.39 The superintendent will also consider if there are other factors that affect if the matter can proceed or may need to be held in abeyance if, for example:
- a) One or both parties are not able to participate in the investigation because of medical or other issues that cannot be accommodated;
 - b) The matter is being addressed through another process (e.g., an application to the Human Rights Tribunal of Ontario); or
 - c) The complaint involves a criminal matter, and the police are investigating.

Where appropriate, the District will continue to provide necessary supports and interim safety measures. The superintendent will inform the parties that complaint is being held in abeyance, why (without disclosing any confidential information about the parties) and when the District expects to proceed with the complaint.

Direct Action

- 3.40 Where the information and any supporting documents provided in a complaint and response to a complaint provides clear evidence of a violation of the Human Rights Policy, the superintendent may be able to make a finding and take direct action to address the violation. The superintendent will provide the respondent with an opportunity to respond before taking any action and will consider mitigating and aggravating factors as part of bias aware progressive discipline and employment related progressive discipline policies and practices.
- 3.41 The superintendent will take appropriate actions and communicate the outcomes to the parties.

Early Resolution

- 3.42 Where the superintendent believes that the complaint may be resolved, the superintendent will seek the parties' consent and arrange a resolution conference meeting or a more structured mediation. Note: It is recognized that some complaints may not be suitable or appropriate for early resolution processes.
- 3.43 A resolution conference or a mediation is confidential, without prejudice and voluntary. Both parties must agree to participate. Any party can revoke their consent/agreement at any time, including during the resolution conference.
- 3.44 The purpose of these processes is to bring the parties together to collaboratively explore ways to create their own solution to the resolve the complaint and restore or repair relationships.
- 3.45 Mediation may include a restorative circle or other facilitated resolution options to address a complaint. The facilitator may be a trained mediator, community leader or other person agreeable to the parties to the complaint.
- 3.46 The superintendent must approve the terms of settlement before they are binding. This will help ensure that the matter is appropriately resolved, including as to any systemic issues or power imbalances.

Investigation

- 3.47 An investigation is a process of gathering information to determine if the policy has been violated and to make findings of fact related to the complaint. This includes determining, based on evidence and a balance of probabilities, if the allegations amount to a violation of the policy. An investigation assists with decision making and may also help identify potential underlying issues and concerns. An investigation typically involves interviewing the complainant, respondent and witnesses, and collecting, reviewing and assessing documentary and other information and records.
- 3.48 The investigation process must be fair, objective, impartial, thorough, timely and confidential. Investigations must also follow the principles and rules of administrative/procedural fairness which includes, among other things, that respondents have the right to know about the complaint and to respond to it, to identify witnesses, to produce relevant information.
- 3.49 All investigators, whether internal or external to the District, will apply human rights and anti-discrimination, intersectional and trauma informed principles and approaches to the investigation process, analysis and decision.

Pre-Investigation Planning

- 3.50 If the superintendent determines that an investigation is appropriate to address the complaint, the superintendent will consult with the Associate Director of Equitable Education and decide on an appropriate investigator: the principal, the superintendent (or delegate), another District employee or an external investigator. When making this decision, they will consider factors including but not limited to:
- a) Any real or perceived conflicts of interest;
 - b) Knowledge and awareness of human rights issues and analyses, including systemic and intersectional analyses;
 - c) Scope of the investigation (e.g., number of people to be interviewed);
 - d) Complexity of the allegations and analyses required;
 - e) Understanding of the legislative framework and the DDSB's Human Rights Policy and procedures;
 - f) Investigation procedures; and
 - g) Availability and capacity to conduct the investigation in a timely manner.
- 3.51 The superintendent will notify the parties that the complaint has been assigned to an investigator and explain the role of the investigator and shall remind the parties about of the terms of this policy as to confidentiality; protection from reprisal; the right to have a support person; identifying any accommodation needs to participate in the investigation process; and provide all parties with a copy of the Human Rights Policy and this procedure.
- 3.52 As the investigation proceeds, the superintendent will assess potential opportunities to resolve the matter. The complainant or respondent may also request resolution at any time. If the parties agree to a resolution and the complaint is resolved, the investigation will not proceed.

Conducting the investigation

- 3.53 The investigator is responsible for ensuring a thorough, fair and impartial investigation of the allegations in the complaint, and for completing the investigation as expeditiously as possible in the circumstances.
- 3.54 The investigator will interview (separately) the complainant, respondent and any identified or potential witnesses and review and request relevant documents or materials. Usually, an investigator will meet with the complainant first so that the investigator fully understands the complaint and to obtain the names of any witnesses or other people who the complainant feels may be helpful to the investigation. Prior to interviewing the respondent, the investigator will provide the respondent with a summary of the allegations to allow the respondent to prepare for the interview, and so that the respondent may also identify potential witnesses.

- 3.55 District employees are required to participate in investigations and cooperate with the investigator, and not interfere with the investigation. Interfering with an investigation is a violation of the Human Rights Policy.
- 3.56 When arranging the interview and before the interview begins, the investigator will remind the interviewee about confidentiality, protection from reprisal and the right to a support person and will ask about any Human Rights Code related accommodation needs to participate in the interview.
- 3.57 The investigator will thoroughly interview the complainant and the respondent(s) using a trauma informed approach. The respondent should be given the opportunity to respond to each of the specific allegations raised by the complainant.
- 3.58 If the investigator believes that other people not named as witnesses may have information relevant to the complaint, the investigator may interview them.
- 3.59 The investigator will take detailed notes at each interview and each interviewee will have an opportunity to review and confirm the accuracy of the interview statement (or make any necessary corrections). Internal investigators may wish to have a note taker at the interview (subject to potential conflict of interest concerns). The note taker will not participate in the investigation and will maintain confidentiality.
- 3.60 Parties may need to be interviewed more than once to clarify information and to address new information that the investigator may learn during the investigation. Relevant parties to the complaint are entitled to know of this new information and have a full opportunity to respond.
- 3.61 Where the investigator learns information that may raise concerns about safety or potential reprisal or that the complaint may have been made in bad faith, the investigator will inform the Associate Director of Equitable Education.
- 3.62 Where an investigator assesses potential systemic issues, the investigator will notify the **Director** of Education to determine if the systemic concerns will fall under the scope of the investigation or will be addressed as part of a separate systemic review process. If the scope includes potential systemic concerns, the investigator may also request and review additional information (e.g., other District policies, procedures, data, etc.) to help identify potential barriers, disparities and disproportionalities that may affect the complaint.

Analysis of Evidence and Findings

- 3.63 The investigator will review all interview statements and evidence gathered to make findings of fact and determine if the incident(s) of alleged discrimination took place and, if so, assess if the incident(s) amounts to discrimination under (or any other violation of) the Human Rights Policy.
- 3.64 In making this assessment, the investigator will thoroughly examine the context and circumstances and will:
- a) Reconcile conflicting evidence, where possible;
 - b) Assess if the effect/impact of alleged behaviour(s), action(s) or inaction(s) was discriminatory, regardless of the intent;
 - c) Consider that a Human Rights Code ground(s) need only be a factor (and does not need to be the only reason for or the main factor) when making a finding of discrimination; and
 - d) Apply critical human rights, anti-discrimination, anti-racist and intersectional analyses to the complaint, evidence and findings, including the effects of privilege, positionality and power and the impacts of historical and ongoing discriminatory structures, ideologies,

biases, stereotypes and assumptions, as well as potential systemic analyses.

- 3.65 The investigator may consult with subject matter expertise to help make this assessment.
- 3.66 The District recognizes that in some instances, it can be difficult to find evidence of discrimination because it can often be subtle, systemic and/or not overt. The investigator may make inferences based on evidence available and systemic human rights analyses.

Investigation Findings

- 3.67 The investigator will apply the appropriate standard of proof to the evidence, factual findings and analysis. The standard of proof for human rights investigations is the legal “balance of probabilities” standard. This means that an allegation(s) is supported if the evidence and information provided or gathered shows that the allegation was more likely than not to have occurred.
- 3.68 The investigator will determine if, on a balance of probabilities, the alleged incident(s) of discrimination took place and whether it amounts to a breach of the Human Rights Policy.

Vexatious or bad faith complaint

- 3.69 If it is determined based on objective, clear and compelling evidence that a complaint is vexatious or was filed in bad faith, the investigation process may be discontinued, and disciplinary action may be taken against the person(s) responsible for making the complaint.
- 3.70 People who have human rights issues and concerns should raise them. A vexatious or bad faith complaint is not the same thing as an unsubstantiated complaint (for which the investigator has not found sufficient evidence on a balance of probabilities that an incident occurred and that it amounted to discrimination).

Investigation report

- 3.71 The investigator will provide a written report summarizing the allegations and responses, the steps taken during the investigation, the evidence gathered, the analysis of the evidence, and the investigation findings and conclusions.
- 3.72 Where issues arise during the investigation that do not relate directly to the allegations but must be raised to the District’s attention, the investigator will summarize these in a separate confidential report. Depending on the scope of the investigation, the investigator may also make confidential recommendations for further action, or about systemic or other issues uncovered during an investigation.
- 3.73 The investigator will provide a copy of the draft summary report to the Human Rights and Equity Advisor, who will review to ensure that the appropriate human rights analyses have been applied and that the findings are supported by the evidence. The purpose of this review is not to advise on the investigation or to question, challenge or influence the outcome. It provides an opportunity to raise potential or perceived gaps in the investigation process, report, evidence or human rights analyses. This is in keeping with the District’s responsibility to ensure that investigation reports and analyses are sound and can withstand third party scrutiny.

- 3.74 The investigator will meet with the complainant and respondent individually to verbally share the draft summary report and will provide a copy of to the parties to give them an opportunity to comment.
- 3.75 The investigator will consider any comments on the draft summary report and may adjust the report. The investigator will issue a final summary report to the complainant, respondent and Associate Director of Education.
- 3.76 All parties will keep the report and findings confidential, subject to section x.xx.

Requesting a review of the investigation findings

- 3.77 A complainant or respondent who wishes to request a review of an investigator's findings may submit a written request to the Associate Director of Equitable Education explaining the reasons for the request and providing any supporting information.
- 3.78 The review request must be submitted in writing within ten regular business days from the date the final investigation report was received.
- 3.79 The Associate Director of Equitable Education will only consider a review request if the request asserts:
- a) Lack of procedural fairness;
 - b) That the findings of fact do not support the conclusion; or
 - c) New facts or evidence that could affect the outcome decision and that could not have been reasonably obtained during the investigation.
- 3.80 The request for review is not intended to duplicate the investigation that was completed and is not a process or mechanism to reinvestigate a complaint.
- 3.81 The Associate Director will inform the other party that a review has been requested and provide the other party an opportunity to respond, including as to any new information provided as part of the review request.
- 3.82 The Associate Director will determine if the investigator's findings stand, should be adjusted or if the matter requires further or a new investigation and will communicate the decision to the parties. There is no further internal appeals mechanism or process.

Investigation Outcomes: Corrective, Disciplinary and Other Action

Complaint Not Substantiated

- 3.83 Where a complaint is found to not be substantiated, the Associate Director of Equitable Education will nonetheless assess whether any action is required to address any findings in the investigation report (e.g., inappropriate behaviour that does not amount to discrimination).

Complaint Substantiated (in whole or in part)

- 3.84 Where one or more of the allegations are found to be substantiated, the District will:
- a) consider the complaint on an individual basis and assess the specific facts, circumstances and findings; and
 - b) take appropriate responsive, remedial, restorative, corrective and disciplinary actions, as appropriate, to address the findings.

- 3.85 Consideration shall also be given to addressing any potential underlying or systemic issues (for example, addressing issues in the learning environment that may persist despite any corrective and disciplinary actions taken against an individual respondent).
- 3.86 To support these findings, the superintendent responsible for Human Resources shall convene an Investigation Outcome Committee (“IOC”). The purpose of the IOC is to support consistent organizational approaches and decision making that is in accordance with relevant policies, procedures and collective agreement provisions (where applicable).
- 3.87 The IOC will be comprised of:
- a) The respondent’s superintendent or senior manager;
 - b) The Human Rights and Equity Advisor;
 - c) the superintendent responsible for Human Resources;
 - d) An employee relations advisor (where the respondent is a member of union, federation/association);
 - e) General Counsel; and
 - f) Where applicable/appropriate, the Superintendent of Indigenous Education, Inclusive Student Services, Equity and Inclusive Education and Positive School Climates or other portfolio(s) relevant to the complaint to address the specific investigation findings.
- 3.88 Before the IOC meets, the superintendent responsible for Human Resources shall convene an opportunity to respond meeting with the respondent and their union/association/federation representative, where applicable. The purpose of the opportunity to respond meeting is for the respondent to provide information about any potential mitigating factors.
- 3.89 The IOC shall consider:
- a) The investigation findings;
 - b) The effect of the respondent’s behaviour, actions or inactions (e.g., on the complainant and others in the District’s learning and working environment, where applicable);
 - c) The results of any file review and opportunity to respond meeting and any mitigating or aggravating factors;
 - d) The principles of progressive discipline;
 - e) The District’s human rights related (and other applicable) policies, procedures, accountability framework and expectations, including (and not limited to):
 - Anti-oppression, anti-discrimination and anti-racism principles and approaches to decision making; and
 - Individual and organizational roles, responsibilities and accountability for human rights;
 - f) Actions that may be required to restore the relationship(s) or environment(s);
 - g) Other relevant factors based on the circumstances of the complaint; and
 - h) Potential systemic actions that may be required to address the findings; this may include reflecting on data and other trends to assess the need for potential preventative and/or systemic actions.

3.90 The IOC will maintain confidentiality.

Investigation Response Action Plan

- 3.91 The IOC will make a recommendation to the Associate Director of Equitable Education about the appropriate corrective, disciplinary and systemic response to the complaint and suggested timelines. The recommendations will be documented in an investigation response action plan (template).
- 3.92 Human Resource Services and the appropriate superintendent(s) are responsible for implementing the investigation response plan (including corrective, disciplinary and systemic actions) and reporting back to the Associate Director once the actions have been completed.

Possible Corrective and Disciplinary Actions

- 3.93 Where the respondent is an employee, corrective and disciplinary actions will be in accordance with discipline policies, procedures and collective agreements and may include:
- a) A restorative meeting or approaches;
 - b) An apology;
 - c) A permanent separation of the parties;
 - d) Training or professional development;
 - e) Counseling;
 - f) Letter of expectations/letter of counsel; and
 - g) Discipline, up to and including termination of employment.
- 3.94 Where an allegation is found to be substantiated and results in discipline for the employee, a record of the discipline will be placed in the employee's file.

Possible Systemic Actions

- 3.95 Possible systemic actions in response to a substantiated complaint may include:
- a) Learning, training or professional development for groups (e.g., at a school, system department or system level);
 - b) Review of a policy, procedure, practice or professional development to identify, prevent and address barriers in accordance with anti-discrimination principles in the Human Rights Policy; and
 - c) A systemic review of the learning environment.

Notifying the Parties and Communicating the Outcome

- 3.96 The Associate Director of Equitable Education will provide the complainant and respondent with written notification of the investigation findings. The notice to the respondent will advise of any corrective or disciplinary actions involving the respondent. The notice to the complainant will advise of corrective and disciplinary action to be taken to address the substantiated findings, without specific details of confidential personnel matters involving the respondent, and of any systemic actions that will be taken.
- 3.97 The Associate Director of Equitable Education will keep the Director of Education informed about substantiated findings and the investigation response action plan and may also share this information with supervisory employees as may be required to support the implementation of corrective, disciplinary and systemic actions. The Associate Director will consider additional communications that may be required, depending on the circumstances and while protecting confidentiality.
- 3.98 For some employee groups, the District may also have obligations to report substantiated findings to employee professional associations and colleges.

Concerns About the Findings or Outcome of the Investigation

- 3.99 Where a complainant is dissatisfied with the outcome of the complaint, they may pursue other options available to them such as filing an application with the Human Rights Tribunal of Ontario.
- 3.100 Employees may have options under collective agreements (e.g., grievance rights), where applicable.

Monitoring and Follow Up: Restoring Relationships and Learning Environments and Preventing Discrimination

- 3.101 Human rights issues, incidents and complaints affect parties and witnesses (and relationships among them) and other people in the learning environment. As part of the resolution of all issues, incidents and complaints, the District will take appropriate action to help restore relationships and the environment and to prevent potential recurrences. This may include:
- a) Offering additional opportunities for meetings/mediation to repair relationships;
 - b) Building relationships and partnerships with school communities and community organizations to better understand issues and concerns and to build trust and confidence;
 - c) Identifying, preventing and addressing any systemic issues or factors that contributed or led to the incident or complaint at the individual or broader school community levels; this can include monitoring data and trends (e.g., School Climate data, complaints data);
 - d) Conducting local surveys, consultations or focus groups to better understand experiences and underlying causes/issues and to inform possible solutions;
 - e) Arranging or facilitating human rights learning opportunities and resources for students and employees to enhance understanding of power, privilege and discrimination and how they operate in learning environments; and
 - f) Consulting with Positive School Climates and other system departments for information and support to help (re-)build safe, welcoming, inclusive, equitable and accessible learning environments.
- 3.102 All school leaders should consider including these actions in their strategies and plans to proactively prevent human rights issues, incidents and complaints.

III. General Requirements and Considerations

Safety, Supports and Interim Measures

- 3.103 When addressing issues, incidents and complaints, the District will explore, assess and address potential immediate and ongoing safety needs or other interim measures for any impacted parties, pending the outcome of the matter. This includes providing support to any District community member who witnesses or has been affected by an incident of discrimination in District learning or working environments.
- 3.104 This may include asking affected students (and their parent/guardian) how they can be best supported, with a focus on cultural safety. Supports could include referrals to a social worker, guidance counsellor, other counseling services or culturally appropriate community resources, agencies and support services. In some cases, it may also involve separating the parties, where feasible, and developing a safety plan.
- 3.105 Employees who witness incidents of discrimination may contact the Employee and Family Assistance Program (for employees for whom this service is available) or their principal or manager/supervisor for support
- 3.106 The District will also communicate and follow up with affected students, parents/guardians and community members in a timely manner to provide updates and supports, as may be required. As new information becomes available or as circumstances change, additional safety considerations, supports and actions may be required.

Additional Safety Concerns

- 3.107 The District recognizes the unique safety and confidentiality concerns based on disability (including mental health and “non-evident” disabilities), sexual orientation, gender identity and gender expression. In some cases, a student’s identity may be “visible” and they may be more vulnerable to discrimination and bullying. In other cases, “invisible” or non-evident aspects of identity may also cause safety and confidentiality concerns based on stigma, stereotypes, biases and barriers. Although sharing of some information may be required to support an issue or complaint resolution process, the District will make efforts to protect confidentiality as much as possible. The District will also carefully and sensitively consider situations where students who identify as members of 2SLGBTQI communities may not be “out” or may not have support from their parents/guardians.

Sexual Orientation, Gender Identity and Gender Expression

- 3.108 The District recognizes the unique considerations and safety needs of students based on sexual orientation, gender identity and gender expression. Students may choose to not disclose their sexual orientation, gender identity or gender expression, or may face heightened discrimination and bullying when they are coming out, because of historical and ongoing discrimination, homophobia and transphobia. This includes and is not limited to stereotypes, harassment, slurs, misgendering, intrusive and inappropriate personal questions, stigmatization, barriers, exclusion, bullying, hate and violence.
- 3.109 In addition, students who identify as (or are perceived to identify as) a member of 2SLGBTQI communities may be subjected to:
- a) Repeated or ongoing intrusive and threatening comments about their personal life which may amount to sexual harassment;
 - b) Inaccurate and offensive stereotypes that misrepresent, distort or overemphasize

- sexuality;
- c) Behaviours that pressure students to disclose or deny their sexual orientation or gender identity;
- d) Heteronormativity, heterosexism, homophobia, cisnormativity/cisgenderism, cissexism, biphobia and transphobia in learning environments;
- e) Compounding and intersectional discrimination based on other Human Rights Code grounds.

Students may not have access to safe support and resources. Students may:

- a) Feel that they need to conceal their identity;
- b) Share information only with certain individuals; and/or
- c) Have enhanced confidentiality and safety concerns in issue and complaints resolution processes, analyses and outcomes.

Support Person

- 3.110 Complainants, respondents and witnesses have the right to have a support person accompany them during an issue or complaint resolution process. The support person must not be a party or witness to the complaint or have a real or perceived conflict of interest. A support person may include a: parent/guardian, colleague or family member, union/federation/association representative (where applicable), school staff, student, teacher, or community advocate, member or representative.
- 3.111 Where a parent/guardian submits a complaint on behalf of a student, the parent/guardian may have a support person and the student attend meetings if they wish.
- 3.112 For students, their parent/guardian usually participates as a support person. A student may have another person attend as a support person.
- 3.113 Parties also have the right to attend issue or complaint resolutions meetings with a translator or interpreter.
- 3.114 All persons acting as a support person within the scope of these procedures must keep any information regarding the complaint confidential. A support person may be required to sign a confidentiality agreement when attending investigation or other issue or complaint resolution meetings.
- 3.115 The role of the support person is to be available to a party to an investigation to provide general emotional support or advice. Unions/associations and federations may have other responsibilities to their members in this capacity.
- 3.116 All support persons must not answer questions or advocate on behalf of the interviewee or obstruct the investigation process in any way.

Confidentiality

- 3.117 Information about the issue or complaint is provided only to those who need to know in order to address and resolve the issue or complaint. All responsible staff will:
 - a) Maximize privacy;
 - b) Maintain the confidentiality of personal information related to the complaints and the complaints process;
 - c) Retain complaints information in a secure location that only authorized designated

- personnel can access; and
- d) Only disclose this information with the student (or parent/guardian's) or community member's consent, unless:
- Required or permitted in legal proceedings or as required by law; and/or
 - To respond to and address the issue/complaint, including potential safety measures, investigation processes and outcomes, and corrective/disciplinary action; this includes sharing relevant information with the respondent.
- 3.118 Any DDSB community member who raises an issue or complaint or who participates in a complaint resolution meeting or process (e.g., mediation, investigation) under this procedure must maintain strict confidentiality and not discuss, release or disclose information about the complaint to anyone. This includes the complainant, respondent, witnesses and support persons who may be a party to or who participate in the issue or complaint resolution process, and any District employees involved in addressing the issue or complaint, or in implementing the resolution processes and outcomes.
- 3.119 In communications about the complaint process and to those involved in the complaint resolution process (including witnesses and support persons), responsible staff shall convey:
- a) The importance of confidentiality;
 - b) The right to be protected from reprisal; and
 - c) The consequences of breaching confidentiality and engaging in reprisal.
- 3.120 General information about a person's involvement in a complaint resolution matter may need to be provided to District employees (for example, to arrange for release time for an employee to participate in an investigation meeting). Details about the parties or the allegations will not be disclosed.
- 3.121 Details about the outcome of an issue or complaint resolution process (e.g., the specific nature of or details about corrective and disciplinary action) will only be disclosed to those who need to know this information in order to execute their duties (e.g., to arrange for professional learning or to implement corrective and disciplinary actions in accordance with the processes set out in this procedure).
- 3.122 The Human Rights Tribunal of Ontario (HRTO) is a public forum. If a District community member files an application (complaint) to the HRTO, details of the complaint and findings (where applicable) may become publicly available.
- 3.123 The District emphasizes the critical importance of protecting privacy and confidentiality in sensitive issue and complaint resolution procedures. The District also recognizes that bringing forward issues and complaints of discrimination can be stressful, and that people who have been subjected to discrimination may require support from peers, community members or support networks. The District encourages a party to a complaint to limit discussions to their support person to protect the fidelity of the issue and complaint resolution processes. When assessing potential confidentiality breaches, the District will consider all circumstances.

Protection from Reprisal

- 3.124 It is recognized that students, families/parents/guardians, employees and community members may not feel comfortable or safe identifying human rights issues or complaints because they fear that they will be subject to stigmatization, discrimination or reprisal.
- 3.125 Reprisal is a violation of the Human Rights Policy and is unacceptable and will not be condoned. No student (or their parent/guardian) or community member will be penalized, threatened, negatively treated or be subject to reprisal for asserting their rights under the Human Rights Code or this procedure, including:
- a) Requesting information about human rights;
 - b) Requesting an accommodation;
 - c) Raising a human rights issue or concern about an incident, the accommodation process or outcome;
 - d) Filing a human rights related complaint, application to the Human Rights Tribunal of Ontario or raising a complaint to another external body to assert their rights; and
 - e) Providing information related to an issue or complaint or participating as a party or witness in a complaint or issue resolution process.
- 3.126 Protection from reprisal extends to any District community member who is a complainant, witness, advisor, support person or representation, investigator, decision maker or District representative responsible for implementing the outcome of a complaint.
- 3.127 All complaints about reprisal should be raised to the superintendent as soon as possible. Where reprisal is substantiated, it will be reported to the Director of Education. Persons who are found to have reprimed against students, parents/families/guardians or community members are subject to corrective and disciplinary action, up to and including dismissal.

Race Related Grounds

- 3.128 The District recognizes that in some cases, incidents of racial discrimination and systemic racism may be overt and in other cases, it may be subtle with little or no direct evidence. Assessing allegations of racism requires (among other things).
- a) Examining all of the circumstances and the full context of the allegations, including intersectional analyses and assessing the effects of historical and ongoing systemic discrimination and the individual circumstances of the complaints;
 - b) Considering how dominant discriminatory ideologies, biases, assumptions and stereotypes are “normalized” and internalized and affect perspectives and decision making;
 - c) Understanding of how racism operates in systems and structures (e.g., in policies and practices which may appear neutral but that create or perpetuate disadvantage and may discriminate against or exclude racialized people, and how this affects services, learning environments and cultures); and
 - d) Analyzing comparative evidence and drawing inferences based on patterns of behaviour and decision making (e.g., reviewing data to assess potential disparities and disproportionalities).

Note: The District recognizes that these also apply to assessing discrimination based on all other grounds.

- 3.129 To address these concerns and considerations, the District will apply human rights, anti-oppression, anti-discrimination and anti-racism principles and analyses, including intersectional analyses, to all issue/incident and complaints resolution processes (including safety and confidentiality considerations), findings and decisions/outcomes.

Talking About Discrimination

- 3.130 Promoting and protecting human rights and addressing discrimination often involves conversations or discussions that may make people feel uncomfortable. It is generally not discriminatory to respectfully, sensitively and safely (in ways that are appropriate to students' ages and levels of understanding):
- a) Affirm, positively promote, respect 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) Teach about diverse identities, voices, stories, cultures, histories, experiences and perspectives of the communities the District serves and of Ontario, including where this may conflict with individual creed related beliefs (see Human Rights Inclusive Design and Accommodation Procedure);
 - c) Engage in conversations about the effects of historical and ongoing colonialism, oppression and discrimination; and/or
 - d) Challenge racism, sexism, ableism, homophobia, biphobia, transphobia, faithism and all forms of discrimination.

Timelines to Raise an Issue or Complaint

- 3.131 Issues or complaints should be raised as soon as possible, and within one year from the date of the incident that led to the issue or complaint (or, if the complaint is about a series of connected incidents, then one year from the date of the last incident). The District will consider reasonable exceptions where:
- a) There is a good faith reason for not raising the issue sooner;
 - b) No party to the complaint will be negatively affected or substantially prejudiced by the delay; and
 - c) The issue or complaint raises significant concerns.
- 3.132 Timelines for submitting applications to the Human Rights Tribunal of Ontario or complaints through other external processes may differ from the timelines for submitting complaints/issues under this procedure. A student (or their parent/guardian) may wish to consider timelines when determining when to submit a complaint under this procedure.

Flexible Procedures

- 3.133 It is recognized that in some situations or where there are extenuating circumstances, resolution procedures may need to be adopted to best fit the situation or to resolve a matter outside of these procedures. In these cases, the responsible staff will document the rationale and inform the parties. Any adapted approach must maintain the principles of the Human Rights Policy and this procedure.

- 3.134 It is recognized that issue/incident and complaint resolution processes may be stressful for all parties involved. The District is committed to acting as quickly as is reasonably possible to resolve the matter and will keep parties informed about any delays in the process.

Interference with an Investigation

- 3.135 Any participant (complainant, respondent, witness, support person, etc.) in an issue or complaint investigation process has an obligation to cooperate and not interfere in the process. Interference in an investigation is a violation of the Human Rights Policy and this procedure

Issue, Incident and Complaint Documentation and File Retention

- 3.136 All documentation related to a human rights issue/incident or complaint (records of action taken, complaint form, communications, mediation agreement, witness statements, documentary and other evidence, investigator's notes, consultation notes, investigation report, meeting notes, responses to the investigation report, outcome and actions) will be kept confidential, in a secure area which will be maintained only by authorized personnel and will be kept separate from any employee's employment file. Information and documentation regarding any disciplinary action will be kept in the individual's file as appropriate. This information may be stored electronically.
- 3.137 These records shall be kept for a period of 15 years. At that time, the District will determine if the documents should continue to be retained or disposed of. A record of the type of document destroyed, by whom and when should be kept in accordance with privacy legislation.
- 3.138 Records related to discipline will be retained in the employee's file in accordance with collective agreement provisions (where applicable), or, where not applicable, the employee may request that the disciplinary letter be removed from their file in xx years after the date that the discipline was issued.

Competing Rights

- 3.139 The District recognizes that in a complex and diverse service and employment organization, a human rights issue or incident may affect the legal right of another person in the learning or working environment, or that rights may come into conflict with one another. The District:
- a) Recognizes that no rights are absolute and there is no hierarchy of human rights;
 - b) Respects the importance of all sets of rights; and
 - c) Will collaboratively explore options and solutions to address conflicting and competing rights and to maximize rights for everyone.
- 3.140 If a human rights issue conflicts with the rights or Human Rights Code related needs of another student or employee, the District will consider each situation on a case-by-case basis using the OHRC's framework and steps set out in its Policy on Competing Rights, including (but not limited to):
- a) Assessing the needs of both parties;
 - b) Considering potential accommodation needs, options and combinations of solutions that may resolve the potential competing rights; and
 - c) Consulting with internal resources/expertise (Indigenous Education, Equity and Inclusive Education, Inclusive Student Services, Mental Health and Well-Being, Positive School Climates, Human Rights and Equity Advisor, Human Resource Services, General Counsel, etc.), other areas impacted and/or external expertise as appropriate.

Accommodation to Participate in the Complaint or Issue Resolution Process

- 3.141 Students (or their parents/guardians) may have Human Rights Code related needs (e.g., disability, language barrier, etc.) that affect their ability to raise issues or complaints and/or to understand their rights, responsibilities and options under the Human Rights Policy and this procedure. If so, they will be accommodated to the point of undue hardship (e.g., with alternate formats, translation services, assistance completing forms, etc.). To support accessibility and reduce barriers to bringing forward complaints, students (or their parents/guardians) may:
- a) Submit a complaint in the language of their choosing; and/or
 - b) Raise a complaint in an alternative way (e.g., verbally) if they are unable to submit it in writing.

The District employee who receives the issue or complaint will document it on the complaint form. Other flexible options will be explored as may be needed on an individualized, case by case basis.

- 3.142 Students, parents/guardians, support persons or community members involved in an issue or complaint resolution process may require accommodation (e.g., translator, other supports) to participate, and should make their human rights related needs known in advance by submitting the attached accommodation request form [template]) and collaboratively engaging in the accommodation process so that the District can facilitate appropriate accommodation.

Organizational Trends Analysis

- 3.143 The Director of Education and designates will collect and analyze issue, incident and complaints data in accordance with Human Rights Policy, related procedures and accountability framework to monitor organizational human rights trends and issues. Where appropriate, this data may be used to inform:
- a) Professional development planning;
 - b) Revisions to relevant procedures and practices; and
 - c) Special initiatives, programs strategies, plans or actions to address unique and intersecting issues or barriers that affect students and employees based on ancestry, race, 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.

Communications and Information Sharing

- 3.144 The Director and designates will communicate about and publicly post this procedure in accordance with the requirements of the Human Rights Policy, procedures and accountability framework. Alternative formats will be made available upon request.
- 3.145 This procedure shall be referenced in School Codes of Conduct, School Handbooks, and on school websites. It should also be referenced in newsletters, reports, meetings, school websites and other appropriate communication tools to help bring awareness of the procedure to the community.

- 3.146 The District will regularly share information about its commitment to human rights and the issue and complaints resolution process. This will be posted on the District's website and will also be communicated in, among other things, student application, registration and returning student materials, orientation packages, student information forms, newsletters, survey invitations, etc.

Review Process

- 3.147 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/guardians, School Community Councils and community partners.
- 3.148 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.
- 3.149 The District will share the consultation results with all stakeholders.

4.0 Reference Documents

4.1 Policies

- Indigenous Education
- Human Rights Policy
- Consultative Process
- Equity and Inclusive Education
- Equitable Recruitment
- Positive School Climates
- Workplace Harassment Prevention, Workplace Sexual Harassment Prevention and Safe and Respectful Workplace Policy

4.2 Procedures

- Classroom Practices: Teaching and Learning
- Human Rights, Anti-Discrimination and Anti-Racism Procedure
- Human Rights Roles, Responsibilities and Accountability Framework
- Equity and Inclusive Education
- Equitable Recruitment
- Positive School Climates
- Complaints Procedure - Workplace Harassment Prevention, Workplace Sexual Harassment Prevention and Safe and Respectful Workplace

4.3 Other Documents

- Universal Declaration of Human Rights
- United Nations Declaration on the Rights of Indigenous Peoples
- United Nations Convention on the Rights of the Child, Rights of Persons with Disabilities, Yogyakarta Principles and other United Nations documents and instruments
- Charter of Rights and Freedoms
- Ontario Human Rights Code
- Anti-Racism Act
- Accessibility for Ontarians with Disabilities 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
- Ministry of Education strategies, plans, and policy and procedures memoranda

Appendix:

[NOTE: Forms and templates referenced in procedure to be added to final draft package and will be based on consultation feedback]

Effective Date

YYYY-MM-DD

Amended

YYYY-MM-DD