



DURHAM DISTRICT SCHOOL BOARD

NOTICE OF MEETING

GOVERNANCE AND POLICY COMMITTEE PUBLIC SESSION

Chairperson: Linda Stone

DATE: Monday, January 24, 2022

TIME: 6:00 p.m.

LOCATION: Virtual

ATTACHMENTS: Agenda

Copies to:

All Trustees
Director of Education
All Superintendents

GOVERNANCE AND POLICY COMMITTEE MEETING
Monday, January 24, 2022
6:00 p.m.

	PAGE
1. <u>Call to Order</u>	Verbal
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>Minutes</u>	
(a) DRAFT minutes of the Governance and Policy Committee meeting of November 23, 2021	1 – 3
6. <u>Recommended Actions</u>	
(a) Election of Chairperson	Verbal
7. <u>Information Items</u>	
(a) Bylaw Revision	296-326
(b) Code of Conduct Revision	251-295
(c) Draft Human Rights Policy and Procedures	4-250

8. Other Business

(a) Date of Next Meeting

Verbal

9. Adjournment



Minutes - Governance and Policy Committee Meeting

Tuesday, November 23, 2021, 6:30 p.m., Virtual

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

Regrets: Trustees Darlene Forbes, Chris Braney

Staff present: Associate Directors Jim Markovski and David Wright, General Counsel Patrick Cotter, Executive System Lead Robert Cerjanec

Recording Secretary: Gillian Venning

1. Call to Order

Trustee Linda Stone, Chair of the Committee, called the meeting to order at 6:31 p.m.

2. Land Acknowledgment

Trustee Stone read out the land acknowledgement.

3. Declarations of Interest

There were no Declarations of Interest.

4. Approval of Agenda

Moved by: Trustee Barnes

CARRIED

5. Approval of Minutes – October 25, 2021

Moved by: Trustee Barnes

NO CHANGES TO MINUTES. APPROVED AS DISTRIBUTED.

CARRIED

6. Approval of Minutes – November 9, 2021

Moved by: Trustee Barnes

NO CHANGES TO MINUTES. APPROVED AS DISTRIBUTED.

CARRIED

7. Review of Revised Draft Bylaws

The Committee reviewed and considered proposed revisions. Staff responded to questions of clarification asked by trustees. Following discussion, it was decided that the revised draft Bylaws will be considered at the next meeting of the Committee so that trustees have an opportunity to review and consider additional amendments proposed at the current meeting before sending the draft Bylaws forward to Standing Committee.

Proposed Changes:

Section 1.4 to be amended to reflect language from current by-laws - *The rules contained in Roberts Rules of Order Newly Revised, as may be amended from time to time, shall govern all matters of procedure in all cases in which they are applicable and in which they are not consistent with these bylaws or any special rules of order, the Durham District School Board may adopt, or any statutes or regulations.*

Section 3.2, Scheduling of Organizational Meeting, order of provisions 3.2.1 and 3.2.2 to be switched.

Section 5.12.10 to be amended to clarify what the possible outcome is of a trustee abstaining from voting due to a declared conflict of interest when the resulting vote is a tie.

Sections 5.12.6 and 5.12.7 to be revised to indicate that a motion to end debate on an item being discussed can only be moved after each trustee has had the opportunity to speak to that item (regardless of whether they take the opportunity or abstain) and the motion to end debate is supported by a minimum 2/3 vote.

8. Review of Revised Draft Code of Conduct

The Committee reviewed and considered proposed revisions. Staff responded to questions of clarification asked by trustees. Following discussion, it was decided that the revised draft Code of Conduct will be considered at the next meeting of the Committee.

Sections 6.26, 6.27 and 6.28 were discussed. It was agreed that staff would present options for revised language of these sections for consideration at the next meeting of the Committee. The revised language will confirm that not all procedures of the DDSB are applicable to trustees in their duties and that while trustees are expected to uphold the procedures of the DDSB, they are not necessarily required to be in compliance with them in the course of their duties.

Staff will refer to specific sections of the Education Act that provide context for the revised language of these provisions.

9. Date of Next Meeting

To be determined via email poll to trustees.

10. Adjournment

Meeting adjourned at 8:21 p.m.

**DURHAM DISTRICT SCHOOL BOARD
ADMINISTRATIVE REPORT**

REPORT TO: Durham District School Board
Governance and Policy Committee

DATE: January 24, 2022

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

PAGE: 1 of 6

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

1.0 Purpose

- 1.1 The purpose of this report is to provide the Governance and Policy Committee with the revised draft Human Rights, Anti-Discrimination and Anti-Racism Policy (“Human Rights Policy”), based on the results of community consultations.

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.*

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

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

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

Innovation – Re-imagine learning and teaching spaces through digital technologies and innovative 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.

Policy Development and Consultations

Phase 1 Consultations

- 3.3 In October 2020, the Board of Trustees approved a:

- Framework for developing a human rights policy, which included the rationale, legislative framework, guiding principles and proposed content areas for the policy; and
- Two-phased consultation plan to seek community feedback on 1) the framework and plan and 2) the draft policy and procedures, once written.

- 3.4 Phase 1 of the consultation was supported by a [webpage](#) with a [video](#), explanatory documents (including the [framework and consultation plan](#), [framework summary](#) and [FAQs](#)), a survey and a dedicated phone line and email address. Information about the consultation and the survey were shared directly with students, employees and families and was distributed through usual communication channels. In addition, consultation meetings were held with Student Senate, Board committees, District employee affinity groups, employee partners, community groups and critical friends.

Draft Policy and Procedures

- 3.5 Based on the policy framework and feedback from Phase 1, a draft policy and four procedures to implement the policy were developed:

- Human Rights, Anti-Discrimination and Anti-Racism Policy
- Human Rights, Anti-Discrimination and Anti-Racism Procedure
- Human Rights Inclusive Design and Accommodation Procedure
- Student/Family Human Rights Issue, Incident and Complaint Resolution Procedure
- Human Rights Roles, Responsibilities and Accountability Framework (*Procedure*)

- 3.6 Policy and procedure development was informed by:

- The United Nations Declaration on the Rights of Indigenous Peoples and the Truth and Reconciliation Commission of Canada's Calls to Action;
- The Universal Declaration of Human Rights;
- The Canadian Charter of Rights and Freedoms;
- Legislative requirements under the Human Rights Code, Anti-Discrimination Act, Accessibilities for Ontarians with Disabilities Act and Occupational Health and Safety Act;
- The Ontario Human Rights Commission's (OHRC) guidelines on developing human rights and anti-discrimination policies;

- The OHRC's policies on preventing discrimination (including and not limited to policies related to race, disability, mental health disabilities, sexual orientation, gender identity and gender expression and creed) and accessible education for students with disabilities;
- The Anti-Racism Directorate's policies, strategies and data collection standards; and
- Other organizations' and school boards' human rights policies and initiatives.

- 3.7 On October 19, 2021 and November 9, 2021, the Governance and Policy Committee received reports and a draft version of the Human Rights Policy and related procedures for review and discussion before engaging in Phase 2 of community consultations.
Phase 2 Consultations
- 3.8 Phase 2 of the consultation process was launched on November 23, 2021 and was supported by an updated [Phase 2 webpage](#) (with the full draft policy package, simplified summaries of each document, a draft [Student Rights and Responsibilities Information Sheet](#) and draft [How Do I Raise a Human Rights Issue or Complaint? Information Sheet for Students/Families](#)), a [new video](#) and a new survey to invite feedback on each component of the policy package. Information was communicated through the DDSB website, email, social media, school newsletters and public meetings.
- 3.9 Information about the policy and consultation process was also shared with Student Senate, students, employees, families, Board Committees (Special Education Advisory Committee, Parent Involvement Committee and Equity and Diversity Committee), union/federation/association partners, affinity groups and community groups, partners and advocates. 18 consultation meetings were conducted.
- 3.10 In addition, a virtual public "open house" information session was held on December 13, 2021 to provide an overview of the policy package, share information about the consultation process, answer questions and invite feedback. 55 people registered for the session and 26 people attended.
- 3.11 The policy package was also shared with Human Rights and Equity Advisors in other districts for input.

Feedback from the Consultation Process

- 3.12 All feedback was carefully considered and incorporated, where appropriate. The main feedback themes were:
- General support for the policy, approach and procedures, including the focus on proactive prevention, clear processes/steps, transparency and accountability;
 - Procedural questions or clarifications about the human rights complaints process (for example, related to confidentiality, reprisal, consequences for substantiated findings of discrimination and oversight);

- Suggestions to support (and questions about) roll out (for example, related to summaries, flow charts, guidelines/implementation guides, and differentiated training/professional development for staff at all levels across the system to help put the policy and procedures into practice);
- Requests to include more detailed information in procedures to carry out responsibilities; and
- Concerns about the volume and length of materials, and suggestions to streamline content, provide examples and simplify language to make the documents more “user friendly” and to enhance accessibility.

Survey Results

- 3.13 The survey responses are provided as Appendix G. Participation in the second survey was lower than the first survey. However, a key element of informing the policy and procedures was through specific consultation with groups who are most directly impacted by systemic discrimination. Their voices, experiences and perspectives, and desire for change, were instrumental in the writing of the policy and procedures.
- 3.14 Based on the consultation feedback, there were no substantive changes made to the main concepts or the proposed structures and processes outlined in the draft policy package. However, several adjustments were made to attempt to balance and respond to feedback about simplifying content while also including sufficient details. Additional detailed content and examples will be incorporated into upcoming guidelines for students, families and employees and into plans for professional learning.

Revised Draft Policy Package

- 3.15 The revised draft policy and procedures are attached for the Governance and Policy Committee’s review and feedback prior to it moving forward to the Standing Committee of the Board.

4.0 Analysis

The draft policy and procedures:

- Align with legal obligations under the Human Rights Code and other legislation;
- Reflect the input and voices of DDSB community members;
- Support proactive approaches to:
 - Uphold human rights for all DDSB community members; and
 - Identify, prevent and address discrimination and discriminatory barriers in DDSB services, employment and learning and working environments;
- Outline individual and organizational human rights roles and responsibilities and how they apply in employees’ day-to-day work and decision making; and
- Support an organizational culture of human rights 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

The draft policy and procedures 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 Proposed timelines are as follows:

DATE	ACTION
Nov 23, 2021	Launched Phase 2 of community consultations
Jan 2022	Revised and finalized draft policy package based on feedback
Jan 24, 2022	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 products and implementation guides to support the launch of the policies, upon approval.

8.0 Conclusion and/or Recommendations

This report 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 – Revised Draft Human Rights, Anti-Discrimination and Anti-Racism Policy (For Board Consideration)

Appendix B – Revised Draft Human Rights, Anti-Discrimination and Anti-Racism Procedure (For Information)

Appendix C – Revised Draft Human Rights Inclusive Design and Accommodation Procedure (For Information)

Appendix D – Revised Draft Student/Family Human Rights Issue, Incident and Complaint Resolution Procedure (For Information)

Appendix E – Revised Draft Human Rights Roles, Responsibilities and Accountability Framework (Procedure) (For Information)

Appendix F – Tracked changes versions of the draft policy and procedures (For Information)

Appendix G – Policy Consultation Survey Results (Phase 1 and Phase 2) (For Information)

Report reviewed and submitted by:



Norah Marsh, Director of Education and Secretary to the Board



Patrick Cotter, General Counsel



Devika Mathur, Human Rights and Equity Advisor



POLICY

STUDENTS, EMPLOYEES AND COMMUNITY

DRAFT Human Rights, Anti-Discrimination and Anti-Racism

1.0 Rationale

1.0

- 1.1 The Durham District School Board (“DDSB”) adopts this policy to protect, uphold and promote human rights and to proactively prevent discrimination and discriminatory barriers in all DDSB learning and working environments. Protecting, upholding and promoting human rights are necessary to create and foster a culture of care where students and employees can thrive and have a sense of safety, well-being, mattering, engagement and belonging.
- 1.2 Key human rights and equity terms used in this policy are defined in Appendix A: Glossary of Terms.
- 1.3 The DDSB’s Indigenous Education Policy acknowledges the distinct rights of Indigenous Peoples. Indigenous Peoples may elect to pursue any right or remedy under this policy and related procedures or under the Indigenous Education Policy and procedures, as they may deem appropriate in any given circumstance.
- 1.4 Systemic discrimination and racism are pervasive and deeply entrenched and operate in society, institutions, structures, policies and standards, including in educational institutions and the DDSB. They stem from the effects of:
 - a) Discriminatory and racist ideologies, systems, cultures and the structural dominance of white supremacy, sexism, ableism, heteronormativity, cisnormativity/cisgenderism, cissexism, faithism and classism; and
 - b) Historical and ongoing colonialism, systemic discrimination and oppression, including but not limited to the legacies and ongoing intergenerational effects of residential schools, enslavement and discriminatory structures, policies and practices against people based on ancestry, race, disability, sex, sexual orientation, gender identity, gender expression, creed, age, other Human Rights Code prohibited grounds, combination of grounds and socioeconomic status.
- 1.5 In addition, discrimination and racism cause harm to students, families, employees and communities and can have serious negative consequences, including:
 - a) Creating unique, compounding and intersecting forms of oppression, marginalization and discrimination against, and discriminatory barriers, experiences and outcomes for, people with stigmatized and minoritized identities;
 - b) Negatively affecting physical, emotional, psychological and spiritual safety, mental health and well-being, achievement and success;
 - c) Inappropriately centering dominant narratives, identities, beliefs and ideologies including white supremacy and racist, ableist, sexist, gendered, heteronormative, cisnormative, cissexist, faithist and classist assumptions, stereotypes, beliefs, narratives and language;

d) Upholding and perpetuating:

- Inaccurate information, biases, attitudes, stereotypes, deficit ideologies, low expectations and stigmatization based on identities; and
- Negative depictions of the histories, accomplishments, strengths, abilities, and identities of Indigenous Peoples, Black peoples, racialized peoples, people with disabilities, people who identify as members of 2SLGBTQI communities, people who are members of religious/faith communities that are discriminated against, marginalized and minoritized, and other groups protected by the Human Rights Code;

e) Erasing, suppressing or diminishing many students' and employees' identities, voices, knowledge, culture and experiences; and

f) Creating, maintaining and/or imposing discriminatory structures, barriers, inequities, disparities and disproportionate educational, employment/career, social and other opportunities, experiences, processes and outcomes.

1.5 Therefore, in adopting this policy, the DDSB confirms its commitment and responsibility to:

- a) Understand and combat the impacts of historical and ongoing discrimination and discriminatory ideologies, including white supremacy, racism, xenophobia, patriarchy, sexism, ableism, heteronormativity, homophobia, cishnormativity/cisgenderism, cissexism, biphobia, transphobia, faithism, ageism and classism;
- b) Identify, prevent and address discrimination and racism in DDSB services and employment; and
- c) Provide learning and working environments that centre human rights and equity and that are safe, welcoming, respectful, equitable, inclusive, accessible and free from all forms of discrimination, racism, oppression and harm.

2.0 Policy Objectives

2.0

2.1 The key objectives of this policy are to:

- a) Establish a proactive human rights, anti-discrimination, anti-oppression and anti-racism framework and approach to education and employment that centres the work of the DDSB and promotes individual and organizational responsibilities and accountability;
- b) Embed human rights, anti-oppression, anti-discrimination, anti-racism, Universal Design for Learning(UDL), culturally relevant and responsive pedagogy (CRRP), inclusive design and accessibility principles, approaches and actions in all aspects of services, employment and learning and working environments;
- c) Foster and sustain a culture that recognizes and respects the dignity and worth of all DDSB community members and where DDSB community members have equal rights and opportunities, are welcome and included, are treated with dignity and respect and can fully participate in DDSB services and employment, without discrimination;
- d) Intentionally address anti-Indigenous racism, anti-Black racism, anti-Asian racism, anti-Latin American racism, all other forms of racism, Islamophobia/anti-Muslim hate, antisemitism, other forms of religious discrimination, ableism, homophobia, biphobia, transphobia, and all other forms of discrimination and hate in DDSB learning and working environments;

- e) Centre student voices and experiences, particularly students who are most impacted by historical and ongoing systemic discrimination, racism and oppression;
- f) Foster meaningful engagement with diverse student, employee and community groups on initiatives that affect them (“nothing for/about us without us”);
- g) Value, affirm and reflect students’, families’, employees’ and communities’ diverse identities, family structures, lived realities and experiences, perspectives, strengths, abilities, talents, skills, cultures, histories and achievements, and honour and support the expression of their identities;
- h) Provide caring and safe learning and working environments that respect and protect human rights, that promote high expectations and achievement and that remove barriers to success;
- i) Support the duty to accommodate Human Rights Code related needs to the point of undue hardship, in a manner that recognizes and respects individual identities, strengths, abilities and needs and that maximizes inclusion, integration, participation and independence;
- j) Support accessible, safe, fair and effective human rights issue and complaint resolution processes;
- k) Better align DDSB policy and District procedures with applicable legislation including the Canadian Charter of Rights and Freedoms, Ontario Human Rights Code, Accessibility for Ontarians with Disabilities Act, Anti-Racism Act, Employment Standards Act, Occupational Health and Safety Act, and the Education Act; and
- l) Adopt a human rights policy that is consistent with:
 - Key principles as found in the United Nations Declaration on the Rights of Indigenous Peoples and the Truth and Reconciliation Commission of Canada’s Calls to Action;
 - The Child, Youth and Family Services Act (CYFSA) which built upon the principles expressed in the United Nations Convention on the Rights of the Child and which incorporated many elements of Katelynn’s Principle; and
 - The Universal Declaration of Human Rights, the United Nations Proclamation of the International Decade for People of African Descent (2015-2024), the United Nations Convention on the Rights of People with Disabilities, the Yogyakarta Principles, and other United Nations documents and instruments that reference requirements to prevent all forms of discrimination in education and employment.

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

3.0 Policy

Application and Scope

- 3.1 This policy is for the benefit of all DDSB community members in all DDSB learning and working environments.
- *DDSB community members* are employees, students, parents/guardians, families permit holders, vendors, service providers, authorized visitors and any other person while lawfully within DDSB learning and working environments or spaces.
 - *DDSB learning and working environments* include virtual and in-person meetings, events and activities including those that take place outside of usual learning and working spaces and environments, or outside of usual learning and working hours, when the activity is sufficiently connected to DDSB learning environments or the workplace (e.g., conferences, training events, school trips, extracurricular events).
- 3.2 All DDSB community members have the right to be treated with dignity and respect and to DDSB services, employment and learning and working environments that are free from discrimination.
- 3.3 All DDSB policies and procedures shall be interpreted and applied in a manner consistent with the terms of this policy in order to prevent discriminatory structures, barriers, experiences and outcomes. To the extent that the terms of any DDSB policy or procedure contradict the terms of this policy, the terms of this policy shall govern.
- 3.4 All DDSB processes, programs, practices and initiatives shall comply with and shall be consistent with this policy.

A. Human Rights Code

Prohibited Grounds of Discrimination

- 3.5 This policy prohibits discrimination and harassment by DDSB community members in the delivery of services, in employment and in DDSB learning and working environments based on the following prohibited grounds under the Human Rights Code:
- Age
 - Ancestry (includes Indigenous ancestry)
 - Citizenship
 - Colour
 - Creed (religion, includes Indigenous spiritual practices)
 - Disability (includes mental, physical, developmental and learning disabilities and addictions)
 - Ethnic origin
 - Family status [being in a parent-child or equivalent relationship (includes childcare and elder care responsibilities)]
 - Gender identity (which may be the same or different from a person's birth assigned sex)
 - Gender expression (how a person publicly presents their gender)
 - Marital status [the status of being married, single, widowed, divorced or separated and includes the status of living with a person in a conjugal relationship outside of marriage (that is, in a "common-law relationship")]
 - Place of origin
 - Race
 - Receipt of public assistance (in housing only)

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

Policy Violations

- 3.12 DDSB community members shall not engage in discrimination related to a prohibited ground(s) against any DDSB community member in DDSB learning or working environments. In this regard, the following conduct (refer to Appendix A for definitions) is unacceptable and prohibited:

- a) Any form of discrimination;
- b) Harassment, bullying and cyberbullying;
- c) Sexual harassment or sexual solicitation;
- d) Hate activity, including hate incidents, hate speech and hate crimes;
- e) Creating or contributing to a poisoned learning or working environment;
- f) Condoning or failing to address or prevent potential discrimination;
- g) Interfering with an investigation under this policy or related procedures;
- h) Failing to address the duty to accommodate Human Rights Code related needs to the point of undue hardship
- i) Failing to meet their Duty Bearer responsibilities (as set out below)
- j) Reprisal or threat of reprisal;
- k) Breaching the confidentiality provisions of this policy; and
- l) Bad faith complaints.

Discriminatory Effect/Impact

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

Consequences for Policy Violations

- 3.14 The Human Rights Code and this policy are not punitive. It is anticipated that consequences for policy violations will typically engage corrective and remedial measures to prevent recurrences and to support learning. While specifics as to consequences are operational and are left to the Director of Education and designates to address in procedures, protocols and practices, responses to policy violations may include a range of corrective, remedial, responsive, and restorative measures but may also include disciplinary actions, up to and including termination of employment (for employees) or expulsion (for students), subject to the principles of progressive discipline.

Potential Competing Rights

- 3.15 In situations where a person or a group's rights may conflict with another's, the Director of Education or designates shall respect the importance of all rights, collaboratively explore options and solutions to address potential conflicting or competing rights and maximize rights for everyone in accordance with the Ontario Human Rights Commission's *Policy on Competing Human Rights*.

Right to Pursue Other Avenues

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

Confidentiality

- 3.17 Except as may be permitted or required by law, the confidentiality and privacy of personal information related to human rights issues, complaints and accommodation requests shall be maintained.

B. Duty Bearer Responsibilities

- 3.18 All DDSB employees are responsible for upholding the Human Rights Code, this policy and any related procedures and are referenced in this policy as “Duty Bearers”. Under this policy, reference to the term employee or Duty Bearer shall include permanent, temporary, casual and contract staff, volunteers, university and college students on placement, interns and any other persons included in the definition of “worker” under the Occupational Health and Safety Act.

- 3.19 All Duty Bearers shall, as appropriate to their role and within the scope of their authority and influence, contribute to and support safe, welcoming, equitable, respectful, accessible and inclusive environments in the DDSB free from Human Rights Code-related discrimination, racism, oppression, harassment and harm. Duty Bearers shall:

- a) **Promote and protect** human rights and provide DDSB community members with information about their rights and responsibilities;
- b) **Identify, prevent and address** human rights barriers and discriminatory structures in learning and/or working environments and in all services and operational and employment related procedures, practices, teaching and learning, plans, initiatives and decision making;
- c) **Respond to** and address human rights barriers, issues and accommodation requests under the Human Rights Code for DDSB community members;
- d) **Learn** about this policy and related procedures to apply human rights, anti-discrimination and anti-racism principles in their jobs/roles, decision-making and interactions with DDSB community members; and
- e) **Correct** and address human rights issues, incidents and complaints.

- 3.20 Further, Duty Bearers shall:

- a) Create and maintain learning and working environments that welcome, expect, include and value all students, parents/guardians and family structures, employees and community members, and respect, affirm and support the expression of diverse identities based on all Human Rights Code grounds and intersections of grounds;
- a) Contribute to shared organizational roles, responsibilities and accountabilities for upholding human rights and preventing discrimination and racism;
- b) Adopt (and/or strengthen) and apply human rights, anti-oppressive, anti-discriminatory, anti-racist, inclusive and culturally relevant principles and practices to services, service delivery and employment;
- c) Engage in and promote decision making and actions that:
 - Uphold the rights of the child/student and the rights of employees;
 - Are in the best interests of the child/student;

- Are asset-based;
 - Are not discriminatory; and
 - Do not cause or perpetuate harm;
- d) Not treat any community member differently because of biases, assumptions, prejudices, stigmatization or stereotypes associated with a Human Rights Code-related ground or combination of grounds and classism; and
- e) When making decisions that affect a student's right to education or an employee's right to employment without discrimination, to:
- Identify, disrupt and address discriminatory structures, policies, practices, rules and ideologies, including white supremacy, racism, ableism, sexism, heteronormativity, cisnormativity/cisgenderism, cissexism, faithism, ageism and classism; and
 - Consider and address systemic, individual and intersectional factors and unique barriers and needs for Indigenous Peoples, Black peoples, racialized peoples, people with disabilities, women/girls, people who identify as members of 2SLGBTQI communities, people who identify as members of groups that are discriminated against, marginalized and minoritized based on creed/religion and other all Human Rights Code grounds, and classism.

3.21 The Director of Education may define and clarify additional Duty Bearer responsibilities in procedures implementing this policy.

Board of Trustees

3.22 While not within the definition of a Duty Bearer, the Board of Trustees, in fulfillment of its policy-making and statutory functions will:

- a) Apply the objectives of this policy when fulfilling Board responsibilities, processes and committee work, including with respect to student achievement and well-being, safe and inclusive school climates, and effective and appropriate education programs for students; and
- b) Promote and protect students' right to education free from discrimination, address barriers to equitable access and participation, and support equitable opportunities, experiences and outcomes for all students.

C. Policy Framework

3.23 The Director of Education and designates shall implement this policy in procedures, protocols and/or practices that will:

- a) Focus on intentional anti-discrimination and anti-racist approaches and actions, including but not limited to reflecting on, analyzing, challenging and disrupting positionality, systems of privilege and power, and discriminatory biases, assumptions, ideologies, structures and barriers that are inconsistent with legislation and this policy's objectives and commitments;
- b) Build and/or enhance relationships between the District and communities that are discriminated against, marginalized and minoritized based on Human Rights Code grounds (or combination of grounds) as set out in this policy;

- c) Engage with appropriate District communities to support the successful and co-operative implementation of this policy, including identifying potentially discriminatory structures, barriers and trends, and differential and disproportionate experiences, opportunities, access and outcomes;
- d) Apply, integrate and embed human rights, anti-discrimination, anti-racism, inclusive design, UDL, CRRP and accessibility principles, approaches and actions to:
 - Support decision making that upholds human rights across all system areas/portfolios, services, employment and learning and working environments;
 - Proactively identify, prevent and address discriminatory structures and barriers for (and related needs of) students and employees based on all Human Rights Code grounds, intersecting grounds and classism to make services, employment and learning and working environments more inclusive and accessible for everyone; and
 - All recommendations to the Board of Trustees;
- e) Provide learning opportunities for students and integrate content that enhances understanding, respect and appreciation for multiple social identities, including the diverse identities, voices, stories, cultures, histories, experiences and perspectives of the communities the District serves and of Ontario;
- f) Teach students complete and accurate histories and narratives including:
 - The impacts of colonialism, oppression and historical and ongoing systemic discrimination; and
 - Examples of resistance to discrimination and stories of agency, excellence and joy; this includes and is not limited to:
 - Promoting historical and contemporary successes and accomplishments of Indigenous Peoples, Black peoples, racialized people, women, people with disabilities, people who identify as members of 2SLGBTQI communities, people who practice various creeds/religions, etc. and people with intersecting identities;
 - Recognizing their valuable contributions throughout the year (and not only during days/months of significance); and
 - Embedding these into practice, without appropriation;
- g) Provide resources and materials that challenge racism, sexism, ableism, homophobia, biphobia, transphobia, faithism and all forms of discrimination;
- h) Remove resources that contribute to or perpetuate discriminatory biases, assumptions, stereotypes and/or harm;
- i) Address the unique strengths and needs of, and barriers for, newcomers, undocumented students, English language learners and children and youth in care;
- j) Promote global competencies, social justice, human rights and responsible citizenship, including respect for the environment;

- k) Promote anti-discrimination, anti-racism, anti-ableism, anti-homophobia, anti-biphobia, anti-transphobia, anti-faithism, and anti-classism;
- l) Affirm and reflect all identities in DDSB spaces and displays (e.g., posters, visual displays, content, etc.);
- m) Have libraries with books and other resources that reflect diverse identities, authors, perspectives and lived experiences;
- n) Foster the use of inclusive pronouns, language, and activities;
- o) Improve transparency and accountability in addressing Human Rights Code related accommodations requests or needs to the point of undue hardship;
- p) Provide for dispute resolution processes for Human Rights Code issues, incidents and complaints;
- q) Establish an accountability framework that further outlines Duty Bearers' roles and responsibilities and system requirements to support an accountable human rights organization;
- r) Conduct research and collect quantitative and qualitative data as to the issues addressed by this policy and the impact of this policy, and engage and consult with DDSB communities to analyze the data using anti-discrimination, anti-racism and intersectional principles and approaches; and
- s) Evaluate and publicly report on the effectiveness of this policy in achieving this policy's objectives.

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

3.25 The Director and/or designates shall:

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

D. Communications

3.26 This policy and any related procedures shall be posted on the Board's website together with any supporting resources, guidelines or explanatory aides.

3.27 The Director and/or designates shall implement a communications plan to:

- a) Promote human rights and this policy;
- b) Raise awareness among DDSB community members about their rights and responsibilities under this policy and related procedures;
- c) Invite community consultation and engagement on human rights related initiatives; and

- d) Publicly report on the implementation and effectiveness of this policy and related procedures in achieving the objectives of this policy.

4.0 Evaluation

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

5.0 Reference Documents

5.1 Policies

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

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

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

Appendix:

Appendix A: Glossary of Key Terms

Effective Date:

YYYY-MM-DD

Reviewed and Amended:

YYYY-MM-DD

Reviewed without Amendment:

YYYY-MM-DD

Draft Human Rights, Anti-Discrimination and Anti-Racism Policy**DRAFT Glossary of Terms**

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

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

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

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

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

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

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

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

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

Anti-Indigenous racism: discrimination, racism negative stereotyping, and injustice experienced by Indigenous Peoples. It includes ideas and practices that establish, maintain and perpetuate power imbalances, systemic barriers, and inequitable outcomes that stem from the legacy of colonial policies and practices.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

District: the corporate entity of the DDSB

Duty bearer: employees who are responsible for promoting, protecting and upholding human rights and preventing and addressing discrimination in DDSB services, employment and learning and working environments. Duty bearer responsibilities are outlined in the Human Rights Policy and procedures.

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

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

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

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

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

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

"Ought reasonably to be known" includes:

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

Hate activity: a hate crime or a hate incident.

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

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

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

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

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

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

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

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

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

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

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

Learning environment: any space, premise, location or thing at, upon, or in which a DDSB student or community member learns or engages in activities connected to the learning environment (e.g., parent engagement/parent council activity etc.). This includes virtual/online environments. Conduct that has consequences for the learning environment, regardless of where it occurs, may be considered to have occurred in a learning environment (e.g., schools and school-related activities, such as extra-curricular activities and excursions).

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

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

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

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

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

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

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

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

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

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

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

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

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

Reporter: anyone who makes a complaint under the Student/Family Human Rights Issue, Incident and Complaint Resolution Procedure alleging that discrimination under the Human Rights Policy has occurred.

Reprisal: penalizing or threatening to penalize a person for attempting to enforce their rights under the Human Rights Code and/or the Human Rights Policy or procedures (e.g., raising an issue or reporting an incident, filing a complaint, requesting accommodation, raising a concern about an issue, incident, or accommodation process or outcome, raising a complaint to the Human Rights Tribunal of Ontario or to another external body to assert their rights, or supporting someone in any of these activities), or for participating in the resolution of an issue or in an investigation of a complaint (e.g., students or employees who are parties or witnesses to discrimination or harassment).

Reprisal is unacceptable and will not be condoned. Reprisal may be subject to a complaint under this policy and related procedures, and may result in disciplinary measures, up to and including termination of employment. Reprisal does not include taking appropriate corrective and disciplinary action to address substantiated violations of the policy.

Respondent: anyone who has a complaint made against them under the Human Rights Policy or procedures.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Yogyakarta Principles: a set of principles on the application of international human rights law in relation to sexual orientation, gender identity, gender expression and sex characteristics.

Sources:

- Addressing Anti-Asian Racism: A Resource for Educators (Toronto District School Board and the Elementary Teacher's Federation of Ontario)
- Anti-Racism Directorate's Anti-Racism Strategy and Data Standards for the Identification Monitoring of Systemic Racism
- DDSB's Indigenous Education Policy
- Ontario Human Rights Commission's policies and guidelines
- Ontario's Education Equity Plan
- The 519 Glossary of Terms
- Toronto District School Board's Human Rights Policy and Equity Policy

PROCEDURE

EMPLOYEES

DRAFT Human Rights, Anti-Discrimination and Anti-Racism

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

1.0 Objective

- 1.1 The objective of this procedure is to implement the Human Rights, Anti-Discrimination and Anti-Racism Policy (the “Human Rights Policy”), with a focus on proactive actions to promote, protect and uphold human rights and to identify, prevent and address all forms of discrimination and racism in the District’s services, employment, and learning and working environments.
- 1.2 This procedure shall be read together with the Human Rights Policy and the Human Rights Roles, Responsibilities and Accountability Framework (the “Accountability Framework”) adopted under the Human Rights Policy. The policy and Accountability Framework define Duty Bearer responsibilities for all DDSB employees to uphold the objectives and requirements of the policy.

2.0 Definitions

- 2.1 Key human rights and equity terms used in this procedure are defined in Appendix A (Glossary of Terms) of the Human Rights Policy.

3.0 Procedure

- 3.1 This procedure applies to the benefit of all students, employees and District community members and to all Human Rights Code related grounds (and intersection of grounds) as set out in the Human Rights Policy.
- 3.2 All organizational practices and decision making will comply with this procedure and uphold the strategic direction of the Human Rights Policy.
- 3.3 The successful implementation of this procedure requires ongoing collaboration and engagement with the District’s communities, including internal departments, employee groups/federations and community partners. Student, employee and community voice and engagement is critical to help the District identify, address and prevent discriminatory behaviours, barriers, actions, experiences and outcomes. The District will endeavor to appropriately engage students, employees and communities on initiatives that affect them (“nothing for/about us without us”).
- 3.4 It is recognized that students, employees and other community members may be at different stages of awareness and understanding of the impacts of various forms of oppression, discrimination and racism and underlying ideologies, and that this learning may take time. In addition, some elements of the procedure require system changes that may also require time to develop and implement.

- 3.5 However, the Human Rights Policy recognizes the ongoing impacts and harm caused by discriminatory structures, policies and practices that deeply affect students, employees and communities, and that prompt action is required to address those impacts and to prevent further or ongoing harm.

Action Plans

- 3.6 Each school and system department shall consult with their Family of Schools Superintendent or the Associate Director of Corporate Services, as the case may be, to develop and implement an action plan to meet the objectives of this Human Rights Policy and this procedure. For schools, action plans may be integrated within school learning plans. Action plans shall be reviewed and updated as appropriate and at least on an annual basis.
- 3.7 Action plans shall be based on a critical examination of processes, practices and relevant data to identify and address discriminatory barriers, experiences, processes, impacts and/or outcomes. Action plans shall also outline how the school or system department will apply the requirements of the Human Rights Policy and the related procedures, including the Accountability Framework, to school/system department activities and decisions, including proactively preventing discrimination.
- 3.8 All employees (within the scope of their job duties, role, authority, influence and responsibilities and where applicable) shall embed human rights, anti-discrimination, anti-racism and accessibility principles into their work and will be informed by, apply and/or implement the requirements of:
- a) The DDSB's Accessibility Plan [insert link];
 - b) Universal Design for Learning (UDL), inclusive design, and differentiated instruction, assessment and evaluation;
 - c) The Equity Continuum: Action for Critical Transformation in Schools and Classrooms [insert link];
 - d) Culturally Relevant and Responsive Pedagogy (CRRP) and critically conscious practitioner inquiries [insert links]; and
 - e) The Compendium of Action for Black Student Success [insert link].

Accessibility

- 3.9 Employees shall, within the scope of their responsibilities, incorporate and apply accessibility principles to:
- a) Comply with the Accessibility for Ontarians with Disabilities Act accessibility standards for customer service, employment, transportation, public spaces and information and communications; and
 - b) Address barriers and support accessibility and quality participation for students, employees and community members with disabilities.

Universal Design for Learning (UDL)

- 3.10 Employees shall, within the scope of their responsibilities, apply UDL principles in their work and interactions that involve or affect students. UDL emphasizes equal participation and recognizes that all students have individual identities, abilities, strengths and needs. UDL involves:
- a) Developing flexible ways to learn and providing students with choice;
 - b) Creating an engaging classroom and school environment;
 - c) Maintaining high expectations for all students while allowing multiple ways to meet expectations;
 - d) Empowering educators to think differently about their own teaching;

- e) Focusing on educational outcomes for all;
- f) Designing classroom experiences that meet and adjust to the requirements of all students;
- g) Flexible and multiple forms of assessments and evaluations that recognize individual progress and provide a variety of methodologies for students to demonstrate their learning; and
- h) Offering multiple means of:
 - Representation to give learners various ways of acquiring information and knowledge;
 - Formative assessments prior to summative evaluations; and
 - Engagement to tap into learner's interests, challenge them appropriately and motivate them to learn.

Inclusive Design

3.11 Employees shall, within the scope of their responsibilities, apply inclusive design principles to their work. Inclusive design:

- a) Emphasizes inclusion, accessibility, barrier-free environments and equal participation of individuals and groups with diverse identities and varying levels of ability; and
- b) Requires those who develop or revise programs, procedures, standards, requirements and facilities to proactively:
 - Design with everyone in mind to include people and groups with diverse identities and to be aware of differences among individuals and groups;
 - Identify and prevent barriers to inclusion and to maximize a person's ability to independently access and participate in services and employment without discrimination; this means:
 - Identifying and preventing barriers and adjusting structures and assumptions that may otherwise exclude people based on Human Rights Code related identities; and
 - Developing equitable standards or requirements.

The District's Inclusive Design Lens [[insert link](#)] provides further guidance on six threads of inclusive design.

Individual Reflection and Action

3.12 All District employees are expected to:

- a) Develop/enhance their understanding of (and commit to ongoing learning and reflection about) human rights, anti-discrimination and anti-racism, including how privilege, positionality, power, oppression and dominant narratives and discriminatory ideologies (including and not limited to white supremacy, racism, ableism, sexism, heteronormativity, cisnormativity, faithism, classism, etc.) can:
 - Shape and inform assumptions and beliefs, and affect structures, policies, practices, decision making and actions;
 - Operate in District services, employment and learning and working environments;
 - Perpetuate discrimination, marginalization and harm; and
 - Result in barriers and inequitable access, experiences and outcomes for students, employees and communities;
- b) Critically reflect, analyze and challenge their own privilege, positionality and actions and existing structures that are based on colonial, oppressive and discriminatory ideologies that negatively and disproportionately affect students, employees and community members based on Human Rights Code grounds and combination of grounds and:

- Consider how their decisions and actions affect communities/groups that are discriminated against, marginalized and minoritized, including and not limited to newcomers, English language learners, undocumented children, children and youth in care;
 - Act to prevent and not perpetuate discrimination and harm; and
 - Apply human rights and anti-discrimination principles to all decisions, interactions and actions; and
- c) Always consider and uphold the rights of the child/student and the best interests of the child/student in decision making and check that they are not relying upon discriminatory biases, stereotypes, assumptions and attitudes/beliefs about the child/student, their family/caregiver or community. In doing so, they should, as they deem appropriate:
- Consult with the child/student and their family/caregiver; and
 - Consult with their supervisor, who may engage with District resources and subject matter expertise (e.g., Indigenous Education, Equity and Inclusive Education, Inclusive Student Services, Mental Health and Well-Being, Positive School Climates, affinity networks, community members, etc.);
- d) Consider, reflect and respond to students' diverse and intersecting identities, abilities, strengths and needs;
- e) Support learning environments that are intentionally and meaningfully inclusive, responsive and authentic for all learners; and
- f) Implement the action plan within the scope of their responsibilities.

Classrooms, Schools and Learning Environments

Pedagogy, Teaching/Instructional Practices and Resources

3.13 Educators are to apply the principles of the Human Rights Policy and this procedure in , , pedagogical and teaching/instructional approaches and practices, educational program delivery, learning materials (including books, videos, etc.), teaching/lesson plans and resources. This means that educators are to:

- a) Work to build appropriate and supportive relationships with students and parents/guardians/families to better understand their identities and perspectives;
- b) Thoughtfully and respectfully:
 - Centre students in instruction so that all students feel visible, heard, valued, and know that they matter and belong;
 - Reflect, lift up, represent and positively promote students' identities and voices; and
 - Affirm and foster the expression of students' diverse felt, lived and intersecting identities based on ancestry, race, disability, sexual orientation, gender identity, gender expression, creed/religion, and all other Human Rights Code grounds and intersection of grounds;
- c) Provide appropriate learning opportunities and integrate content that enhances understanding, respect and appreciation for multiple and intersecting social identities, including the diverse identities, voices, stories, cultures, histories, experiences and perspectives of the communities the District serves and of Ontario;
- d) Teach complete and accurate histories and narratives in accordance with District protocols and relevant procedures, including:
 - The impacts of colonialism, oppression and historical and ongoing systemic discrimination; and
 - Examples of resistance to discrimination and stories of agency, excellence and joy; this includes and is not limited to:

- Promoting historical and contemporary successes and accomplishments of Indigenous peoples, Black peoples, racialized people, women, people with disabilities, people who identify as members of 2SLGBTQI communities, people who practice various creeds/religions, etc. and people with intersecting identities;
 - Recognizing their valuable contributions throughout the year (and not only during days/months of significance);
 - Embedding these into respectful practice, without appropriation;
- e) In consultation with system leads (as required):
- Provide resources and materials that challenge racism, sexism, ableism, homophobia, transphobia, faithism and all forms of discrimination;
 - Remove resources that contribute to or perpetuate discriminatory biases, assumptions, stereotypes and harm
- f) Promote global competencies, social justice, human rights, anti-discrimination, anti-racism and responsible citizenship, including respecting and protecting the environment.

3.14 Section 3.13 requires educators to:

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

Learning Environments, Activities and Events

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

- a) Promoting anti-racism, anti-ableism, anti-sexism, anti-homophobia, anti-biphobia, anti-transphobia and anti-faithism;
- b) Affirming and reflecting all identities in classroom and school environments and displays (e.g., posters, visual displays, content, etc.);
- c) Maintaining libraries with books and other resources that reflect diverse identities, authors, perspectives and lived experiences, in accordance with guidance from system leads;
- d) Using gender neutral and inclusive pronouns, language, and activities;
- e) Considering and addressing discriminatory experiences, barriers, impacts and outcomes:
 - That prevent students from participating in or accessing class/school practices, events and activities [e.g., opening exercises, schedules, "spirit" days, fundraising events (e.g., pizza days), cafeteria and catering food options and dietary restrictions, spaces to practice faith beliefs, school trips, clubs, affinity groups, extracurricular activities, sports teams, team/school logos and mascots, graduation ceremonies, etc.];
 - For student leadership opportunities and events; and

- When granting awards and scholarships;
- f) Being attentive and sensitive to, and taking appropriate action to address, potential discrimination and harassment against students; and
- g) Supporting student identity-based affinity groups for communities that are discriminated against, marginalized and minoritized.

Guidance, Assessment, Placement, Clinical Practices and Evaluation

3.16 Educators and employees, within the scope of their responsibilities and in consultation with school and system resources and supports and diverse communities, where appropriate, shall:

- a) Analyze structural and individual biases in, and apply human rights, anti-discrimination and anti-racism principles to, guidance, assessment, placement and evaluation theories, practices and decisions (including learning skills assessments and special education and other placement decisions) and appeals processes. These practices and decisions shall:
 - Be asset based and reflect and respond to students' individual strengths, abilities, needs and post-secondary choices;
 - Not be based on biases, assumptions and stereotypes about students based on any Human Rights Code protected ground(s); and
 - Not reflect or be rooted in deficit and discriminatory ideologies (for example, racism, sexism, ableism, homophobia, biphobia, transphobia, faithism and classism);
 - Consider unique barriers for newcomers, undocumented students/families, English language learners and children and youth in care;
- b) Implement culturally relevant, appropriate and responsive clinical practices and student mental health and well-being strategies and resources that:
 - Recognize that school-based and other experiences of discrimination affect mental health and well-being, can cause or trigger identity-based and other trauma and harm, and may impact physical and psychological safety, student engagement and achievement; and
 - Reflect and address the needs of diverse communities and support trauma-aware, trauma-informed and healing-centred approaches, in addition to steps to address and prevent discrimination; and
- c) Review and act on the results of student achievement data and other indicators of student engagement and success to address issues, disparities and disproportionate outcomes.

3.17 Reviewing and acting on the results of student achievement data and other indicators of student engagement and success to address systemic issues, disparities and disproportionate outcomes.

Classroom Management and Discipline

3.18 When addressing classroom management and discipline, educators are to consider and apply fair, equitable, anti-discriminatory and anti-racist principles to formal and informal school and classroom rules, practices, expectations, initiatives, programs and/or decisions related (and not limited) to:

- a) Codes of Conduct, Dress Codes, health and safety standards, attendance and other policies, procedures and practices to address disproportionate experiences and outcomes for Human Rights Code protected groups;
- b) Challenging how behaviour is interpreted based on privilege, power, ideologies, biases, stereotypes and assumptions (e.g., depictions and stereotypes based on race, disability, sexual orientation, gender identity, gender expression, creed/religion, language, appearance/dress and classism; for example, the criminalization of students, the "model minority myth," etc.);

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

School-Community Engagement

- 3.19 All employees, within the scope of their duties and responsibilities, shall apply human rights, anti-racism and anti-discrimination principles to:
- a) Student, parent/guardian and community engagement initiatives and strategies;
 - b) School Community Council activities and events;
 - c) All communications and interactions with students, parents/guardians and community members (for example, office reception, parent/guardian meetings, phone calls, emails and other communications, etc.). This includes using inclusive, non-discriminatory language and approaches and not relying on biases, stereotypes and assumptions about family structures, parenting styles, etc. based on identities.

Freedom of Expression and Upholding Human Rights

- 3.20 While the District recognizes the importance of freedom of thought, belief, opinion and expression under the Canadian Charter of Rights and Freedom, the District has a responsibility to provide learning and working environments free from discrimination and hate/hate speech. Employees must comply with Board policies and procedures, and all DDSB community members shall comply with the Human Rights Policy and Code of Conduct by not engaging in any form of discrimination or hate in DDSB learning and working environments.

Community Engagement and Partnerships

- 3.21 The District recognizes the valuable role that community members play in equitable educational services and employment. Engagement strategies will invite and encourage engagement with the District's diverse communities to support the implementation of elements of this procedure and other human rights related procedures and initiatives.
- 3.22 Employees assigned to Board committees by the Director (as a staff resource) will provide guidance and assistance to the committee Chair or co-Chairs to help integrate human rights, anti-discrimination and anti-racism principles into committee practices and activities.

- 3.23 The Director and designates will apply human rights, anti-discrimination and anti-racism principles to its processes for, selection of and formal and informal agreements with community organizations and groups that work with or in DDSB schools, on DDSB premises or in other DDSB learning and working environments.
- 3.24 The DDSB will not enter into partnerships with community groups and organizations that do not support human rights principles or whose mandates/objectives conflict with the District's values and commitments as set out in the Human Rights Policy and this procedure. This includes community fundraising efforts, donations (e.g., food, clothing and toy drives), community use of schools permits and other partnerships. Wherever possible, the District will partner with community groups and organizations that actively demonstrate their support for human rights, anti-discrimination and anti-racism.
- 3.25 School Community Councils must comply with the Human Rights Policy and procedures within the scope of their mandate, selection processes, responsibilities and activities.

Supporting Schools and Classrooms: Academic Services

- 3.26 The Director of Education and designates shall apply and embed human rights, anti-discrimination and anti-racism principles into, and address barriers in, all aspects of academic services and operations to support employees in fulfilling the requirements and responsibilities outlined in this procedure. This includes and is not limited to:
- a) Educational and operational procedures and protocols as to programs, curriculum, learning materials and resources (including providing guidance on resources);
 - b) Protocols for educator assessment and evaluation and related tools and resources;
 - c) Mental health and well-being programs, services, resources and supports for students;
 - d) Clinical and professional services and supports; and
 - e) Strategies, initiatives and resources to support student success, inclusive student services, outdoor education, English language learners, newcomers, undocumented students/families, children and youth in care, early years, the poverty strategy and positive school climates.
- 3.27 The Director of Education and designates shall also:
- a) Include role specific human rights responsibilities and accountabilities in learning, professional development and leadership opportunities (including but not limited to the New Teacher Induction Program (NTIP), aspiring leaders programs, etc.);
 - b) Support the implementation of the Indigenous Education Policy, the Equity Continuum, UDL, inclusive design, the Accessibility Plan, culturally relevant and responsive pedagogy, differentiated instruction and the Compendium for Black Student Success; and
 - c) Promote and champion human rights, anti-discrimination, anti-oppression and anti-racism through:
 - Consulting, knowledge building, coaching, mentoring and job embedded learning (for example, through critically conscious practitioner inquiries) to challenge positionality, privilege and discriminatory ideologies; and
 - Collaborating with internal and external resources and subject matter expertise (e.g., Indigenous Education, Equity, Inclusive Student Services, Positive School Climates, Human Rights and Equity Advisor, affinity groups, community organizations and partners, etc.).

Supporting Schools and Classrooms: Corporate Services

- 3.28 The Director of Education and designates shall apply and embed human rights, anti-discrimination and anti-racism principles into, and will use workforce, recruitment and student census demographic data to inform decision making in, all aspects of the employment cycle and human resource administration, including:
- a) Recruitment (for example, assessing staffing needs, creating job descriptions, planning and conducting outreach strategies, developing job postings, hiring/selection, onboarding and orientation);
 - b) Employee wellness and retention programs and initiatives (for example, health and safety programs, supports for employees, accommodation and return to work processes and complaints resolution procedures);
 - c) Promotion processes, initiatives and strategies (for example, leadership and professional development opportunities, succession planning, staffing decisions, transfers and promotions);
 - d) Advice on employee issues and employee relations processes and considerations;
 - e) Performance reviews/appraisals, employee learning plans and performance improvement plans
 - f) Corrective and disciplinary processes;
 - g) Exits and termination of employment;
 - h) Employment related tools, resources and supports for employees;
 - i) Training and professional development for human resources staff; and
 - j) All other human resource administration functions.
- 3.29 The Director of Education and designates shall apply and embed human rights, anti-discrimination and anti-racism principles into, and address barriers in, all aspects of corporate services, procedures, practices and protocols, including:
- a) Recommendations to the Board to support the Board of Trustee's decision making on policy and budget;
 - b) Decisions related to resource allocations, including considering equitable resources for:
 - Schools in high priority/low socioeconomic areas to address systemic barriers and imbalances (for example, in school funding formulas, local school fundraising efforts, participation in school activities and events, etc.);
 - Initiatives and professional development that support the objectives of the Human Rights Policy and related procedures (including the Accountability Framework) and other human rights related initiatives; and
 - Financial and business planning, including:
 - Recommendations that include human rights barrier identification, removal and accommodation costs that are appropriately spread as widely as possible throughout the organization; and
 - Ensuring that funding for Indigenous, anti-discrimination, anti-racism and equity initiatives, strategies and resources are appropriately prioritized and applied;
 - c) Business relationships and partnerships, procurement, tendering and vendor selection processes for all business dealings and contracts (for example, food services, catering, community use of schools permits, etc.); this includes and is not limited to:
 - Applying human rights related commitments and requirements in vendor selection criteria;
 - Where appropriate, supporting local businesses:
 - Owned/operated by members of groups that are discriminated against, marginalized and minoritized;
 - Who can support the District in addressing barriers and accommodating diverse student and employee needs; and

- That demonstrate their commitment to human rights, anti-discrimination and anti-racism;
- d) Engaging with appropriate District communities on the design and implementation of projects and initiatives (for example, planning, designing and constructing new builds, school naming, boundary reviews, etc.);
- e) Equitable, accessible and anti-discriminatory services, supports and resources, including but not limited to:
 - The design, construction and renovation of physical spaces (for example, universal/all gender washrooms, options for private physical education change areas, and spaces and/or design elements to support or facilitate accommodation needs such as Indigenous cultural and spiritual practices, special education, creed/religion, breastfeeding/expressing breast milk and other Human Rights Code related needs);
 - Accessible and inclusive student transportation services;
 - Information Technology projects, resources, access, information security, asset management and services (for example, to consider and address barriers for students, employees and community members or that may otherwise impact accommodations and equitable access, including but not limited to chosen names, pronouns and diverse gender markers in databases, electronic forms, related reports, etc.);
 - Health and safety planning and programs;
 - Maintenance, building operations, custodial services and supplies and community use of schools;
 - Interactions with students, parents/guardians and community members in the course of their duties; and
 - All other corporate services functions.

Organizational Culture of Human Rights

- 3.30 To support collaboration, integration and individual and shared organizational roles, responsibilities and accountabilities, the Director of Education and designates will embed and apply human rights, anti-discrimination and anti-racism principles to the design and protocols for implementation of, and to specific initiatives within:
- a) Recommendations to the Board of Trustees about the Multi-Year Strategic Plan;
 - b) Strategic and operational priorities, goals, strategies and initiatives;
 - c) System learning and professional development plans;
 - d) System department and school improvement/learning plans;
 - e) All other service/operational and employment, practices, procedures and decision-making processes; and
 - f) Employee performance appraisals and learning plans.
- 3.31 The Director of Education and designates shall review and update, as necessary, these initiatives, strategies and plans with a focus on:
- a) Specific actions and measures to address the requirements of the Human Rights Policy and procedures, including the Accountability Framework;
 - b) Promoting human rights, anti-discrimination and anti-racism;
 - c) Supporting inclusive design, UDL, accessibility, integration, participation and inclusion; and
 - d) Identifying, preventing and addressing barriers and adverse discriminatory impacts and outcomes.

- 3.32 The Director of Education and designates may implement special initiatives/programs or additional procedures, strategies, plans or actions to address unique and intersecting forms of discrimination against students and employees based on Human Rights Code related ground or combination of grounds. The District will engage and co-create any such programs with communities the District serves and those who are most affected by the program.

Data Collection, Evaluation and Reporting

- 3.33 The Director of Education and designates will develop and implement a human rights evaluation plan that includes:
- a) Administering surveys and/or other research tools to:
 - Collect student and employee Human Rights Code related identity data, including intersectional identity data;
 - Gather information about human rights related experiences;
 - Prioritize the stories and lived experiences of students, employees and communities who are marginalized, minoritized and most impacted by discrimination and racism; and
 - Regularly review and act on changing District and school community demographics;
 - b) Conducting research on trends and promising practices in human rights, equity, anti-oppression, anti-discrimination and anti-racism in education and employment;
 - c) Analyzing disaggregated data and using anti-discriminatory and anti-racist approaches to identify issues, themes/trends, barriers, and disproportionate and intersectional impacts in:
 - Services and student experiences and outcomes, including (among other things): student census and school climate surveys, academic placements, course enrolments, access to programs, achievement and learning skills, well-being, bullying/safety, attendance, Education Quality and Assessment Ontario (EQAO) test scores, credits granted to students, graduation metrics, post-secondary access (i.e., university and college applications and confirmations), accommodations, special education identifications, special education class placements, awards and scholarships, discipline (e.g., suspensions and expulsions), extra and co-curricular engagement, and human rights issues and complaints and resolutions/results;
 - Employment including (among other things): workforce census and employee experience surveys, recruitment, selection, accommodations, workplace conditions and experiences, retention, access to developmental opportunities, volunteer recruitment, promotions, discipline, workforce data, terminations, exits, and human rights issues and complaint and resolutions/results;
 - d) Using the data to inform revisions to (or to develop new) strategies, policies, procedures, professional development, training, tools, resources and accountability measures to address disproportionalities, and may include conducting system or organizational culture reviews;
 - e) Considering additional data, research and other approaches that may be required to identify, assess and address potential barriers and differential or disproportionate experiences and outcomes, or to meet the objectives of the Human Rights Policy and this procedure;
 - f) Developing key performance indicators and evaluating and reporting on the implementation and effectiveness of the Human Rights Policy and its related procedures in achieving their objectives; and
 - g) Consulting with community partners on all aspects of data collection and evaluation, including recommendations on analyzing and addressing trends and findings. This includes engaging Indigenous communities on approaches and perspectives on sources and types of data, data collection, analyses and evaluation.

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

Communications and Information Sharing

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

Review Process

- 3.39 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:
- Data (for example, school climate and well-being survey data, student census/identity survey, workforce census data, complaints data, accommodations data, etc.); and
 - Wide consultation with students, employees, parents/ guardians, School Community Councils and community partners.
- 3.40 The District will share the consultation results with all stakeholders.

4.0 Reference Documents

- 4.1 Policies
- Indigenous Education
 - Consultative Process
 - Equity and Inclusive Education
 - Equitable Recruitment
 - Positive School Climates

- Workplace Harassment Prevention, Workplace Sexual Harassment Prevention and Safe and Respectful Workplace

4.1 Procedures

- Classroom Practices: Teaching and Learning
- Equity and Inclusive Education
- Equitable Recruitment
- Positive School Climates
- Complaints Procedure - Workplace Harassment Prevention, Workplace Sexual Harassment Prevention and Safe and Respectful Workplace

4.2 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
- United Nations Convention on the Rights of the Child
- Charter of Rights and Freedoms
- Ontario Human Rights Code
- Anti-Racism Act
- Accessibility for Ontarians with Disabilities Act
- Occupational Health and Safety Act
- Education Act
- Ontario Human Rights Commission's policies, guidelines, reports and resources
- Anti-Racism Directorate's Anti-Racism Policy, Anti-Racism Strategy and Data Standards for the Identification and Monitoring of Systemic Racism
- The Equity Continuum: Action for Critical Transformation in Schools and Classrooms (Murray and West-Burns, 2011)
- Building Capacity: A Focus on Culturally Responsive and Relevant Pedagogy Through a Critically Conscious Practitioner Inquiry (West-Burns, 2018)

Appendix:

None

Effective Date

YYYY-MM-DD

Amended

YYYY-MM-DD

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 under the Ontario *Human Rights Code* (the “Code”), and to support inclusive design.
- 1.2 This procedure shall be read together with the Human Rights Roles, Responsibilities and Accountability Framework (the “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”).
- 1.3 The District recognizes the unique and distinct rights of Indigenous Peoples (for example, related to Two Spirit identities and the right to freely practice and preserve Indigenous cultural and spiritual practices and traditions). Indigenous Peoples may 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 For students, the duty to accommodate includes providing students with meaningful access to education to the point of undue hardship.
- 1.5 For employees, the duty to accommodate includes not unfairly excluding employees from working where working conditions can be adjusted to meet Code related needs to the point of undue hardship.
- 1.6 The District will meet its procedural and substantive duty to accommodate under the Code to the point of undue hardship. 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 Code ground or combination of grounds or classism, in accordance with the terms of the Human Rights Policy and this procedure.
- 1.7 The duty to accommodate is informed by three key principles: respect for dignity, individualization and integration and full participation.

2.0 Definitions

- 2.1 Key human rights and equity terms used in this procedure are defined in Appendix A (Glossary of Terms) of the Human Rights Policy.

3.0 Procedure

- 3.1 This procedure applies to students, employees and District community members and to all Code related grounds (and intersection of grounds) as set out in the Human Rights Policy. This procedure includes specific inclusive design and accommodation considerations for students and employees based on disability, gender identity, gender expression and creed. The procedure also considers needs related to communication and language barriers, and the unique needs of newcomers, English language learners, undocumented students/families and children and youth in care.
- 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 and related Accountability Framework and procedures.
- 3.3 The successful implementation of this procedure depends upon 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 endeavor to appropriately 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 learning resources and opportunities for professional development for employees to:
 - a) Enhance understanding of inclusive design and the duty to accommodate; and
 - b) Address and prevent potential stigma or actions informed by negative/deficit thinking about students, parents/guardian 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 request information about potential Code related accommodation needs as follows:
 - a) For students: at or during registration, admission, orientation, returning student processes and, as may be appropriate, at parent/guardian-teacher interviews and other relevant activities/events involving students, families and communities, (e.g., field trip permission forms);

- b) For employees: during the recruitment process (e.g., job ads, interviews), onboarding process and, as may be appropriate, at other events/activities involving employees (e.g., training events, conferences, etc.); and
- c) For community members: in communications about District community meetings and events.

Requesting Accommodation

- 3.8 A student (or their parent/guardian) or employee requesting accommodation should identify their Code related needs 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, People and Culture (Human Resource Services) or, for all other accommodation requests, to their manager or supervisor. The manager or supervisor shall consult with People and Culture (Human Resource Services), including to address any potential intersecting needs that may be related to disability.
- 3.11 It is recognized that 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. Staff who receive a request that is not on a completed request form must document it on a request form.

Duty to Inquire

- 3.12 The District recognizes that a student (or their parent/guardian) or an 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, a communication barrier, etc.). Where the District is aware or reasonably ought to be aware that a student or an employee's behaviour or performance may be linked to a Code-protected ground, the District recognizes its duty to inquire regarding any needed accommodation support before making a decision that may adversely affect them.

Confidentiality

- 3.13 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) Store accommodation information in a secure physical and/or cyber location that only authorized designated personnel can access;
- d) Only share information with other District employees, 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 (any electronic sharing of confidential data shall be by way of password protected attachments or secure links); and
- e) Only disclose this information with the student (or parent/guardian) or employee's consent, unless permitted or required in legal proceedings or as required by law.

Roles and Responsibilities in the Accommodation Process

- 3.14 The accommodation process is a shared responsibility and staff are to cooperatively and respectfully engage with the student (or their parent/guardian) or employees (and union representative, where appropriate) to consider individual needs and, where accommodation is required, to collaboratively explore accommodation options and solutions.
- 3.15 A student (or their parent/guardian) or employee requesting accommodation must raise accommodation requests in good faith and shall, to the best of their ability:
 - a) 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 to support disability-related accommodation requests, where necessary;
 - b) Meet bona fide education/academic or employment requirements, once accommodation is provided; and
 - c) Advise the District of any issues or challenges with the accommodation, or of new/changing accommodation needs as soon as possible.
- 3.16 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 in a timely manner;
 - d) Limit requests for information to that which is reasonably related to the nature of the 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) Provide updates to the student (or their parent/guardian) or employee on the status of the accommodation, next steps (where appropriate) and accommodation decision;
 - g) Implement the accommodation solution and, where needed, monitor its ongoing effectiveness; and
 - h) Document accommodation requests and actions taken.

- 3.17 Where the District contracts out work or services to a third-party provider, the District requires that the third party confirms its commitment to fulfilling its obligations under the Code, including the duty to accommodate.

Exploring Accommodation Options

- 3.18 Responsible staff will make every effort to provide any required 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, to the point of undue hardship.
- 3.19 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.
- 3.20 The process used to determine the appropriate accommodation under the Code is important. The process must include the accommodation requestor's input, and the requestor and responsible staff must collaboratively engage in discussions to explore options as to appropriate accommodations under the Code.
- 3.21 Subject to the confidentiality provisions of this procedure, responsible staff may consult with internal resources (e.g., Indigenous Education, Inclusive Student Services, Equity and Inclusive Education, Human Resource Services, Human Rights and Equity Advisor, General Counsel, etc.). With the student (or their parent/guardian) or the employee's consent, responsible staff may also consult with affinity networks and community groups.
- 3.22 Responsible staff may request and obtain additional information about the student or employee's Human Rights Code-related needs, limitations and restrictions to facilitate the accommodation process.
- 3.23 Depending on individual needs, accommodation options may be seen along a continuum. Where there is more than one option, reasonable accommodation is one that maximizes the individual's dignity, integration and participation and responds to their needs and circumstances, to the point of undue hardship.
- 3.24 Responsible staff will also consider 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.
- 3.25 Where accommodation is necessary and yet 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.
- 3.26 Where it is determined that an accommodation is required, responsible staff will notify the student (or their parent/guardian) or employee about the accommodation solution/decision, complete an accommodation plan and implement the accommodation plan.

Accommodation Solutions

- 3.27 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, the use of support services, the use of service animals, alternate technology. In addition, accommodations for students may include modifications or adjustments to curriculum, learning plans, assessment or evaluation timelines, methodologies or formats, or transportation.

Accommodation Plan

- 3.28 The accommodation process and result will be documented in an accommodation plan [template attached] 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;
 - 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);
 - e) Products or services that may be required (e.g., adaptive technology), including dates ordered, acquired and/or 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 may satisfy these requirements.

Monitoring Accommodation and New or Changing Accommodation Needs

- 3.29 Once the accommodation plan has been implemented, responsible staff will monitor to assess if it continues to be appropriate. The accommodation plan must be reviewed when the student or employee's needs or circumstances change impacting the effectiveness of the accommodation. This includes but 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.
- 3.30 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 Decision

- 3.31 Undue hardship is the legal test which sets parameters as to the extent to which an organization must accommodate individuals pursuant to the Code. It is a very high standard.
- 3.32 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.
- 3.33 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 the superintendent responsible for human resource services. Where Human Resource Services is handling an employee's disability-related accommodation request, they will consult with the employee's superintendent or senior manager.
- 3.34 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 organizational learning needs and professional development.
- 3.35 Any accommodation will be documented in the accommodation plan and implemented in accordance with that plan. The accommodation plan shall document if and how undue hardship impacted the nature and extent of the accommodation.

Right to Pursue Other Avenues

- 3.36 This procedure in no way affects students/families' or employees' ability to exercise their rights under other processes established through legislation, Board policy or procedure, contract or collective agreements (e.g., filing an application to the Human Rights Tribunal of Ontario, filing a grievance, etc.).

Protection from Reprisal

- 3.37 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 Code, the Human Rights Policy 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 a complaint or participating as a witness in an issue or complaint resolution process.

- 3.38 Persons who are found to have reprimanded against students, parents/families/guardian or employees are subject to corrective and disciplinary action, up to and including dismissal as outlined in the Human Rights Policy, as well applicable procedures including the Student/Family Human Rights Issue, Incident and Complaint Resolution Procedure [*working title*] and the Complaints Procedure – Workplace Harassment Prevention, Workplace Sexual Harassment Prevention and Safe and Respectful Workplace procedure [*working title*].

Specific Inclusive Design and Accommodation Considerations

- 3.39 In addition to the general accommodation process outlined above, the District recognizes additional and/or unique inclusive design and/or accommodation considerations based on the Code grounds of disability, gender identity, gender expression and creed/religion. Each of these is discussed below.

Disability

- 3.40 The District recognizes:
- a) The broad and evolving definition of disability under the Code and case law;
 - b) Ableism, stigmatization and negative biases, assumptions and stereotypes about people with disabilities;
 - c) Unique accessibility barriers (for example, attitudinal, physical, architectural, information/communication or technological barriers) for people with neurodivergent traits, mental health disabilities, addictions and disabilities that may be “invisible”, episodic, temporary and/or permanent;
 - d) Intersecting discrimination based on disability and another Human Rights Code protected ground(s) (e.g., another type of disability, ancestry, race, sexual orientation, gender identity, gender expression, creed, etc.) and socioeconomic status, which may affect accommodation needs and plans; and
 - e) Individuals may experience disability-related barriers differently (in other words, not everyone with the same type of disability may have the same accommodation needs).
- 3.41 The District is committed to addressing ableism, supporting inclusive and accessible environments, recognizing and affirming individual strengths, abilities and talents, and accommodating individuals with disabilities in accordance with the Code, to the point of undue hardship.

Medical Information for Disability Related Accommodation

- 3.42 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.

- 3.43 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.
- 3.44 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

- 3.46 In addition to accommodation 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 (for example, learning style/needs, nature of supports required and mental health and well-being).
- 3.47 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

Gender Identity and Gender Expression

- 3.48 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, gender expansive and intersex (differences in sex development) students, parents/guardians, employees and community members.

It is noted that 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 and non-binary gender identities and expressions unless otherwise noted.

- 3.49 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.

- 3.50 Trans students and employees may have individualized, specific and evolving needs related to safety and dignity, expressing their gender identity and having their gender identity and expression (and other intersecting Code-based needs) recognized and accommodated (where required), including chosen names/pronouns, confidentiality, inclusive and affirming spaces and activities and transitioning support (where applicable).

Expressing Gender Identity

- 3.51 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. 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.).
- 3.52 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). 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.
- 3.53 Where a trans student or employee seeks accommodations to support their gender identity or gender expression (and any other 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. For some accommodation requests, the District may require additional information to support the accommodation process.

Privacy and Confidentiality

- 3.54 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.
- 3.55 Subject to record keeping and disclosure requirements in the Ontario Student Record (OSR) Guidelines and other legislation, students have a right to privacy. Subject to record keeping requirements and processes described below, and subject to the terms of the Consent for Clinical Services Procedure, 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.
- 3.56 Employees are to 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.

Supporting a Trans Student’s Identity

- 3.57 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.

Names and Pronouns

- 3.58 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.

- 3.59 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

- 3.60 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.

- 3.61 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.
- 3.62 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. Where a trans employee requests that the District recognize a name that differs from the name the person uses with any professional college or regulatory body, the General Counsel is to be consulted.

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.

Parent/Guardian Consent

- 3.63 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.
- 3.64 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 will assess the 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.
- 3.65 Where appropriate, school staff may also refer the student to District or community resources for additional support.
- 3.66 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 in communications and documents that are sent to parents/guardians/families.

Consent for District Clinical Services

- 3.67 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 and/or their parent/guardian in accordance with the terms of the Consent for Clinical Services Procedure.

Washroom and Change Rooms/Facilities

- 3.68 Trans students and employees shall not be discriminated against or harassed for accessing washrooms and change rooms/facilities that do not conflict with their self-identified lived gender identity and shall be accommodated to the point of undue hardship with respect to:
- a) Access and use of washroom and change rooms/facilities that do not conflict with their self-identified lived gender identity; and
 - b) Requests for 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).
- 3.69 Trans students and employees may use one or both gendered washrooms or a private single stall or universal washroom. Where reasonably feasible, schools shall have 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.
- 3.70 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.

Gender Segregated Classes and Activities

- 3.71 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.

Gender Inclusive and Trans Positive Environments

- 3.72 The District recognizes the importance of creating learning and working environments that respect and include diverse gender identities and will:
- a) Affirm and support diverse gender identities (for example, by integrating trans positive content and gender inclusive curriculum, pedagogy, instructional practices, resources, the learning and working environments, activities and events and student identity-based affinity groups); and
 - b) Challenge cisnormativity and promote anti-homophobic, anti-biphobic and anti-transphobic education.

Transitioning at School and Work

- 3.73 Transitioning can be a very difficult and stressful for some trans students and employees because of heightened stress, anxiety, bullying, discrimination and physical and emotional health and safety risks. The District recognizes the important role it plays in creating welcoming schools and workplaces to support transitioning students and employees, where all students and staff are treated with dignity and respect.
- 3.74 Students and employees who are transitioning may require specific/unique and intersecting accommodation needs to safely, respectfully and confidentially transition in District learning and working environments. The District will accommodate transitioning students and employees on an individual case-by-case basis in accordance with the Code.

Creed/Religion

- 3.75 The District recognizes that creed may influence and be an important part of a person's identity, worldview and way of life, and recognizes the rights of students, employees and District community members to freely hold their creed beliefs and to be accommodated under the Code in relation to observance in District working and learning environments.
- 3.76 In this regard, creed:
- a) Is sincerely, freely and deeply held;
 - b) Includes the spiritual beliefs and practices of Indigenous peoples/cultures;
 - c) Is integrally linked to a person's identity, self-definition and fulfilment;
 - d) Is a comprehensive, overarching system of belief that influences or governs a person's conduct and practices;
 - e) 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;
 - f) Has a "nexus" or connection to an organization or community that professes a shared system of belief; and
 - g) Does not include every belief, opinion, expression, practice, matter of conscience, political belief or conviction.
- 3.77 The District also recognizes community members may experience creed-based discrimination, stigmatization, faithism and hate in various ways, including where creed-based discrimination intersects with other Code protected grounds (e.g., race, disability, sexual orientation, gender, gender identity and gender expression).
- 3.78 The District will:
- a) Support welcoming, inclusive and equitable learning and working environments that better reflect the multi-faith identities of the school community it serves; and
 - b) Engage students, parents/guardians and employees to help identify creed related barriers and needs.

- 3.79 The District also recognizes that policies, procedures and practices may have an adverse effect on a student or employee's sincerely held belief that is connected to creed. Students or employees may require accommodations for creed-based practices related to:
- a) Indigenous spirituality/spiritual practices;
 - b) Faith days (holidays, leaves, ritual observances);
 - c) Opening exercises;
 - d) Dietary requirements (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; and
 - h) Curriculum and activities.

Faith Days and Prayer Observances and Spaces

- 3.80 Students and employees may request accommodation for time away from school or work (or for short periods of prayer during the school or work day) to observe or participate in creed-based religious and spiritual observances. Where these observances are adversely affected by District school and employment hours/schedules, the District will explore accommodation options to support these practices in accordance with the Code.

Opening Exercises

- 3.81 DDSB community members may wish to not participate in school opening exercises (i.e., 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. DDSB community members must treat one another with dignity and respect, regardless of any opt out for opening exercises.

Dietary Requirements and Fasting

- 3.82 Student or employee's individual sincerely held creed-related food requirements or restrictions, including practices as to fasting, will be accommodated to the point of undue hardship. In considering accommodation requests, responsible staff should not rely on generalizations about creed based dietary requirements and are to consider options of comparable nutritional value to those offered to others.
- 3.83 Where the District provides food services, and irrespective of individual accommodation plans, responsible staff shall:
- a) Keep any vegetarian food options separate, with separate serving utensils;
 - b) Ensure any kosher or halal certification markings on packaged food are visible; and
 - c) Provide appropriate options and/or adjust food services, pizza days, fun fairs, meal programs and community events to account for typical dietary needs and restrictions.

Dress Requirements, Including Modesty and Health and Safety Concerns

- 3.84 Students and employees may wish to observe their creed beliefs through religious attire, including but not limited to wearing crucifixes, Stars of David, head coverings, face coverings, 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 contravening safety policies. Religious attire also makes students or employees' creed-based beliefs "visible" and may make them more vulnerable to discrimination and harassment. The District will meet its duty to accommodate students' and employees' creed-related dress needs to the point of undue hardship and will take steps to prevent and address potential discrimination and harassment in accordance with the Human Rights Policy and procedures.

Displaying Religious or Creed-Based Symbols

- 3.85 It is recognized that students and employees may wish to express a creed belief by displaying or wearing a religious symbol in District learning and working environments.
- 3.86 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 inclusion of diverse creed symbols;
 - c) Consider if a display or symbol should not be displayed as it may have a significant negative impact (e.g., exclusion, discrimination against others or creed pressure) or may create or contribute 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; 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

- 3.87 It is recognized that students or employees may hold creed beliefs about not being photographed, wearing face or head coverings as part of their expression of creed beliefs, and/or about showing 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.

Curriculum and Activities

- 3.88 It is recognized that there may be some situations where students or parents/guardians may request accommodations as to 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/or freedom of religion.

- 3.89 There is no general 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 Code protected grounds) and challenging all forms for discrimination and racism.
- 3.90 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 request an accommodation. In such a case, responsible staff will discuss possible individual solutions with a focus on meeting curriculum requirements, preserving student/family dignity and privacy and promoting integration and full participation. Appropriate accommodations (e.g., 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

- 3.91 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 Code in District services, employment and learning and working environments.

Accessibility and Accommodation in Employment

- 3.92 The District recognizes that inclusion and accessibility barriers may affect recruitment and employment practices and processes and may impact the District's efforts to recruit and retain a qualified workforce that represents the diverse communities it serves. The District will meet accommodation requirements under the Human Rights Code and obligations under the Accessibility for Ontarians with Disabilities Act (AODA) in throughout the employment cycle (e.g., recruitment, selection, promotion and retention processes and strategies) and in human resources administration.

Competing Rights

- 3.93 The District recognizes that in a complex and diverse service and employment organization, 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;
 - c) Will assess each situation on a case by case basis; and
 - d) Will collaboratively explore options and solutions in consultation with appropriate internal resources and expertise to maximize rights for everyone using the framework set out in the Ontario Human Rights Commission's *Policy on Competing Rights*.

Concerns with the Accommodation Process

- 3.94 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

- 3.95 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.
- 3.96 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

- 3.97 The Director of Education and designates will collect and analyze accommodation data in accordance with the Human Rights Policy and related Accountability Framework and procedures 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 Code related ground or combination of grounds. The District will engage and endeavour to co-create any such programs with communities the District serves and those most affected by the program.

Communications and Information Sharing

- 3.98 The Director and designates will communicate about and publicly post this procedure in accordance with the requirements of the Human Rights Policy and related Accountability Framework and procedures.

Review Process

- 3.99 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.
- 3.100 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.
- 3.101 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

STUDENTS**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"). 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.
- 1.2 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 This procedure shall be read together with the Human Rights Policy and related procedures, including the Human Rights Roles, Responsibilities and Accountability Framework.
- 1.4 The District recognizes the unique and distinct rights of Indigenous Peoples. Indigenous students and families may 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.
- 1.5 Nothing in this procedure prevents anyone from seeking to address a human rights issue or complaint through the Human Rights Tribunal of Ontario or as otherwise may be lawfully available through other means or forums.
- 1.6 This procedure does not replace 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.
- 1.7 Student complaints against other students or District community members will be addressed through the Code of Conduct.

2.0 Definitions

- 2.1 Key terms related to human rights and equity terms used in this procedure 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 parent(s)/guardian(s) and to all Human Rights Code related grounds (and intersection of grounds) as set out in the Human Rights Policy.
- 3.2 The District shall investigate potential discrimination upon becoming aware of it (or where it should reasonably be known), regardless of whether a formal written complaint has been submitted.

Key Principles

- 3.3 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 (including emotional/psychological) 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;
 - n) Collect and analyze incident and complaint data to identify, address and report on potential trends; and
 - o) Uphold Duty Bearer responsibilities under the Human Rights Policy throughout issue, incident and complaints resolution processes.
- 3.4 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).

3.5 This procedure has three main parts:

- Part I is the Issue and Incident Reporting and Response Process;
- Part II is the Complaint Process; and
- Part III are general requirements and considerations that apply to both processes [including safety and support, union/federation/association representation (where applicable), support persons, confidentiality, timelines and protection from reprisal].

I. Issue and Incident Reporting and Response Process

3.6 This part sets out the process for reporting and responding to issues and incidents of discrimination based on a Human Rights Code ground(s) and intersecting grounds.

3.7 A student (or their parent/guardian) may speak with their teacher or the school principal (or any other school employee) about an issue and incident 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.

Employee Responsibilities

3.9 When a District employee becomes aware of an issue or incident (or sees or overhears discriminatory actions or words), the employee must report it to the principal or to 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). Further, the employee must:

- a) Interrupt and intervene immediately to stop the conduct;
- b) Determine potential safety needs or supports for individuals involved or impacted in the matter; and
- c) State that what was said or done was inappropriate and harmful (in way a that is appropriate to the circumstances) discussion.

Principal Responsibilities

3.10 If an issue or incident involves a possible hate crime (refer to Glossary of Terms), the principal must contact Positive School Climates, the Family of Schools superintendent and the police. District responses and the principal's actions (as outlined below) may need to await police direction/investigation. In such circumstances, the principal will consult with the police on any steps the District can take to support safety and to communicate to the affected student(s) (and their parents/guardians).

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 is not to be based 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, subject to section 3.89 (Safety, Supports and Interim Measures);
- c) Notify the superintendent within one day;
- d) Contact Human Resource Services if an employee(s) is involved;
- e) Contact emergency services if medical attention is required;
- f) Note the names of any witnesses and preserve any pertinent evidence or information; and
- g) Document all actions taken on the incident reporting form [template attached].

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. Where the principal has sufficient information, the principal may take appropriate steps to resolve the issue.

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 Responsibilities

3.15 The responsible Family of Schools 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 and take 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; and
- b) Convene an integrated response team within three days of being notified of the incident.

Integrated Response Team

3.20 Depending on the nature of the incident, the integrated 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; and
- Other internal DDSB personnel as may be deemed appropriate by the superintendent based on the specific incident(s) and any further input/expertise required to address the matter (e.g., Human Resource Services, Associate Director of Equitable Education, Director of Education, etc.).

While they would not be part of the integrated response team, critical friends, subject matter experts or other individuals may be consulted at the discretion of the superintendent, provided that the identity of the students, employees, parents/guardians and other District community members involved shall not be disclosed by any District employee without consent.

3.21 The integrated response team will respect and maintain 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.

II. Complaint Process

3.24 The superintendent, or their designate, is responsible for administering the 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 report and raise a complaint using the attached complaint form [template] and submit it to their superintendent (or if the complaint involves the superintendent, to the next level manager not involved in the matter). 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, this step is not required.

3.27 The individual raising a complaint (a complaint "reporter") may withdraw a complaint at any time during the resolution process. Depending on the circumstances and the stage of the complaint resolution process, the District may speak with the reporter 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 In the case of a withdrawal, the District will assess the available information and may proceed with an investigation, in which case the reporter may be considered a witness.

- 3.29 Where the District receives an anonymous complaint, the District may be limited in how it can address the complaint. The District will review the complaint but may not be able to investigate the complaint further if procedural fairness cannot be maintained due to the anonymous nature of the complaint.
- 3.30 Where the District becomes aware of potential discrimination in the absence of a formal complaint or where a reporter 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

- 3.31 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, in consultation with the Associate Director of Equitable Education and the Human Rights and Equity Advisor. 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. If a complaint involves allegations about the conduct of an employee(s), Human Resource Services will also be consulted.
- 3.32 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 reporter.
- 3.33 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 reporter in writing of the determination.
- 3.34 Where there is clear information that the complaint may be frivolous or vexatious, the superintendent, in consultation with the Associate Director of Equitable Education and the Human Rights and Equity Advisor, will also consider whether to proceed with complaint. The reporter will be advised of the decision and rationale.
- 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) Determine if interim safety or supports are required pending the resolution of the matter; and
 - b) Consider potential early resolution options.

Early Communication with the Parties

- 3.36 The superintendent will notify the respondent about the complaint in writing and provide 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 the superintendent with 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 the 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. If the respondent is an employee, the superintendent will consult with Human Resource Services.

3.41 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.

3.42 The superintendent will take appropriate actions and communicate the findings to the parties. Any potential corrective or disciplinary action taken against the respondent will be kept confidential.

Early Resolution

3.43 Where a reporter requests a form of alternative dispute resolution (ADR), or the superintendent assesses that the complaint may be resolved through ADR, 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.

3.44 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.

3.45 The purpose of these processes is to bring the parties together to collaboratively explore ways to create their own solution to resolve the complaint and restore or repair relationships.

- 3.46 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.
- 3.47 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

- 3.48 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 reporter, respondent and witnesses, and collecting, reviewing and assessing documentary and other information and records.
- 3.49 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 and to produce relevant information.
- 3.50 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.
- 3.51 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 Human Resource Services if the investigation involves an employee) 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.
- 3.52 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 the terms of the Human Rights Policy and this procedure as to confidentiality, protection from reprisal, the right to have a support person (including an employee's union/federation representative, where applicable) and identifying any accommodation needs to participate in the investigation process. The superintendent will also provide all parties with a copy of the Human Rights Policy and this procedure.
- 3.53 As the investigation proceeds, the superintendent will assess potential opportunities to resolve the matter. The reporter 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

- 3.54 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.
- 3.55 The investigator will interview (separately) the reporter, respondent and any identified or potential witnesses and review and request relevant documents or materials. 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. Where the respondent is a member of a union/federation/association, the respondent has the right to union/federation/association representation during the investigation meeting(s).
- 3.56 District employees are required to participate in investigations and cooperate with the investigator.
- 3.57 The investigator will interview the reporter, respondent(s) and witness(es) using a trauma informed approach. The respondent should be given the opportunity to respond to each of the specific allegations raised by the reporter.
- 3.58 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.
- 3.59 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.

Investigation Findings

- 3.60 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.
- 3.61 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
- 3.62 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.
- 3.63 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

- 3.64 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.
- 3.65 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

- 3.66 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.
- 3.67 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.
- 3.68 The investigator will invite the reporter and respondent individually to a meeting (in-person or virtual) to verbally share the draft summary report and will provide a copy of the summary report to the parties to give them an opportunity to comment.
- 3.69 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 complaint reporter, respondent and Associate Director of Education.
- 3.70 All parties will keep the summary report and findings confidential, except as may be required to administer any corrective action in response to the complaint, or as required or permitted by law.

Requesting a Review of the Investigation Findings

- 3.71 A reporter 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.
- 3.72 The review request must be submitted in writing within ten regular business days from the date the final summary investigation report was received.
- 3.73 The Associate Director of Equitable Education will only consider a review request if the request asserts:
 - a) Lack of procedural fairness;
 - b) That the lack of procedural fairness could have had an impact on the findings or outcome of the investigation;
 - c) That the findings of fact do not support the conclusion; or
 - d) New facts or evidence that could affect the outcome decision and that could not have been reasonably obtained during the investigation.

- 3.74 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.
- 3.75 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.
- 3.76 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

- 3.77 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 or potential evidence or findings of systemic issues in the environment).

Complaint Substantiated (in whole or in part)

- 3.78 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.
- 3.79 Consideration shall also be given to addressing any potential underlying or systemic issues.
- 3.80 To support this process, the superintendent responsible for Human Resources shall convene a committee known as the Investigation Outcome Committee ("IOC") made up the Associate Director of Equitable Education, the Human Rights and Equity Advisor and the respondent's superintendent. At the discretion of the superintendent responsible for Human Resources, additional supervisory staff may need to be involved based on the findings and issues outlined in the investigation report in accordance with relevant policies, procedures and collective agreement provisions (where applicable). The IOC will make recommendations to the Associate Director of Equitable Education about the appropriate response, including potential systemic actions, to address the substantiated complaint. The recommendations will be documented in an investigation response action plan (template). The Associate Director of Equitable Education will document which of the recommendations are being acted upon, including corrective or disciplinary actions that may be appropriate, in consultation with Human Resource Services. The IOC will maintain confidentiality.

Possible Corrective and Disciplinary Actions

- 3.81 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.

Possible Systemic Actions

3.82 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

- 3.83 The Associate Director of Equitable Education will provide the reporter and respondent with written notification of the investigation findings.
- 3.84 The Associate Director of Equitable Education will keep the Director of Education informed about substantiated findings and actions adopted from 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, while protecting confidentiality.
- 3.85 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

- 3.86 Where a reporter or respondent is dissatisfied with the outcome of the complaint, they may pursue other options/remedies such as filing an application with the Human Rights Tribunal of Ontario or as may be available under collective agreements, contract, or otherwise at law.

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

- 3.87 Human rights issues, incidents and complaints affect parties and witnesses (and relationships among them) and other people in the learning and working 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 (for example, restorative meetings, learning and professional development).

III. General Requirements and Considerations

Safety, Supports and Interim Measures

- 3.88 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. It may also involve separating parties (where feasible and in a way that does not penalize the reporter) and developing a safety plan.

- 3.89 The District will also consider unique identity-based and other safety and privacy concerns that need to be addressed in safety planning related to stigma, biases, barriers and stereotypes based on disability, sexual orientation, gender identity, gender expression and all Human Rights Code grounds. For example, 2SLGBTQI students may not be “out” with their parents/guardians and may have safety concerns related to communications, and they may not have access to a safe support person to attend complaints resolution meetings.
- 3.90 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.

Union/Federation/Association Representation

- 3.91 Respondents who are employees and who are members of a union, federation or association have the right to union/federation/association representation at issue or complaint resolution meetings and investigations.

Support Person

- 3.92 Reporters, 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: parent/guardian, colleague or family member, union/federation/association representative (where applicable), a friend, school staff, another student, teacher, or community advocate, member or representative.
- 3.93 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.
- 3.94 Support persons must not answer questions or advocate on behalf of the interviewee or obstruct the investigation process in any way.

Confidentiality

- 3.95 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.
- 3.96 All individuals involved in reporting/raising, responding to, or the administration of an issue or complaint under this procedure must keep all information related to the issue or complaint strictly confidential, except as may be required to administer any corrective action in response to the complaint, or as required or permitted by law.
- 3.97 Specific details about individual disciplinary responses involving students or employees are confidential matters and will not be disclosed. General summary data about complaints and actions taken to address them may be included as part of annual reports and trends analyses. The District may communicate about other aspects of a response (e.g., systemic actions) to support transparency and accountability and without sharing confidential information.

Protection from Reprisal

- 3.98 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 seeking information about or asserting their rights under the Human Rights Code or the Human Rights Policy and procedures, including:
- a) Requesting an accommodation;
 - b) Raising a human rights issue, incident or complaint;
 - c) Raising a concern about an issue, incident, complaint or accommodation process or outcome;
 - d) Reporting a human rights issue or incident under section 3.9 (Employee Responsibilities);
 - e) Filing an application to the Human Rights Tribunal of Ontario or raising a complaint to another external body to assert their rights; and
 - f) Providing information related to an issue or complaint or participating as a party or witness in a complaint or issue resolution process.
- 3.99 Protection from reprisal extends to any District community member who is a reporter, witness, advisor, support person or representation, investigator, decision maker or District representative responsible for implementing the outcome of a complaint.
- 3.100 All complaints about reprisal should be raised to the superintendent (or if the matter involves the superintendent, the next level supervisor) as soon as possible. Where reprisal is substantiated, it will be reported to the Director of Education. Persons who are found to have been reprimanded against students, parents/families/guardians or community members are subject to corrective and disciplinary action, up to and including dismissal.

Investigations into Allegations of Discrimination and Racism

- 3.101 The District recognizes that in some cases, incidents of discrimination (for example, systemic discrimination and racism, ableism, homophobia, biphobia, transphobia and faithism) may be overt and in other cases, it may be subtle with little or no direct evidence. Assessing allegations of discrimination and 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 how discrimination and racism operate 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 people based on ancestry, race, disability, sexual orientation, gender identity, gender expression, creed/religion, intersection of grounds and classism 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).

Timelines to Raise an Issue or Complaint

- 3.102 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.

Timelines to Address an Issue or Complaint

- 3.103 Timelines to address an issue or a complaint may vary depending on several factors, including and not limited to the nature of the complaint, the complexity of the allegations, number and availability of parties/witnesses and resolution method(s). The District is committed to addressing and resolving issues, incidents and complaints as quickly as is reasonably possible in all of the circumstances. Persons involved in addressing the matter (e.g., superintendent, mediator, investigator) will advise parties of expected timelines and will keep parties informed of next steps and any potential delays throughout the process.

Flexible Procedures

- 3.104 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.

Interference with an Investigation

- 3.105 Any participant (reporter, 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

Competing Rights

- 3.106 The District recognizes that in a complex and diverse service and employment organization, 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;
 - c) Will assess each situation on a case by case basis; and
 - d) Will collaboratively explore options and solutions in consultation with appropriate internal resources and expertise to maximize rights for everyone using the framework set out in the Ontario Human Rights Commission's *Policy on Competing Rights*.

Accommodation to Participate in the Complaint or Issue Resolution Process

- 3.107 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.

- 3.108 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

- 3.109 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

- 3.110 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.
- 3.111 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.
- 3.112 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

- 3.113 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.
- 3.114 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.
- 3.115 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
- Toronto District School Board's Reporting and Responding to Racism and Hate Incidents Involving or Impacting Students in Schools Operating Procedure

Appendix:

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

Effective Date

YYYY-MM-DD

Amended

YYYY-MM-DD

DRAFT Human Rights Roles, Responsibilities and Accountability Framework

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

1.0 Objective

- 1.1 The Human Rights, Anti-Discrimination and Anti-Racism Policy (the “Human Rights Policy”) requires the District to implement a human rights roles, responsibilities and accountability framework to support individual and organizational roles and responsibilities in meeting the policy’s objectives.
- 1.2 This procedure is adopted under the Human Rights Policy to establish an accountability framework for DDSB employees, and it must be applied to the implementation of the policy and its related procedures.
- 1.3 The Human Rights Policy and related procedures and the Indigenous Education Policy and procedures focus on:
 - a) Promoting, protecting and upholding Indigenous rights and human rights;
 - b) Proactively identifying, preventing and addressing all forms of discrimination and racism in the District’s services, employment, and learning and working environments;
 - c) Taking intentional human rights, anti-discriminatory and anti-racist approaches and actions to support equitable experiences, opportunities and access and to prevent disproportionate outcomes for students and employees; and
 - d) Providing services, employment and learning and working environment that are safe, welcoming, respectful, inclusive, equitable, accessible and free from discrimination, racism, oppression, harassment and harm.
- 1.4 As a publicly funded school board, the District is accountable to the students and communities it serves. This procedure summarizes the District’s approach to support an accountable human rights organization.

2.0 Definitions

- 2.1 Key human rights and equity terms used in this procedure are defined in Appendix A (Glossary of Terms) of the Human Rights Policy.

3.0 Procedure

Roles, Responsibilities and Accountability

- 3.1 *Responsibility* references the duty to fulfil a role, make a decision or take a specific action. Responsibility may be delegated based on individual roles and level or scope of authority.
- 3.2 *Accountability* references being responsible for decisions and actions. It also refers to the consequences of not fulfilling responsibilities appropriately, including where this leads to discriminatory effects, experiences and/or outcomes. Accountability cannot be delegated.
- 3.3 Responsibilities and accountabilities:
- a) Are key parts of supporting, promoting and protecting human rights and meeting requirements under the Human Rights Policy and procedures; and
 - b) Can be described as the relationship between:
 - Rights holders: all students, employees and community members¹; and
 - Duty Bearers: employees in the organization who are responsible for promoting, protecting and upholding human rights and preventing and addressing discrimination against rights holders (in other words, all employees).
- 3.4 Under the Human Rights Policy, the term “Duty Bearer” includes all employees and temporary, casual and contract staff, volunteers, university and college students on placement, interns and any other person included in the definition of “worker” under the Occupational Health and Safety Act.)

Duty Bearer Responsibilities

- 3.5 All Duty Bearers are responsible for:
- a) Upholding the Human Rights Code and Human Rights Policy and procedures;
 - b) Not engaging in discrimination and harassment;
 - c) Contributing to and supporting:
 - Safe, welcoming, equitable, respectful, accessible and inclusive environments free from discrimination, oppression, harassment and harm; and
 - Organizational human rights responsibilities;
 - d) Understanding, applying and fulfilling their duty bearer roles and responsibilities; and

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

- e) Contributing to school, department and system level responsibilities and accountabilities.

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

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

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

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

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

- a) Promoting and maintaining an accountable human rights organizational culture that:
 - Supports, respects and upholds the District's commitments and responsibilities set out in the Human Rights Policy and procedures; and

- Complies with the individual and organizational requirements and elements of this framework;
 - b) Holding direct reports accountable; and
 - c) Providing regular reports to the Board of Trustees about organizational compliance with the Human Rights Policy, including relevant implementation and experience and outcome measures and data.
- 3.9 Appendix A outlines additional responsibilities for the Director of Education and all employees, including school-based employees, non-school-based employees, administrators, managers/supervisors and system leaders. All responsibilities are based on and/or flow from the Human Rights Policy and procedures.

Organizational Requirements

- 3.10 All schools, program areas and system departments are, through their respective employees, responsible for the successful implementation and adoption of the Human Rights Policy and procedures, which include:
- a) Acting on and implementing the elements of this framework; and
 - b) Fulfilling Duty Bearer roles and responsibilities in:
 - Learning and working environments; and
 - The services and supports they provide to students, parents/guardians, employees and community members.

Elements of an Accountable Human Rights Organization

- 3.11 To support an organizational culture of human rights responsibilities and accountability as called for in the Human Rights Policy, the District will:
1. **Document expectations** so that all employees understand their duty bearer responsibilities (for example, in operational and employment procedures, practices, strategies and initiatives, job descriptions, hiring processes, performance appraisals/reviews and learning plans);
 2. **Build employee capacity** to meet duty bearer responsibilities and provide duty bearers with knowledge and skills (e.g., through professional development/training and access to tools, resources and internal subject matter expertise) to help apply human rights responsibilities in day-to-day actions and decision making;
 3. **Uphold human rights** by proactively identifying, preventing and addressing discriminatory structures and barriers in policies, procedures and practices;
 4. **Develop and maintain effective issue and complaint resolution processes** to address individual and systemic issues and complaints; and
 5. **Monitor, evaluate and report results** through data collection, analysis and public reporting.

- 3.12 All District employees contribute to these shared organizational responsibilities to implement the Human Rights Policy and related procedures. Appendix B provides additional information on organizational responsibilities and accountability.

Accountability Mechanisms

- 3.13 Each school and system department is responsible for developing and implementing action plans to meet the requirements of the policy and procedures as summarized below (including the requirements and actions listed in Appendices A and B) into all activities.

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

Evaluation and Reporting

- 3.14 In accordance with the Human Rights Policy, the Director and designates are to collect, analyze and publicly report to the Board of Trustees on specific qualitative and quantitative data including and not limited to:
- In relation to services, learning environments and student experiences and outcomes: Student Census and School Climate surveys, academic placements, course enrolments, access to programs, achievement and learning skills, well-being, attendance, bullying/safety, Education Quality and Assessment Ontario (EQAO) test scores, credits granted to students, graduation metrics, post-secondary access (i.e., university and college applications and confirmations), accommodations, special education

identifications, special education class placements, awards and scholarships, discipline (e.g., suspensions and expulsions), extra and co-curricular engagement, and human rights issues and complaints and resolutions/results; and

- b) In relation to employment, working environments and employee experiences and outcomes: Workforce Census and employee experience surveys, recruitment, selection, accommodations, workplace conditions and experiences, retention, access to developmental opportunities, volunteer recruitment, promotions, discipline, workforce data, terminations, exits, and human rights issues and complaints and resolutions/results.

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

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

- a) Identify potentially discriminatory structures, policies, practices, barriers and differential and disproportionate student and employee opportunities, access, experiences and outcomes;
- b) Act on the results of the evaluation (e.g., remove barriers, adjust practices, revise procedures or this framework, etc.) to support ongoing human rights performance improvements; and
- c) Report on the results to the Board of Trustees and the public.

4.0 Reference Documents

4.1 Policies

- Indigenous Education
- Human Rights Policy
- Consultative Processes
- 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
- Human Rights Inclusive Design and Accommodation
- Student/Family Human Rights Issue, Incident and Complaint Resolution
- Equity and Inclusive Education
- Equitable Recruitment
- Positive School Climates
- Complaint Procedure – Workplace Harassment Prevention, Workplace Sexual Harassment Prevent 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
- Ontario Human Rights Commission's policies, guidelines 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
- York Region District School Board Anti-Black Racism Strategy
- The Equity Continuum: Action for Critical Transformation in Schools and Classrooms (Murray and West-Burns, 2011)
- Building Capacity: A Focus on Culturally Responsive and Relevant Pedagogy Through a Critically Conscious Practitioner Inquiry (West-Burns, 2018)

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

Appendix:

Appendix A: Employee Roles and Duty Bearer Responsibilities

Appendix B: Key Organizational Elements and Actions

Effective Date

YYYY-MM-DD

Amended

YYYY-MM-DD

Appendix A: Employee Roles and Duty Bearer Responsibilities

- 1.1 All employees have individual roles, responsibilities and accountability for human rights, anti-discrimination and anti-racism in District services, employment and learning and working environments as set out in:
 - a) The Human Rights Policy and related procedures; and
 - b) Legislation, other policies and procedures, collective agreements (where applicable) and professional standards governing conduct (where applicable).
- 1.2 In addition, all employees contribute to shared organizational responsibilities to create and contribute to learning and working environments that centre human rights and equity and that are welcoming, safe, respectful, equitable, inclusive, accessible and free from discrimination, oppression, harassment and harm.
- 1.3 The Director of Education and/or designates is responsible for the operations of the District and implementing (or overseeing the implementation of):
 - a) Organizational requirements to uphold the Human Rights Policy and procedures; and
 - b) Initiatives, practices and measures to support all employees in complying with the Human Rights Policy and procedures.

Organizational Responsibilities

- 1.4 The District, through the Director of Education and/or designates, will:
 - a) Engage and consult with diverse communities, including enhancing existing or developing new relationships with communities and networks;
 - b) Integrate human rights, anti-discrimination, anti-racism, inclusive design, Universal Design for Learning (UDL) and accessibility principles into organizational operational, service related and employment related policies, procedures, practices, rules, programs, initiatives and informal and formal decision making;
 - c) Identify, prevent and address discriminatory and inequitable impacts, practices, processes, experiences, barriers and outcomes in all aspects of:
 - Pedagogical and teaching/instructional approaches and practices, educational program delivery and all classroom/school practices;
 - Recruitment, selection, promotion and retention and all human resources practices and decisions;
 - Initiatives and programs, including school and board improvement, learning, operational and strategic plans and priorities;
 - Training, learning, professional development, performance and succession plans and decision making;
 - Business planning, processes and decisions (e.g., procurements, budgets, resources, etc.);
 - Communications;
 - Evaluation and reporting;
 - Community engagement; and
 - Organizational change processes, assessments and decision making;

- d) Communicate about human rights related accountabilities so that all employees recognize and understand their individual and organizational roles and responsibilities and how their decisions and actions must uphold human rights and prevent discrimination;
- e) Fulfill its legal duty to accommodate Human Rights Code related needs to the point of undue hardship;
- f) Provide students, parents/guardians, employees and community members with information, tools, resources, and processes to identify and raise potential discriminatory practices, exercise their rights, and provide feedback on their Human Rights Code-related experiences in DDSB learning and working environments;
- g) Not condone, ignore, or continue discriminatory practices;
- h) Have in place transparent, fair, accessible and effective processes to address human rights accommodation requests, issues, incidents, and complaints;
- i) Implement additional actions/initiatives as may be required to meet the objectives of the Human Rights Policy and procedures;
- j) Work with education sector and other partners to raise potential human rights issues in their processes/practices that impact District students, employees and communities; and
- k) Measure, evaluate and report on organizational human rights performance.

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

- a) Set clear direction and expectations to help employees at all levels fulfill individual and organizational roles, responsibilities and accountabilities for human rights, anti-discrimination, anti-racism, inclusive design, UDL and accessibility;
- b) Build capacity and competencies and provide professional learning and training to equip employees with knowledge and skills to:
 - Support the implementation of the Human Rights Policy and procedures
 - Identify, prevent, and address discrimination and discriminatory barriers
 - Apply human rights, anti-discrimination and anti-racism principles and approaches in day-to-day activities and decision making;
- c) Integrate and embed human rights, anti-discrimination, and anti-racism into:
 - Recommendations to the Board of Trustees to inform the Board's decision making;
 - Strategic priorities, operational strategies, initiatives and action plans
 - Operational functions, policies, procedures and practices, including (and not limited to) those related to pedagogical and teaching/instructional practices, student assessment, placement, guidance, supports, resources and discipline;
 - Employment and human resources functions, policies, procedures and practices, including (and not limited to) job descriptions, hiring practices, supervision, performance appraisals, performance management, promotion practices, succession planning, termination, exits and safe and respectful workplaces;
 - Mental health and well-being initiatives;
 - Organizational learning plans and other job expectations;
 - Financial and business planning and relationships including:
 - Equitable budget and resource allocation recommendations that include human rights barrier identification, removal and accommodation costs that are appropriately spread as widely as possible throughout the organization; and
 - Procurement processes, vendor selection, community use of schools permits, etc.
 - Research and evaluation;
 - Community engagement and partnerships, including School Community Councils;
 - Communications and reporting;

- d) Develop fair, effective and efficient human rights accommodation, issue, incident and complaint resolution mechanisms;
- e) Prevent and correct human rights violations and upholding individual and organizational obligations and accountabilities;
- f) Monitor, evaluate and report on progress, including collecting and analyzing data to identify potential issues and trends;
- g) Act on and address results, findings and trends to support ongoing organizational learning and growth;
- h) Support Human Rights Policy commitments, champion an organizational culture of human rights, and promote human rights, anti-discrimination and anti-racism as core competencies and practices;
- i) Raise systemic human rights related policy or other issues that affect the District's services, employment and learning and working environments to the Board of Trustees, education/community partners or the Ministry of Education, as appropriate;
- j) Strengthen Board of Trustee governance through the provision of training on human rights, anti-discrimination and anti-racism principles and the scope, use and results of identity-based data collection and analyses within the District;
- k) Monitor and assess organizational compliance with this procedure and:
 - Revise or remove procedures and practices that conflict with the Human Rights Policy and procedures;
 - Implement new procedures, actions or initiatives that proactively promote and support human rights, anti-discrimination and anti-racism; and
 - Hold direct reports accountable for complying with individual and shared organizational roles and responsibilities set out in the Human Rights Policy and procedures; and
- l) Put in place appropriate organizational structures and allocate sufficient resources and expertise to:
 - Implement requirements and meet the objectives of the Human Rights Policy and procedures; this may include additional actions as may be required to meet the policy's objectives; and
 - Support this critical work.

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

- a) Recommendations to the Board of Trustees on the Board's board multi-year strategic plans;
- b) Strategic operational goals, priorities and initiatives;
- c) Organizational leadership and professional development plans
- d) System departmental plans;
- e) School improvement/learning plans;
- f) Protocols for inclusion in all employee performance appraisals and learning plans; and
- g) All other mechanisms listed under the Accountability Mechanisms section of this framework.

Employee Responsibilities

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

- a) Model human rights positive behaviour and not engage in any form of discrimination or harassment;
- b) Ground decisions and actions in District policies and procedures;

- c) Support and contribute to safe, welcoming, respectful, inclusive, accessible and equitable learning and working environments;
- d) Engage in ongoing learning and professional development to:
 - Strengthen human rights, anti-discrimination and anti-racism knowledge, skills and competencies; and
 - Recognize how positionality, power and privilege and discriminatory biases, beliefs, assumptions, stereotypes, ideologies, inequities and barriers operate in District learning and working environments and in individual practices;
- e) Apply human rights, anti-discrimination and anti-racism principles, practices and approaches (including inclusive design, UDL and accessibility principles) in all work, interactions, actions and decision making; this includes:
 - Addressing human rights obligations when applying other policies, procedures and practices;
 - Examining practices and decision making to consider potential discriminatory barriers and inequitable experiences, processes, effects and outcomes, including impacts on students, families, employees and communities that may be discriminatory and may unintentionally cause trauma and harm;
 - Act in ways that uphold the rights of the child/student and the rights of employees, are in the best interests of the child/student, are asset-based, do not cause or perpetuate harm and are not discriminatory (e.g., adjust practices to prevent or address potential discrimination);
- f) Report potential discrimination and discriminatory barriers to their supervisor/manager;
- g) Intervene to stop all forms of harassment or discrimination against a student(s) and report it to their supervisor/manager through appropriate processes;
- h) Not interfere with human rights issue or complaint resolution processes;
- i) Participate in and cooperate fully with information gathering or investigation procedures, as may be required to respond to a human rights issue or complaint;
- j) Not engage in reprisal actions against students (or their family members/guardians), employees or community members who raise human rights related issues, concerns, accommodation requests or complaints, or who participate in complaint or issue resolution processes; and
- k) Support and contribute to the organizational responsibilities outlined in the Human Rights Policy and procedures.

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

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

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

- a) Create conditions that support welcoming, safe, inclusive, accessible, equitable learning environments, opportunities, experiences and outcomes for students;

- b) Treat students equitably, with dignity, respect and care, and respond to individual and intersecting identities, strengths, barriers, needs, circumstances and other factors that influence individual student learning and experiences;
- c) Critically examine and reflect on how positionality, systems of power, privileges, biases and ideologies operate and affect their decisions, actions and interactions in classrooms and schools (for example, relating to educational philosophies, pedagogical and teaching/instructional approaches, class rules and routines, instructional materials and resources, student assessment, placement, programming needs, evaluation, classroom management, guidance practices, office referrals, referrals to the police and Children's Aid Society, discipline, resources and support for students, school activities and events, parent/guardian and community engagement, etc.) and how this affects students;
- d) Not take part in, condone or allow discrimination in learning environments; and
- e) Confront, challenge and disrupt discriminatory practices, barriers and inequities in student learning environments and services and adjust practices and approaches and address barriers as required to support equitable opportunities, processes, experiences and outcomes. This includes reviewing and addressing class/school data findings and trends.

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

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

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

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

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

Accountability

1.12 All employees are expected to:

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

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

In some situations, the District may be required to report findings of racism, discrimination or harassment to applicable professional colleges.

School Community Councils

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

Appendix B: Key Organizational Elements and Actions

Principles

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

Key Elements of an Accountable Human Rights Organization Embedded in the Human Rights Policy and Procedures

1. Document expectations Duty Bearers know what their human rights-related responsibilities are	a) Outline human rights requirements, responsibilities and expectations in: <ul style="list-style-type: none"> • Policies, procedures, practices, and learning/training; and • Operational plans, strategies, priorities and communications b) Define human rights-related roles and responsibilities and set clear expectations in all performance plans (i.e., identify, include and evaluate human rights performance and learning commitments, strategies and activities in job descriptions and performance plans, and reinforce expectations in day-to-day work)
2. Build employee capacity Provide learning and resources on human rights roles and responsibilities	a) Provide opportunities for employees to learn about human rights and to understand how to apply human rights requirements to their jobs and decision making b) Provide resources to help employees support system- wide actions to identify, prevent and address discriminatory barriers c) Provide managers and employees with access to resources and Indigenous and human rights expertise to help resolve issues
3. Uphold human rights Proactively identify, prevent and address discriminatory structures and barriers	a) Design inclusive services, employment and learning and working environments to support equitable access, experiences and opportunities and to prevent discriminatory outcomes b) Identify, prevent and address: <ul style="list-style-type: none"> • Human rights barriers and needs in services, employment and learning and working environments; and • Processes or practices that conflict with human rights requirements c) Anticipate and address potential challenges to uphold the requirements of the Human Rights Policy and procedures

<p>4. Develop and maintain effective issue and complaint resolution processes</p> <p>Rights holders can safely raise human rights issues and complaints</p> <p>Duty bearers address complaints fairly and effectively</p>	<ul style="list-style-type: none"> a) Establish transparent and accessible processes to raise human rights issues, incidents and complaints b) Address issues, incidents and complaints fairly and effectively c) Clearly communicate processes and outcomes d) Take appropriate corrective, responsive, remedial, restorative and disciplinary action (in consultation with Human Resources and other areas, as may be appropriate in the circumstances, consistent with the principles of progressive discipline) to address human rights violations, and restore learning and working environments and relationships
<p>5. Monitor, evaluate and report results</p> <p>Review to determine if responsibilities and obligations are being met</p> <p>Learn from and act on the results to continuously improve human rights performance</p> <p>Communicate the results</p>	<ul style="list-style-type: none"> a) Monitor compliance with requirements and address potential barriers and issues, as needed b) Collect data to assess experiences and outcomes c) Report results to DDSB community members d) Provide opportunities for DDSB community members to provide: <ul style="list-style-type: none"> • Provide feedback on their human rights experiences; and • Invite input on District human rights initiatives e) Make responsive changes to the framework, as needed

Appendix F contains the following tracked changes version documents:

Appendix F1: Draft Human Rights, Anti-Discrimination and Anti-Racism Policy (orange pages)

Appendix F2: Draft Human Rights, Anti-Discrimination and Anti-Racism Procedure (blue pages)

Appendix F3: Draft Human Rights Inclusive Design and Accommodation Procedure (yellow pages)

Appendix F4: Draft Student/Family Human Rights Issue, Incident and Complaint Resolution Procedure (grey pages)

Appendix F5: Revised Draft Human Rights Roles, Responsibilities and Accountability Framework (Procedure) (buff pages)

Tracked Changes Version:
Draft Human Rights, Anti-Discrimination
and Anti-Racism Policy

POLICY

STUDENTS, EMPLOYEES AND COMMUNITY

DRAFT Human Rights, Anti-Discrimination and Anti-Racism

1.0 Rationale

1.0

~~1.1~~ The Durham District School Board (“DDSB”) adopts this policy to protect, uphold and promote human rights and to proactively prevent discrimination and discriminatory barriers in all DDSB service, employment and learning and working environments. As a publicly funded school board, this is foundational to the DDSB’s mandate and obligations to support equitable experiences, access and opportunities and to prevent disproportionate outcomes for students and employees. This policy refers to certain terms related to human rights and equity and, as such, a glossary of key terms is attached at Appendix “A”. learning and working environments.

~~1.2~~ ~~The DDSB is committed to learning and working environments that centre human rights and equity and that are welcoming, safe, respectful, equitable, inclusive, accessible and free from discrimination, oppression, harassment and harm.~~

~~1.11.0~~ ~~This policy must be read in conjunction with the DDSB’s Indigenous Education Policy which acknowledges the distinct rights of Indigenous Peoples. Indigenous Peoples may elect to pursue any right or remedy under this policy and related procedures or under the Indigenous Education Policy and procedures, as they may deem appropriate in any given circumstance.~~

~~4.21.1~~ Protecting, upholding and promoting human rights are necessary to create and foster a culture of care where students and employees can thrive and have a sense of safety, well-being, mattering, engagement and belonging.

1.2 Key human rights and equity terms used in this policy are defined in Appendix A: Glossary of Terms.

1.3 The DDSB’s Indigenous Education Policy acknowledges the distinct rights of Indigenous Peoples. Indigenous Peoples may elect to pursue any right or remedy under this policy and related procedures or under the Indigenous Education Policy and procedures, as they may deem appropriate in any given circumstance.

1.4 Systemic discrimination and racism exist in—are pervasive and deeply entrenched and operate in society, institutions, structures, policies and standards, including in educational institutions and the DDSB and. They stem from the effects of:

- a) Discriminatory and racist ideologies, systems, cultures and the structural dominance of white supremacy, sexism, ableism, heteronormativity, cisnormativity/cisgenderism, cissexism ~~and faithism. In adopting this policy, the DDSB confirms its commitment to understanding and combatting: faithism and classism; and~~
- b) ~~the impacts of~~ Historical and ongoing colonialism, systemic discrimination and oppression, including but not limited to the legacies and ongoing intergenerational effects of residential schools, enslavement and discriminatory structures, policies and practices against people based on ancestry, race, disability, sex, sexual orientation, gender identity, gender expression, creed, age, other Human Rights Code prohibited grounds, combination of grounds and socioeconomic status; and.
~~the impacts of discriminatory ideologies including but not limited to white supremacy, racism, xenophobia, patriarchy, sexism, ableism, heteronormativity, homophobia, cisnormativity/cisgenderism, cissexism, biphobia, transphobia, faithism, ageism and~~

~~classism which are pervasive, deeply entrenched and operate in society, institutions, structures, policies and standards, including in educational institutions and which result in, perpetuate and/or uphold inaccurate and negative information, biases, attitudes, stereotypes, stigmatization and discriminatory structures and barriers for people based on Human Rights Code grounds, combination of grounds and socioeconomic status.~~

1.5 In addition, discrimination and racism cause harm to students, families, employees and communities and can have serious negative consequences, including:

~~2.0~~

1.3 ~~The DDSB recognizes and acknowledges that the education system and the DDSB's learning and working environments are not neutral as they are based on colonialism, oppression, and systemic discrimination, and that this results in, upholds and sustains structures, policies, practices, standards, rules and decision making and that have serious negative consequences including the following:~~

- a) Creating unique, compounding and intersecting forms of oppression, marginalization and discrimination against, and discriminatory barriers, experiences and outcomes for, people with stigmatized and minoritized identities;
~~causing deep and lasting harm and trauma to individuals, families, communities, the DDSB and society;~~
- b) Negatively affecting physical, emotional, psychological and spiritual safety, mental health and well-being, achievement and success;
~~centring~~
- c) Inappropriately centering dominant narratives, identities, beliefs and ideologies including white supremacy, and racist, ableist, sexist, gendered, heteronormative, cishnormative, cissexist, faithist and classist assumptions, stereotypes, beliefs, narratives and language;

d) Upholding and perpetuating inaccurate:

- Inaccurate information, biases, attitudes, stereotypes, deficit ideologies, low expectations and stigmatization based on identities; and
- Negative depictions of the histories, accomplishments, strengths, abilities, and identities of Indigenous Peoples, Black peoples, racialized peoples, people with disabilities, people who identify as members of 2SLGBTQI communities, people who are members of religious/faith communities that are discriminated against, marginalized and minoritized, and other groups protected by the Human Rights Code;

~~d)e)~~ Erasing, suppressing or diminishing many students' and employees' identities, voices, knowledge, culture and experiences; and

~~e)f)~~ Creating, maintaining and/or imposing discriminatory structures, barriers, inequities, disparities and disproportionate educational, employment/career, social and other opportunities, experiences, processes and outcomes.

In light of the foregoing

1.5 Therefore, in adopting this policy, the DDSB ~~recognizes that if it does not actively confirms its commitment and appropriately responsibility to:~~

- a) Understand and combat the impacts of historical and ongoing discrimination and discriminatory ideologies, including white supremacy, racism, xenophobia, patriarchy, sexism, ableism, heteronormativity, homophobia, cishnormativity/cisgenderism, cissexism, biphobia, transphobia, faithism, ageism and classism;

b) Identify, prevent and address discrimination in a timely manner and racism in its DDSB services and employment; and

Provide learning and working environments, it is complicit in ongoing discrimination. that centre

~~1.4 The DDSB recognizes, affirms and values the diverse lived realities, identities, experiences, perspectives, strengths, abilities and needs of the diverse communities within the District. The DDSB is committed to engaging with students, employees, parents/caregivers/families, unions/federations, and community partners to include and honour diverse voices, knowledge, identities and experiences.~~

2.0 Policy Objective

c) This Policy is adopted to protect, uphold and promote human rights and prevent equity and that are safe, welcoming, respectful, equitable, inclusive, accessible and free from all forms of discrimination, racism, oppression and harm.

2.0 Policy Objectives

2.0

2.1 The in the context key objectives of the statements and acknowledgements, and in fulfillment of the commitments made, in the preceding paragraphs this policy are to:

a) The DDSB is expressly adopting Establish a proactive human rights, anti-discrimination, anti-oppression and anti-racism framework and approach to education and employment that will centre centres the work of the DDSB. The DDSB affirms its commitment to continue to: and promotes individual and organizational responsibilities and accountability;

b) Embed human rights, anti-oppression, anti-discrimination, anti-racism, Universal Design for Learning (UDL), culturally relevant and responsive pedagogy (CRRP), inclusive design and accessibility principles, approaches and actions in all aspects of services, employment and learning and working environments;

b)c) Foster and sustain a climate of mutual understanding culture that recognizes and respects the dignity and worth of all DDSB community members and where DDSB community members have equal rights and opportunities, feel are welcome and included, are treated with dignity and respect and can fully participate in DDSB services and employment, without discrimination;

~~a) meet its duty to accommodate Human Rights Code related needs to the point of undue hardship, in manner that recognizes and respects individual identities, strengths, abilities and needs and that maximizes inclusion, integration, participation and independence;~~

~~b) identify, prevent and address individual and systemic discrimination and discriminatory barriers in all aspects of the district's operational/service-related and employment-related policies, procedures, practices, planning and decision making;~~

~~c)d) Intentionally address anti-Indigenous racism, anti-Black racism, anti-Asian racism, anti- Latin American racism, all other forms of racism, Islamophobia/anti-Muslim hate, antisemitism, other forms of religious discrimination, ableism, homophobia, biphobia, transphobia, and all other forms of discrimination and hate in DDSB learning and working environments; and~~

~~c) build a culture of human rights through transparent organizational approaches and actions that support system accountability.~~

~~the DDSB recognizes and accepts the principle of targeted universalism. That is, although certain initiatives may be designed to support specific groups (i.e., communities~~

2.1

~~who have historically been or are currently discriminated against, marginalized and minoritized), these initiatives will improve access and remove discriminatory structures and barriers to everyone's benefit.~~

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

- ~~d)e)~~ Centre student voices and experiences, particularly students who are most impacted by historical and ongoing ~~oppression and~~ systemic discrimination, racism and oppression;
- ~~a)~~ promote decision making and actions that:
 - ~~• uphold the rights of the child/student and the rights of employees;~~
 - ~~• Foster Are in the best interests of the child/student;~~
 - ~~• Are asset based;~~
 - ~~• are not discriminatory; and~~
 - ~~• do not cause or perpetuate harm;~~
- ~~e)f)~~ have meaningful engagement with diverse student, employee and community groups on initiatives that affect them ("nothing for/about us without us");
- ~~b)~~ embed human rights, anti-oppression, anti-discrimination, anti-racism, Universal Design for Learning (UDL), inclusive design and accessibility principles, approaches and actions in all aspects of services, employment and learning and working environments;
- ~~c)~~ promote anti-discrimination and incorporate intersectionality and targeted universalism in decision making;
- ~~g)~~ Value, affirm and reflect students', families' ~~and~~ employees' and communities' diverse identities, family structures, lived realities and experiences, perspectives, strengths, abilities, talents, skills, cultures, ~~communities,~~ histories and achievements, and honour and support the expression of their identities, ~~strengths, skills, experience, perspectives and talents;~~;
- ~~f)h)~~ Provide caring and safe learning and working environments that respect and protect human rights, that promote high expectations and achievement and that remove barriers to success;
- ~~d)~~ affirm that protecting and promoting human rights is ongoing organizational work and that all employees have individual and shared organizational roles, responsibilities and accountabilities to uphold human rights and prevent discrimination;
- ~~e)~~ integrate human rights responsibilities across all system areas/portfolios and build capacity to embed human rights into all decision making;
- ~~f)~~ take proactive and systemic approaches to identify, prevent and address discriminatory structures and practices to support equitable experiences, access and opportunities and to prevent discriminatory outcomes for students and employees;
- ~~g)~~ communicate about the effectiveness of the policy and procedures through ongoing evaluation and public reporting;
- ~~i)~~ Support the duty to accommodate Human Rights Code related needs to the point of undue hardship, in a manner that recognizes and respects individual identities, strengths, abilities and needs and that maximizes inclusion, integration, participation and independence;
- ~~j)~~ Support accessible, safe, fair and effective human rights issue and complaint resolution processes;
- ~~g)k)~~ Better align DDSB policy and District procedures with applicable legislation including the Canadian Charter of Rights and Freedoms, Ontario Human Rights Code, Accessibility for Ontarians with Disabilities Act, Anti-Racism Act, Employment Standards

~~Act, Occupational Health and Safety Act, and the Education Act; and
Occupational Health and Safety Act, and the Education Act; and~~

l) ~~Adopt a human rights policy that is consistent with the;~~

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

~~3.0~~

~~3.0~~ In adopting Policy

~~2.2~~ this policy, the DDSB recognizes and accepts the principle of targeted universalism. That is, although certain initiatives may be designed to support specific groups (i.e., communities who have historically been or are currently discriminated against, marginalized and minoritized), these initiatives will improve access and remove discriminatory structures and barriers to everyone's benefit.

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

3.0 Policy

Application and Scope

3.1 This policy is for the benefit of all DDSB community members in all DDSB learning and working environments. ~~Under this policy, DDSB community members are: members of the Board of Trustees, board committee members, employees, students, parents/families/caregivers, permit holders, vendors, service providers, authorized visitors and any other person who lawfully enters DDSB learning and working environments or spaces.~~

~~3.2 All DDSB community members have the right to be treated with dignity~~are employees, students, parents/guardians, families permit holders, vendors, service providers, authorized visitors and respect and to services, employment and any other person while lawfully within DDSB learning and working environments ~~that are free from discrimination and harassment.~~

- ~~• All DDSB community members have a right to be free from discrimination and harassment at DDSB meetings, events, activities, in learning or spaces.~~
- ~~• DDSB learning and working environments and spaces. This may also include virtual and in-person meetings, events and activities including those that take place outside of usual learning and working spaces and environments, or outside of usual learning and working hours, when engaged in activities that are the activity is sufficiently connected to DDSB learning environments or the workplace (e.g., conferences, training events, school trips, online and social media interactions, school activities and extracurricular events).~~

~~3.2 All DDSB community members have a responsibility the right to comply with the terms of this policy and to treat others be treated with dignity and respect in all and to DDSB services, employment and learning and working environments that are free from discrimination.~~

~~3.23.3~~ All DDSB policies and procedures shall be interpreted and applied in a manner consistent with the terms of this policy in order to prevent discriminatory structures, barriers, experiences and outcomes. To the extent that the terms of any DDSB policy or procedure contradict the terms of this policy, the terms of this policy shall govern.

~~3.33.4~~ All DDSB processes, programs, practices and initiatives shall comply with and shall be consistent with this policy.

~~A.~~ **A. Human Rights Code**

~~3.3 The Human Rights Code has primacy over all other provincial legislation (unless the other law specifically states otherwise), and District policies and procedures.~~

Prohibited Grounds of Discrimination

~~3.43.5~~ This policy prohibits discrimination and harassment by DDSB community members in the delivery of services, in employment and in DDSB learning and working environments based on the following prohibited grounds under the Human Rights Code:

- Age
- Ancestry (includes Indigenous ancestry)
- Citizenship
- Colour
- Creed (religion, includes Indigenous spiritual practices)

- Disability (includes mental, physical, developmental and learning disabilities and addictions)
- Ethnic origin
- Family status [being in a parent-child or equivalent relationship (includes childcare and elder care responsibilities)]
- Gender identity (which may be the same or different from a person's birth assigned sex)
- Gender expression (how a person publicly presents their gender)
- ~~marital status~~
 - Marital status [the status of being married, single, widowed, divorced or separated and includes the status of living with a person in a conjugal relationship outside of marriage (that is, in a "common-law relationship")]
- Place of origin
- Race
- Receipt of public assistance (in housing only)
- Record of offenses (in employment only)
- Sex (includes pregnancy and breastfeeding/expressing breast milk)
- Sexual orientation.

3.53.6 The prohibited grounds of discrimination under this policy shall be deemed amended to reflect any changes to the Ontario Human Rights Code or expansion of analogous grounds as determined by a court of competent jurisdiction.

3.63.7 The grounds of race, ancestry, citizenship, colour, creed, ethnic origin and place of origin are sometimes collectively referred to as "race related" grounds because ~~of how~~ the effects of discrimination based on these grounds ~~are often~~ can be linked to race.

3.73.8 Although language is not a prohibited ground under the Human Rights Code, language/language-related needs may be connected to one or more of the race related grounds or to disability. Therefore, in some cases where there is a connection to a race related ground or to disability, language/language related needs may be protected under the Human Rights Code and under this policy.

3.83.9 Under the Human Rights Code, receipt of public assistance is a ground of discrimination in the social area of housing only. Although the Human Rights Code does not include socioeconomic status or poverty as a prohibited ground of discrimination in services or employment, the DDSB recognizes that people who are affected by poverty:

- Are discriminated against, marginalized and minoritized;
- Disproportionately identify based on one or more Human Rights Code ground(s); and
- Are disproportionately affected by classism and poverty-related discrimination.

3.93.10 Therefore, poverty-related discrimination ~~/classism~~, where there is an intersection with a prohibited ground of discrimination, is covered by this policy. The impacts of classism will be considered when implementing and addressing the requirements of this policy.

3.103.11 Consistent with the Human Rights Code, this policy also prohibits discrimination and harassment based on:

- Association or relationship with a person who identifies based on one or more Human Rights Code ground(s);
- The perception that a person identifies based on one or more Human Rights Code

ground(s) (for example, perceived ancestry, race, creed/religion, disability, sexual orientation, gender identity, etc.); and

- c) Any combination of two or more grounds where systems/structures may impose distinct discriminatory barriers and/or individuals may be affected by distinct forms of discrimination and harassment based on the unique intersection(s) of these grounds (i.e., intersectionality, ~~where the determination of potential discrimination, harassment or discriminatory structures, barriers, effects or impacts includes critical intersectional analyses~~).

Policy Violations

~~3.113.12~~ DDSB community members shall not engage in ~~any form of~~ discrimination ~~under the Human Rights Code or this policy related to a prohibited ground(s)~~ against any DDSB community member in DDSB learning or working environments. ~~In this regard,~~ the following ~~behaviours/conduct~~ (refer to Appendix A for definitions) ~~are prohibited/is unacceptable and are violations of this policy:~~ prohibited:

- a) Any form of discrimination;
- b) Harassment, bullying and cyberbullying;
- c) Sexual harassment ~~and/or~~ sexual solicitation;
- d) Hate activity, including hate incidents, hate speech and hate crimes;
- e) Creating or contributing to a poisoned learning or working environment;
- f) Condoning or failing to address or prevent potential discrimination;
- g) Interfering with an investigation under this policy or related procedures;
- h) Failing to address the duty to accommodate Human Rights Code related needs to the point of undue hardship ;
- i) Failing to meet their Duty Bearer responsibilities (as set out below)
- ~~h)j)~~ Reprisal or threat of reprisal;
breaching
- ~~j)k)~~ Breaching the confidentiality provisions of this policy; and
- ~~k)l)~~ Bad faith complaints.

~~3.4 All forms of discrimination under the Human Rights Code are unacceptable in DDSB services, employment and learning and working environments and shall not be condoned.~~

Discriminatory Effect/Impact

~~3.123.13~~ A ~~policy,~~ practice, behaviour, action or inaction will be considered a violation of this policy where the effect or impact, whether intentional or unintentional, is discriminatory.

Consequences for Policy Violations

~~3.133.14~~ The Human Rights Code and this policy are not punitive ~~and focus on. It is anticipated that consequences for policy violations will typically engage~~ corrective and remedial ~~responses~~ measures to prevent recurrences and to support learning. While specifics as to consequences are operational and are left to the Director of Education and designates to address in procedures, protocols and practices, responses to policy violations ~~are to may~~ include a range of corrective, remedial, responsive, and restorative ~~and measures but may also include~~ disciplinary actions, up to and including termination of employment (for employees) or expulsion (for students), ~~and~~ subject to the principles of progressive discipline.

~~Reprisal~~

~~3.5~~ ~~DDSB community members shall not be penalized or threatened for asserting their rights or for participating in a complaint resolution process under the Human Rights Code or this policy. Engaging in reprisal is prohibited and is a violation of this policy.~~

Potential Competing Rights

~~3.143.15~~ In the DDSB's complex services, employment and learning and working environments, rights may sometimes come into conflict with one another. The DDSB recognizes that no rights are absolute and there is no hierarchy of rights. The DDSB will In situations where a person or a group's rights may conflict with another's, the Director of Education or designates shall respect the importance of all rights, collaboratively explore options and solutions to address potential conflicting or competing rights and maximize rights for everyone in accordance with the Ontario Human Rights Commission's *Policy on Competing Human Rights* ~~and procedures that implement this policy.~~

Right to Pursue Other Avenues

~~3.153.16~~ Nothing in this policy, nor in any related procedure, precludes DDSB community members from asserting their rights, pursuing other resolution options or seeking redress through other statutory or contractual rights and remedies (e.g., a grievance through the applicable collective agreement if they hold grievance rights, filing an application to the Human Rights Tribunal of Ontario, etc.).

Confidentiality

~~3.163.17~~ ~~The DDSB will maintain~~ Except as may be permitted or required by law, the confidentiality and privacy of personal information related to human rights issues, complaints and accommodation requests, ~~subject to disclosure requirements and certain processes set out in legislation, legal proceedings and in the related procedures.~~ shall be maintained.

~~3.6~~ ~~Any DDSB community member who raises an issue, complaint or accommodation request, or who participates in the resolution of a matter under the policy or related procedures, must maintain confidentiality.~~

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

Equitable Processes

~~3.7~~ ~~The implementation of procedures and processes developed under this policy shall uphold human rights and equity principles and will not reinforce inequities or discriminate, marginalize, minoritize or oppress individuals/groups.~~

B. ~~_____~~ B. ~~_____~~ Duty Bearer Responsibilities

~~3.173.18~~ All DDSB employees are responsible for upholding the Human Rights Code, this policy and any related procedures and are referenced in this policy as “Duty Bearers”. Under this policy, reference to the term employee or Duty Bearer shall include permanent, temporary, casual and contract staff, volunteers, university and college students on placement, interns and any other ~~person~~persons included in the definition of “worker” under the Occupational Health and Safety Act.

~~3.183.19~~ All Duty Bearers shall, as appropriate to their role and within the scope of their ~~role and~~ authority and influence, contribute to and support safe, welcoming, equitable, respectful, accessible and inclusive environments in the DDSB free from Human Rights Code-related discrimination, racism, oppression, harassment and harm. Duty Bearers shall:

~~3.8~~ ~~Duty Bearer responsibilities include the following, as appropriate given an employee’s role, authority and influence:~~

- a) **Promote and protect** human rights and provide DDSB community members with information about their rights and responsibilities ~~as and when appropriate;~~
- b) **Identify, prevent and address** human rights barriers and discriminatory structures in learning and/or working environments ~~(for example, classrooms, schools, offices, job sites)~~ and in all services and operational and employment related ~~policies~~, procedures, practices, teaching and learning, plans, initiatives and decision making;
- c) **Respond to** and address human rights barriers, issues and accommodation requests under the Human Rights Code for DDSB community members;
- d) **Learn** about this policy and related procedures ~~so that all Duty Bearers have knowledge, skills, learning and resources~~ to apply human rights, anti-discrimination and anti-racism principles ~~to~~in their jobs/roles, decision-making and interactions with DDSB community members; and
- e) **Correct** and address human rights issues, incidents and complaints.

~~3.9~~ ~~Without limiting the general nature of the obligations referenced above, Duty Bearer responsibilities include the following duties:~~

3.20 Further, Duty Bearers shall:

- ~~a)~~ Create and maintain learning and working environments that :
 - a) welcome, expect, include and value all students, parents/~~caregivers~~guardians and family structures, employees and community members; and respect, affirm and support the expression of diverse identities based on ~~ancestry, race, sex, disability, sexual orientation, gender identity, gender expression, religious/creed identities, all other~~all Human Rights Code grounds and ~~intersection~~intersections of grounds; ~~recognize, respect and uphold rights and~~
 - ~~b)~~a) Contribute to shared ~~individual and~~ organizational roles, responsibilities and accountabilities for ~~maintaining respectful, safe, inclusive, equitable, accessible environments, free from upholding human rights and preventing~~ discrimination, ~~oppression, harassment and harm~~racism;
 - ~~c)~~b) Adopt (and/or strengthen) and apply human rights, anti-oppressive, anti-discriminatory, anti-racist, inclusive and culturally relevant principles and practices to services, service delivery and employment;
 - ~~d)~~c) Engage in and promote decision making and actions that:

- Uphold the rights of the child/student and the rights of employees;

- Are in the best interests of the child/student;

- Are asset-based;

- ~~are in the best interests of the child/student;~~

- ~~are asset-based;~~

- Are not discriminatory; and

- Do not cause or perpetuate harm;

d) Not treat any community member differently because of biases, assumptions, prejudices, stigmatization or stereotypes associated with a Human Rights Code-related ground or combination of grounds (e.g., ancestry, race, disability, sex, sexual orientation, gender identity, gender expression, creed/religion) and classism; and

e) When making decisions that affect a student's right to education or an employee's right to employment without discrimination, to:

- Identify, disrupt and address discriminatory structures, policies, practices, rules and ideologies, including white supremacy, racism, ableism, sexism, heteronormativity, cisnormativity/cisgenderism, cissexism, faithism, ageism and classism; and
- Consider and address systemic, individual and intersectional factors and unique barriers and needs for Indigenous Peoples, Black peoples, racialized peoples, people with disabilities, women/girls, people who identify as members of 2SLGBTQI communities, people who identify as members of groups that are discriminated against, marginalized and minoritized based on creed/religion and other all Human Rights Code grounds, and classism.

~~3.193.21~~ The Director of Education may define and clarify additional Duty Bearer responsibilities ~~are outlined in the procedures underimplementing this policy and in the Roles, Responsibilities and Accountability Framework.~~

~~3.10 — It is a breach of this policy for an employee to fail to fulfill their Duty Bearer responsibilities under this policy or any procedure under this policy.~~

Board of Trustees

~~3.203.22~~ While not within the definition of a Duty Bearer, the Board of Trustees, in fulfillment of its policy-making and statutory functions will:

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

~~3.11 — Similarly, while individual members of the Board of Trustees are not "Duty Bearers" under this policy, they are Community Members under this Policy. The Trustee Code of Conduct requires individual~~

~~members of the Board of Trustees to comply with Board policy.~~

C. ~~C.~~ Policy Framework

~~3.213.23~~ 3.23 ~~The DDSB shall, through The Director of Education and/or designates:~~ The Director of Education and/or designates shall implement this policy in procedures, protocols and/or practices that will:

a) Focus on intentional anti-discrimination and anti-racist approaches and actions, including but not limited to reflecting on, analyzing, challenging and disrupting positionality, systems of privilege and power, and discriminatory biases, assumptions, ideologies, structures and barriers that are inconsistent with legislation and this policy's objectives and commitments;

~~a)b)~~ b) Build and/or enhance relationships between the District and communities that are discriminated against, marginalized and minoritized ~~because of (and not limited to) ancestry, race, disability, sex/gender, sexual orientation, gender identity, gender expression, creed/religion and other~~ based on Human Rights Code grounds (or combination of grounds) as set out in this policy;
~~in consultation~~

~~b)c)~~ c) Engage with appropriate District communities ~~with~~ into support the district, identify, ~~prevents successful~~ and address ~~co-operative implementation of this policy, including identifying~~ potentially discriminatory structures, barriers, and trends, and differential and disproportionate experiences, opportunities, access and outcomes;

~~a)~~ a) ~~invite engagement with the DDSB's diverse communities to support the successful and co-operative implementation of this policy;~~
~~apply~~

d) Apply, integrate and embed human rights, anti-discrimination, anti-racism, inclusive design, UDL, CRRP and accessibility principles, approaches and actions to ~~its~~ its;

- Support decision making that upholds human rights across all system areas/portfolios, services, employment and learning and working environments to;

- ~~reflect and affirm DDSB communities' diverse identities, strengths and abilities~~

- Proactively identify, prevent and address discriminatory structures and barriers for (and related needs of) students and employees based on ~~ancestry, race, disability, sex, sexual orientation, gender identity, gender expression, creed and all other~~ all Human Rights Code grounds, intersecting grounds and classism; ~~and~~

- to make services, employment and learning and working environments more inclusive and accessible for everyone ~~in accordance with the requirements under the Accessibility for Ontarians with Disabilities Act and consistent with inclusive design and UDL principles;~~ and

- All recommendations to the Board of Trustees;

~~e)e)~~ e) Provide learning opportunities for students and integrate content that enhances understanding, respect and appreciation for multiple social identities, including the diverse identities, voices, stories, cultures, histories, experiences and perspectives of the communities the District serves and of Ontario;

~~f)f)~~ f) Teach students complete and accurate histories and narratives including:

- The impacts of colonialism, oppression and historical and ongoing systemic discrimination; and
- Examples of resistance to discrimination and stories of agency, excellence and joy; this includes and is not limited to:

- Promoting historical and contemporary successes and accomplishments of Indigenous Peoples, Black peoples, racialized people, women, people with disabilities, people who identify as members of 2SLGBTQI communities, people who practice various creeds/religions, etc. and people with intersecting identities;
- Recognizing their valuable contributions throughout the year (and not only during days/months of significance); and
- Embedding these into practice, without appropriation;

~~e)g)~~ _____ Provide resources and materials that challenge racism, sexism, ableism, homophobia, biphobia, transphobia, faithism and all forms of discrimination;

~~b)~~ Remove resources that contribute to or perpetuate :
 • ~~discriminatory biases, assumptions, ~~or~~ stereotypes;~~ and
~~f)h)~~ ~~trauma and/or~~ harm;

~~g)i)~~ Address the unique strengths and needs of, and barriers for, newcomers, undocumented students, English language learners and children and youth in care;

~~h)i)~~ Promote global competencies, social justice, human rights and responsible citizenship, including respect for the environment;

~~i)k)~~ Promote anti-discrimination, anti-racism, anti-ableism, anti-homophobia, anti-biphobia, anti-transphobia, anti-faithism, and anti-classism;

~~j)l)~~ Affirm and reflect all identities in DDSB spaces and displays (e.g., posters, visual displays, content, etc.);

~~k)m)~~ Have libraries with books and other resources that reflect diverse identities, authors, perspectives and lived experiences; ~~and~~

~~l)n)~~ Foster the use of inclusive pronouns, language, and activities;

3.12 — ~~The Director~~ Improve transparency and/or designates shall develop and implement procedures to:

- a) ~~apply and embed human rights principles, anti-discrimination, anti-racism, UDL, inclusive design and accessibility principles to all:-~~
 - ~~district recommendations to the Board; and~~
 - ~~services and operational and employment related policies, procedures, practices, plans, initiatives and decision making (including and not limited to: pedagogy, instructional practices, curriculum and resources, guidance, assessment and placement practices, classroom management and discipline, academic and professional services, programs, supports and resources, human resources, learning and professional development, corporate services, communications, community engagement and partnerships, including School Community Councils, and operational planning);~~
- b) ~~take intentional anti-discrimination and anti-racist approaches and actions, including and not limited to reflecting on, analyzing, challenging and disrupting positionality, systems of privilege and power, and discriminatory biases, assumptions, ideologies, structures and barriers that are inconsistent with legislation and this policy's objectives and commitments;~~
- c) ~~implement organizational, department-based and/or school-based strategies, initiatives or actions as required to address commitments, responsibilities and accountabilities set out~~ accountability in this policy;

~~m) o)~~ addressing Human Rights Code related accommodations ~~and support the duty to accommodate requests or needs~~ to the point of undue hardship; ~~address and attempt to resolve~~

~~n) p)~~ Provide for dispute resolution processes for Human Rights Code issues, incidents and complaints ~~in a confidential, fair and timely manner;~~

~~d)~~ Establish an accountability framework that further outlines :

~~e) q)~~ Duty Bearers' Bearers' roles and responsibilities ~~under this policy;~~ and system requirements to support an accountable human rights organization, ~~including mechanisms to document expectations, build employee capacity, uphold human rights, establish effective issues and complaints resolution processes, and monitor, evaluate and report on results;~~

~~p) r)~~ Conduct research and collect quantitative and qualitative data as to the issues addressed by this policy and the impact of this policy, ~~and in doing so shall~~ engage and consult with DDSB communities to analyze the data using anti-discrimination, anti-~~racism~~ racism and intersectional principles and approaches; and

~~e) s)~~ Evaluate and publicly report on the effectiveness of this policy in achieving this policy's objectives.

~~3.22~~ 3.24 The Director and/or designates may create special initiatives to address the effects of historical and ongoing discrimination, create opportunities to alleviate discrimination and disadvantages and ~~to~~ support equitable access, opportunities, experiences, processes and outcomes.

~~3.23~~ 3.25 The Director and/or designates shall:

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

D. ~~D.~~ Communications

~~3.24~~ 3.26 This policy and any related procedures shall be posted on the Board's website together with ~~related procedures so that community members can access these materials~~ any supporting resources, guidelines or explanatory aides.

~~3.25~~ 3.27 The Director and/or designates ~~will~~ shall implement a communications plan to:

- a) Promote human rights and this policy;
- b) Raise awareness among DDSB community members about their rights and responsibilities under this policy and related procedures;
- c) Invite community consultation and engagement on human rights related initiatives; and provide regular progress reports
- d) Publicly report on the implementation and ~~outcome~~ effectiveness of this policy and related procedures ~~in achieving the objectives of this policy.~~

4.0 ~~4.0~~ Evaluation

4.1 This policy may be reviewed and updated as may be deemed necessary or appropriate, but

it shall be reviewed at least every five years. The review process will:

- a) Reflect qualitative and quantitative data;
- b) Include input from and evidence of impact on students, employees and DDSB communities; and
- c) Reflect evolving human rights law.

5.0 ~~5.0~~—Reference Documents

5.1 ~~5.1~~ Policies

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

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

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

Appendix:

Appendix A: Glossary of Key Terms

Effective Date:

YYYY-MM-DD

Reviewed and Amended:

YYYY-MM-DD

Reviewed without Amendment:

YYYY-MM-DD

Draft Human Rights, Anti-Discrimination and Anti-Racism PolicyDRAFT Glossary of Terms

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

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

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

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

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

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

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

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

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

Anti-Indigenous racism: discrimination, racism negative stereotyping, and injustice experienced by Indigenous Peoples. It includes ideas and practices that establish, maintain and perpetuate power imbalances, systemic barriers, and inequitable outcomes that stem from the legacy of colonial policies and practices.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

District: the corporate entity of the DDSB

Duty bearer: employees who are responsible for promoting, protecting and upholding human rights and preventing and addressing discrimination in DDSB services, employment and learning and working environments. Duty bearer responsibilities are outlined in the Human Rights Policy and procedures.

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

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

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

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

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

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

"Ought reasonably to be known" includes:

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

Hate activity: a hate crime or a hate incident.

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

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

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

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

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

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

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

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

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

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

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

Learning environment: any space, premise, location or thing at, upon, or in which a DDSB student or community member learns or engages in activities connected to the learning environment (e.g., parent engagement/parent council activity etc.). This includes virtual/online environments. Conduct that has consequences for the learning environment, regardless of where it occurs, may be considered to have occurred in a learning environment (e.g., schools and school-related activities, such as extra-curricular activities and excursions).

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

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

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

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

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

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

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

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

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

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

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

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

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

Reporter: anyone who makes a complaint under the Student/Family Human Rights Issue, Incident and Complaint Resolution Procedure alleging that discrimination under the Human Rights Policy has occurred.

Reprisal: penalizing or threatening to penalize a person for attempting to enforce their rights under the Human Rights Code and/or the Human Rights Policy or procedures (e.g., raising an issue or reporting an incident, filing a complaint, requesting accommodation, raising a concern about an issue, incident, or accommodation process or outcome, raising a complaint to the Human Rights Tribunal of Ontario or to another external body to assert their rights, or supporting someone in any of these activities), or for participating in the resolution of an issue or in an investigation of a complaint (e.g., students or employees who are parties or witnesses to discrimination or harassment).

Reprisal is unacceptable and will not be condoned. Reprisal may be subject to a complaint under this policy and related procedures, and may result in disciplinary measures, up to and including termination of employment. Reprisal does not include taking appropriate corrective and disciplinary action to address substantiated violations of the policy.

Respondent: anyone who has a complaint made against them under the Human Rights Policy or procedures.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Yogyakarta Principles: a set of principles on the application of international human rights law in relation to sexual orientation, gender identity, gender expression and sex characteristics.

Sources:

- [Addressing Anti-Asian Racism: A Resource for Educators \(Toronto District School Board and the Elementary Teacher's Federation of Ontario\)](#)
- [Anti-Racism Directorate's Anti-Racism Strategy and Data Standards for the Identification Monitoring of Systemic Racism](#)
- [DDSB's Indigenous Education Policy](#)
- [Ontario Human Rights Commission's policies and guidelines](#)
- [Ontario's Education Equity Plan](#)
- [The 519 Glossary of Terms](#)
- [Toronto District School Board's Human Rights Policy and Equity Policy](#)

Tracked Changes Version:

**Draft Human Rights, Anti-Discrimination
and Anti-Racism Procedure**

PROCEDURE

EMPLOYEES

DRAFT Human Rights, Anti-Discrimination and Anti-Racism

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

1.0 Objective

1.1 The objective of this procedure is to implement the Human Rights, Anti-Discrimination and Anti-Racism Policy (the “Human Rights Policy”), with a focus on proactive actions to promote, protect and uphold human rights and to identify, prevent and address all forms of discrimination and racism in the District’s services, employment, and learning and working environments.

~~This procedure includes:~~

- ~~a) specific employee, classroom and school, system department and organizational actions to uphold the Human Rights Policy and to support services, employment and learning and working environments free from discrimination; and~~
- ~~b) requirements to support equitable experiences, access and opportunities and to prevent discriminatory outcomes for students and employees.~~

~~This procedure also supports the Board’s Human Rights Policy to intentionally address anti-Indigenous racism, anti-Black racism, anti-Asian racism, anti-Latin American racism, all other forms of racism, Islamophobia/anti-Muslim hate, antisemitism, other forms of religious discrimination, ableism, homophobia, biphobia, transphobia, and all other forms of discrimination and hate in DDSB learning and working environments.~~

~~Additional procedures are adopted under the Human Rights Policy to address human rights accommodation requests, issues, incidents and complaints.~~

1.2 This procedure shall be read ~~in conjunction together~~ with the Human Rights Policy and the Human Rights Roles, Responsibilities and Accountability Framework (the “Accountability Framework”) adopted under the Human Rights Policy. The policy and Accountability Framework define Duty Bearer responsibilities for all DDSB employees to uphold the objectives and requirements of the policy.

~~The Director of Education and designates may take additional approaches and implement other procedures, initiatives or actions to address specific (e.g., racism, ableism, homophobia, biphobia, transphobia, faithism, etc.) and intersecting forms of discrimination, and classism.~~

2.0 Definitions

~~This procedure refers to certain terms related to~~

2.1 Key human rights and equity that terms used in this procedure are defined in Appendix A (Glossary of Terms) of the Human Rights Policy.

3.0 Procedure

3.0

3.1 This procedure applies to the benefit of all students, employees and District community members and to all Human Rights Code related grounds (and intersection of grounds) as set out in the Human Rights Policy.

- 3.2 All organizational practices and decision making will comply with this procedure and uphold the strategic direction of the Human Rights Policy.
- 3.3 The successful implementation of this procedure requires ongoing collaboration and engagement with the District's communities, including internal departments, employee groups/federations and community partners. Student, employee and community voice and engagement is critical to help the District identify, address and prevent discriminatory behaviours, barriers, actions, experiences and outcomes. The District will endeavor to appropriately engage students, employees and communities on initiatives that affect them ("nothing for/about us without us").
- 3.4 It is recognized that students, employees and other community members may be at different stages of awareness and understanding of the impacts of various forms of oppression, discrimination and racism and underlying ideologies, and that this learning may take time. In addition, some elements of the procedure require system changes that may also require time to develop and implement.
- 3.5 However, the Human Rights Policy recognizes the ongoing impacts and harm caused by discriminatory structures, policies and practices that deeply affect students, employees and communities, and that prompt action is required to address those impacts and to prevent further or ongoing harm.

Action Plans

Each school and system department ~~is required~~ shall consult with their Family of Schools Superintendent or the Associate Director of Corporate Services, as the case may be, to develop and implement an action plans plan to meet the objectives and requirements set out in the of this Human Rights Policy, accountability framework and this procedure, with a focus on individual, departmental and organizational roles, responsibilities and accountabilities to build capacity, promote human rights and prevent, address and correct discrimination and discriminatory barriers.

- 3.6 For ~~All schools and system departments will,~~ action plans may be integrated within school learning plans. Action plans shall be reviewed and updated as appropriate and at least on an annual basis.

- 3.7 a) promote and protect human rights in their work, actions and interactions;
b) review the requirements of the policy, procedure and accountability framework;
~~critically and carefully examine their~~ Action plans shall be based on a critical examination of processes, practices, decision making and department/school/district student and employee and relevant data to identify and consider potential address discriminatory barriers, experiences, processes, impacts and/or outcomes; and. Action plans shall also outline how the school or system department will apply the requirements of the Human Rights Policy and the related procedures, including the Accountability Framework, to school/system department activities and decisions, including proactively preventing discrimination.
c) adjust, remove or develop new structures, practices and decision-making processes to align with the policy and procedure and to address discriminatory barriers, experiences, impacts and outcomes.

- 3.8 All employees (within the scope of their job duties, role, authority, influence and responsibilities will apply and where applicable) shall embed human rights, anti-discrimination, anti-racism and accessibility principles into their work and actions, and shall will be informed by, apply ,incorporate the principles and requirements of and/or implement the following in their work: requirements of:

~~a) the Indigenous Education Policy and related procedures;~~

- a) The DDSB's Accessibility Plan; ~~[insert link];~~
- b) Universal Design for Learning (UDL), inclusive design, and differentiated instruction, assessment and evaluation;
- c) The Equity Continuum: Action for Critical Transformation in Schools and Classrooms; ~~[insert link];~~
- d) Culturally Relevant and Responsive Pedagogy (CRRP) and critically conscious practitioner inquiries; ~~[insert links]; and~~
- e) The Compendium of Action for Black Student Success; ~~and [insert link].~~

Accessibility

3.9 Employees additional new tool shall, within the scope of their responsibilities, incorporate and resources apply accessibility principles to:

- a) Comply with the Accessibility for Ontarians with Disabilities Act accessibility standards for customer service, employment, transportation, public spaces and information and communications; and
- a)b) Address barriers and support anti-discrimination, as they are developed and become available, accessibility and quality participation for students, employees and community members with disabilities.

Universal Design for Learning (UDL)

3.10 Employees must consider shall, within the scope of their responsibilities, apply UDL principles in ~~all~~ their work and interactions that involve or affect students. UDL emphasizes equal participation and recognizes that all students have individual identities, abilities, strengths and needs. ~~#UDL involves and considers;~~

- ~~f)a)~~ Developing flexible ways to learn and providing students with choice;
- ~~g)b)~~ Creating an engaging classroom and school environment;
- ~~h)c)~~ Maintaining high expectations for all students while allowing multiple ways to meet expectations;
- ~~i)d)~~ Empowering educators to think differently about their own teaching;
- ~~j)e)~~ Focusing on educational outcomes for all;
- ~~k)f)~~ Designing classroom experiences ~~and implementing curricula~~ that meet and adjust to the requirements of all students;
- ~~l)g)~~ Flexible and multiple forms of assessments and evaluations that recognize individual progress and provide a variety of methodologies for students to demonstrate their learning; and
- ~~m)h)~~ Offering multiple means of:
 - Representation to give learners various ways of acquiring information and knowledge;
 - Formative assessments prior to summative evaluations; and
 - Engagement to tap into learner's interests, challenge them appropriately and motivate them to learn.

Inclusive Design

3.93.11 Employees must also shall, within the scope of their responsibilities, apply inclusive design principles to their work. Inclusive design:

- a) Emphasizes inclusion, accessibility, barrier-free environments and equal participation of individuals and groups with diverse identities and varying levels of ability; and
- b) Requires those who develop or revise programs, procedures, standards,

requirements and facilities to proactively:

- Design with everyone in mind to include people and groups with diverse identities and to be aware of differences among individuals and groups;
- Identify and prevent barriers to inclusion and to maximize a person's ability to independently access and participate in services and employment without discrimination; this means:
 - Identifying and preventing barriers and adjusting structures and assumptions that may otherwise exclude people based on Human Rights Code related identities; and
 - Developing equitable standards or requirements; and
 - ~~incorporating accessibility standards and meeting legal requirements under the Accessibility for Ontarians with Disabilities Act.~~

The District's Inclusive Design Lens [\[insert link\]](#) provides further guidance ~~to support on six threads of~~ inclusive design ~~principles, including:~~

Individual Reflection and Action

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

3.12 building leadership capacity: intentionally creating successful entry points into leadership for students and employees. District employees are expected to:

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

- ~~a) lead by demonstrating respectful behaviours and decision-making that are grounded in policies and procedures;~~
- ~~e)a) _____ Develop/enhance their understanding of (and commit to ongoing learning and reflection about) human rights, anti-discrimination and anti-racism, including how privilege, positionality, power, oppression and dominant narratives and discriminatory ideologies (including and not limited to white supremacy, racism, ableism, sexism, heteronormativity, cisnormativity, faithism, classism, etc.); can:~~
 - Shape and inform assumptions and beliefs, and affect structures, policies, practices, decision making and actions;
 - Operate in District services, employment and learning and working environments;
 - Perpetuate discrimination, marginalization and harm; and
 - Result in barriers and inequitable access, experiences and outcomes for students, employees and communities;
- ~~d)b) _____ Critically reflect, analyze and challenge their own privilege, positionality and actions and existing structures that are based on colonial, oppressive, racist, ableist, sexist, heteronormative, homophobic, cisnormative, transphobic, faithist and classist and discriminatory ideologies that negatively and disproportionately affect students, employees and community members based on Human Rights Code grounds and combination of grounds and:~~

- Consider how their decisions and actions affect communities/groups that are discriminated against, marginalized and minoritized, including and not limited to newcomers, English language learners, undocumented children, children and youth in care;
 - Act to prevent and not perpetuate discrimination and harm; and
 - Apply human rights and anti-discrimination principles to all decisions, interactions and actions; and
- e)c) Always consider and uphold the rights of the child/student and the best interests of the child/student in decision making and check that they are not relying upon discriminatory biases, stereotypes, assumptions and attitudes/beliefs about the child/student, their family/caregiver or community. In doing so, they should, as they deem appropriate:
- Consult with the child/student and their family/caregiver; and
 - Consult with their supervisor, who may engage with District resources and subject matter expertise (e.g., Indigenous Education, Equity and Inclusive Education, Inclusive Student Services, Mental Health and Well-Being, Positive School Climate Climates, affinity networks, community members, etc.);

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

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

~~Classrooms, Schools and Learning Environments~~

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

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

~~Employees will take concrete actions to:~~

- ~~f)d) Consider, reflect and respond to students' diverse and intersecting identities, abilities, strengths and needs;~~
- ~~a) identify, prevent and address:~~
 - ~~• discriminatory biases, stereotypes and assumptions;~~
 - ~~• inequitable structures, process and barriers for students; and~~
 - ~~• disproportionate opportunities, experiences and outcomes;~~
- ~~b) prevent harm; and~~
- ~~g)e) Support learning environments that are intentionally and meaningfully inclusive, responsive and authentic for all learners; and~~
- ~~f) Implement the action plan within the scope of their responsibilities.~~

Classrooms, Schools and Learning Environments

Curriculum, Pedagogy, Teaching/Instructional Practices and Resources

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

- a) Work to build appropriate and supportive relationships with ~~all~~ students, ~~and~~ parents/guardians/families to better understand their identities and perspectives;
- b) Thoughtfully and respectfully:
 - Centre students in instruction so that all students feel visible, heard, valued, and know that they matter and belong;
 - Reflect, lift up, represent and positively promote students' identities and voices; and
 - Affirm and foster the expression of students' diverse felt, lived and intersecting identities based on ancestry, race, disability, sexual orientation, gender identity, gender expression, creed/religion, and all other Human Rights Code grounds and ~~or combination~~ intersection of grounds;
- c) Provide appropriate learning opportunities and integrate content that enhances understanding, respect and appreciation for multiple and intersecting social identities, including the diverse identities, voices, stories, cultures, histories, experiences and perspectives of the communities the District serves and of Ontario;
- d) Teach complete and accurate histories and narratives in accordance with District protocols and ~~additional~~ relevant procedures, including:
 - The impacts of colonialism, oppression and historical and ongoing systemic discrimination; and
 - Examples of resistance to discrimination and stories of agency, excellence and joy; this includes and is not limited to:

- Promoting historical and contemporary successes and accomplishments of Indigenous peoples, Black peoples, racialized people, women, people with disabilities, people who identify as members of 2SLGBTQI communities, people who practice various creeds/religions, etc. and people with intersecting identities;
- Recognizing their valuable contributions throughout the year (and not only during days/months of significance);
- Embedding these into respectful practice, without appropriation;

e) In consultation with system leads (as required):

- Provide resources and materials that challenge racism, sexism, ableism, homophobia, transphobia, faithism and all forms of discrimination;
- Remove resources that contribute to or perpetuate discriminatory biases, assumptions, ~~or stereotypes, in consultation with system leads where required; and harm~~

~~a) consider and strive to address the unique strengths and needs of, and barriers for, newcomers, undocumented students, English language learners and children and youth in care; and~~

~~e)f)~~ Promote global competencies, social justice, human rights, anti-discrimination, anti-racism and responsible citizenship, including respecting and protecting the environment.

The foregoing

3.113.14 Section 3.13 requires educators to:

- a) Identify how and where power, privilege and oppression operate in learning environments and intentionally decentre, counter and explicitly address white supremacy,

racism, ableism, sexism, homophobia, biphobia, transphobia, faithism and dominant narratives and ideologies in classrooms and schools;

- b) Not include (and to not permit others to use) harmful, derogatory and discriminatory content or language including but not limited to racist, ableist, xenophobic, sexist, gendered, homophobic, biphobic, transphobic and faithist slurs and epithets; and
- c) Not expect or rely on students who identify as members of communities that are discriminated against, marginalized or minoritized to speak to their community's histories and experiences.

Learning Environments, Activities and Events

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

- a) Promoting anti-racism, anti-ableism, anti-sexism, anti-homophobia, anti-biphobia, anti-transphobia and anti-faithism;
- b) Affirming and reflecting all identities in classroom and school environments and displays (e.g., posters, visual displays, content, etc.);
- c) Maintaining libraries with books and other resources that reflect diverse identities, authors, perspectives and lived experiences, in accordance with guidance from system leads;
- d) Using gender neutral and inclusive pronouns, language, and activities;
- ~~a) implementing the actions outlined in the Human Rights Inclusive Design and Accommodation [working title] procedure to address barriers related to ancestry, race, disability, gender identity, gender expression, creed/religion and intersecting grounds;~~
- e) Considering and addressing discriminatory experiences, barriers, impacts and outcomes:
 - That prevent students from participating in or accessing class/school practices, events and activities [e.g., opening exercises, schedules, "spirit" days, fundraising events (e.g., pizza days), cafeteria and catering food options and dietary restrictions, spaces to practice faith beliefs, school trips, clubs, affinity groups, extracurricular activities, sports teams, team/school logos and mascots, graduation ceremonies, etc.];
 - For student leadership opportunities and events; and
 - When granting awards and scholarships;
- f) Being attentive and sensitive to, and taking appropriate action to address, potential discrimination and harassment against students; and
- g) Supporting student identity-based affinity groups for communities that are discriminated against, marginalized and minoritized.

Guidance, Assessment, Placement, Clinical Practices and Evaluation

~~This procedure also engages:~~

3.16 Educators and employees, within the scope of their responsibilities and in consultation with school and system resources and supports and diverse communities, where appropriate, shall:

- a) Analyze structural and individual biases in, and apply human rights, anti-discrimination and anti-racism principles to, guidance, assessment, placement and evaluation theories, practices, and decisions (including supporting pathways to success that are to learning

skills assessments and special education and other placement decisions) and appeals processes. These practices and decisions shall:

- Be asset based and reflect and respond to students' individual strengths, abilities, strengthsneeds and post-secondary choices, ~~and are not;~~
 - Not be based on biases, assumptions and stereotypes about students based on any Human Rights Code protected ground(s); and
 - Not reflect or be rooted in deficit and discriminatory ideologies (for example, racism, sexism, ableism, homophobia, biphobia, transphobia, faithism, other forms of discrimination and classism;);
 - Consider unique barriers for newcomers, undocumented students/families, English language learners and children and youth in care;
- b) Implement culturally relevant, appropriate and responsive clinical practices and student mental health and well-being strategies and resources that:
- Recognize that school-based and other experiences of discrimination affect mental health and well-being, can cause or trigger identity-based and other trauma and harm, and may impact physical and psychological safety, student engagement and achievement; and
 - Reflect and address the needs of diverse communities and support trauma-aware, trauma-informed and healing-centred approaches, in addition to steps to address and prevent discrimination; and
- ~~c) analyzing structural and individual biases in assessment, evaluation and placement theories, processes, decisions and appeals so that they are asset-based and do not reflect deficit, discriminatory and classist ideologies, assumptions and stereotypes about Indigenous students, Black students, racialized students, students with disabilities, students who identify as members of 2SLGBTQI communities, students who identify as members of a religious/faith groups that are discriminated against, minoritized and marginalized, newcomers, English language learners and children and youth in care; this includes and is not limited to:~~
- ~~• learning skills assessments; and~~
 - ~~• special education and other placement decisions; and~~
- c) —d) Review and act on the results of student achievement data and other indicators of student engagement and success to address issues, disparities and disproportionate outcomes.

3.133.17 Reviewing and acting on the results of student achievement data and other indicators of student engagement and success to address systemic issues, disparities and disproportionate outcomes.

Classroom Management and Discipline

~~This procedure also applies~~

3.143.18 When addressing classroom management and discipline, educators are to developingconsider and enforcingapply fair, equitable, anti-discriminatory and anti-racist principles to formal and informal school and classroom rules, practices, expectations, initiatives, programs and/or decisions related (and not limited) to:

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

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

School ~~and~~ Community Engagement

All employees. ~~These requirements also apply to:~~

3.19 within the scope of their duties and responsibilities, shall apply human rights, anti-racism and anti-discrimination principles to:

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

Freedom of Expression and Upholding Human Rights

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

- ~~a) no rights are absolute;~~

~~b) the under the Canadian Charter of Rights and Freedom, the District has a responsibility to respect the rights provide learning and freedoms of others, including the right to learn and work in working environments free from discrimination and hate/hate speech;—~~

~~3.153.20 Employees must comply with Board policies and procedures, and all DDSB community members shall comply with the Human Rights Policy and Code of Conduct by not engaging in any form of discrimination can affect physical and mental health and well-being and can cause trauma and harm, especially for communities that are marginalized and minoritized; and/or hate in DDSB learning and working environments.~~

~~e) promoting and protecting the rights of the child/student and preventing trauma and harm in district learning and working environments, may place limits on Charter freedoms in certain situations.~~

Community Engagement and Partnerships

~~3.163.21 The District recognizes the valuable role that community members play in equitable educational services and employment. Engagement strategies will invite and encourage engagement with the District's diverse communities to support the implementation of: elements of this procedure and other human rights related procedures and initiatives.~~

~~a) elements of this procedure; and~~

~~b) other human rights related procedures and initiatives.~~

~~3.173.22 Employees assigned to Board committees by the Director (as a staff resource) will provide guidance and assistance to the committee Chair or co-Chairs to help integrate human rights, anti-discrimination and anti-racism principles into committee practices and activities.~~

~~3.183.23 The Director and designates will apply human rights, anti-discrimination and anti-racism principles to its processes for, selection of and formal and informal agreements with community organizations and business partners and groups that work with or in DDSB schools, on DDSB premises or in other DDSB learning and working environments.~~

~~3.193.24 The DDSB will not enter into partnerships with community groups and organizations that do not support human rights principles or whose mandates/objectives conflict with the District's values and commitments as set out in the Human Rights Policy and this procedure. This includes community fundraising efforts, donations (e.g., food, clothing and toy drives), community use of schools permits and other partnerships. Wherever possible, the District will partner with community groups and organizations that actively demonstrate their support for human rights, anti-discrimination, anti-racism and for communities that are discriminated against, marginalized and minoritized. and anti-racism.~~

~~The Board has embedded Human Rights principles into its Community Use of Schools Policy.~~

~~3.203.25 School Community Councils must comply with the Human Rights Policy and procedures within the scope of their mandate, selection processes, responsibilities and activities.~~

Supporting Schools and Classrooms: Academic Services

~~3.213.26 The Director of Education and designates shall apply and embed human rights, anti-discrimination and anti-racism principles into, and address barriers in, all aspects of academic services and operations to support staff employees in fulfilling the requirements and responsibilities outlined in this procedure. This includes and is not limited to:~~

- ~~a) Educational and operational procedures, and protocols as to programs, curriculum, learning materials and resources (including providing guidance on resources);~~
- ~~b) Protocols for educator assessment and evaluation and related tools and resources;~~

- c) Mental health and well-being programs, services, resources and supports for students;
- d) Clinical and professional services and supports; and
- e) Strategies, initiatives and resources to support student success, inclusive student services, outdoor education, English language learners, newcomers, undocumented students/families, children and youth in care, early years, the poverty strategy and positive school climates.

3.223.27 The Director of Education and designates shall also:

- a) Include role specific human rights responsibilities and accountabilities in learning, professional development and leadership opportunities (including but not limited to the New Teacher Induction Program (NTIP), aspiring leaders programs, etc.);
- b) Support the implementation of the Indigenous Education Policy, the Equity Continuum, UDL, inclusive design, the Accessibility Plan, culturally relevant and responsive pedagogy, differentiated instruction and the Compendium for Black Student Success; and
- c) Promote and champion human rights, anti-discrimination, anti-oppression and anti-racism through:
 - Consulting, knowledge building, coaching, mentoring, and job embedded learning and critical consciousness (for example, through critically conscious practitioner inquiries) to challenge positionality, privilege and discriminatory ideologies; and
 - Collaborating with internal and external resources and subject matter expertise (e.g., Indigenous Education, Equity, Inclusive Student Services, Positive School Climates, Human Rights and Equity Advisor, affinity groups, community organizations and partners, etc.).

Supporting Schools and Classrooms: Corporate Services

3.233.28 The Director of Education and designates shall address human rights anti-discrimination and anti-racism in all aspects of employment and human resources, by adopting and implementing Human Resources protocols that apply and embed human rights, anti-discrimination and anti-racism principles into each of the following, and will use workforce, recruitment and student census demographic data to inform decision making in, all aspects of the employment cycle and human resource administration, including:

- a) Recruitment (for example, assessing staffing needs, creating job descriptions, planning and conducting outreach strategies and, developing job postings;
- a) recruitment, hiring/selection, onboarding, and orientation);
- b) Employee wellness and retention programs and initiatives (for example, health and safety programs, supports for employees, accommodation and return to work processes and complaints resolution procedures);
- b) Promotion processes, initiatives and strategies;
- a) c) coaching, mentoring (for example, leadership and professional development opportunities, projects and assignments; succession planning, staffing decisions, transfers and promotions);
- b) d) Advice on employee issues and 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;
- e) e) Performance reviews/appraisals, employee learning plans and performance evaluations/appraisals and performance management and improvement plans;

- d) ~~transfers and promotions;~~
- e) ~~succession planning;~~
- ~~d)f)~~ Corrective and disciplinary processes;
- ~~e)g)~~ Exits and termination of employment;
- ~~f)h)~~ human resources tools, resources ~~tools~~ and supports for ~~managers/supervisors;~~ employees;
- ~~g)i)~~ Training and professional development for human resources staff; and
- ~~h)j)~~ All other human resource administration ~~and staffing decisions and~~ functions.

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

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

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

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

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

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

- a) Recommendations to the Board to support the Board of Trustee's decision making on policy and budget;
- b) Decisions related to resource allocations, including considering equitable resources for:
 - Schools in high priority/low socioeconomic areas to address systemic barriers and imbalances (for example, in school funding formulas, local school fundraising efforts, participation in school activities and events, etc.);
 - Initiatives and professional development that support the objectives of the Human Rights Policy, and related procedures, (including the Accountability Framework) and other human rights related initiatives; and
 - Financial and business planning, including:
 - Recommendations that include human rights barrier identification, removal and accommodation costs that are appropriately spread as widely as possible throughout the organization; and
 - Ensuring that funding for Indigenous, anti-discrimination, anti-racism and equity initiatives, strategies and resources are appropriately prioritized and applied;
- c) Business relationships and partnerships, procurement, tendering and vendor selection processes for all business dealings and contracts (for example, food services, catering, community use of schools permits, etc.); this includes and is not limited to:
 - Applying human rights related commitments and requirements in vendor selection criteria;
 - Where appropriate, supporting local businesses:
 - Owned/operated by members of groups that are discriminated against, marginalized and minoritized;
 - Who can support the District in addressing barriers and accommodating diverse student and employee needs; and

- That demonstrate their commitment to human rights, anti-discrimination and anti-racism;
- d) Engaging with appropriate District communities on the design and implementation of projects and initiatives (~~e.g., new builds, school names, boundary reviews, etc.~~); ~~this includes engaging with Indigenous communities when for example, planning, designing and constructing new buildings and facilities; builds, school naming, boundary reviews, etc.~~);
- e) Equitable, accessible and anti-discriminatory services, supports and resources, including but not limited to ~~supporting and upholding Indigenous rights, inclusive design, UDL, AODA and Human Rights Code principles and requirement and addressing related barriers and needs in:~~
 - The design, construction and renovation of physical spaces ~~[(for example, universal/all gender washrooms, options for private physical education change areas, and spaces and/or design elements to support or facilitate accommodation needs (e.g., such as Indigenous cultural and spiritual practices, special education, creed/religion, breastfeeding/expressing breast milk and other Human Rights Code related needs))];~~;
 - Accessible and inclusive student transportation services;
 - Information Technology projects, resources, access, information security, asset management and services (~~e.g., for example,~~ to consider and address barriers for students, employees and community members or that may otherwise impact accommodations and equitable access, including but not limited to chosen names, pronouns and diverse gender markers in databases, electronic forms, related reports, etc.);
 - Health and safety planning and programs;
 - Maintenance, building operations, custodial services and supplies and community use of schools;
 - Interactions with students, parents/~~caregivers/guardians~~ and community members in the course of their duties; and
 - All other corporate services functions.

~~Working Environments for all Employees~~

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

Organizational Culture of Human Rights

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

- a) Recommendations to the Board of Trustees about the Multi-Year Strategic Plan;
- b) Strategic and operational priorities, goals, strategies and initiatives;
- ~~a) System departmental plans;~~
- ~~b) school improvement/learning plans;~~
- ~~c) human resources processes and activities (see sections 3.31 to 3.33);~~
- c) learning and professional development plans;
- ~~d) all System department and school improvement/learning plans;~~
- ~~d)e) All other service/operational and employment/Human Resource Services related policies, practices, procedures and decision-making processes; and~~

e)f) Employee performance appraisals and learning plans.

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

- a) Specific actions and measures to address the requirements of the Human Rights Policy, and procedures ~~and, including the~~ Accountability Framework;
- b) Promoting human rights, anti-discrimination and anti-racism;
- c) Supporting inclusive design, UDL, accessibility, integration, participation and inclusion; and
- d) Identifying, preventing and addressing barriers and adverse discriminatory impacts and outcomes.

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

Data Collection, Evaluation and Reporting

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

- a) Administering surveys and/or other research tools to:
 - Collect student and employee Human Rights Code related identity data, including intersectional identity data;
 - Gather information about human rights related experiences;
 - Prioritize the stories and lived experiences of students, employees and communities who are marginalized, minoritized and most impacted by discrimination and racism; and
 - Regularly review and act on changing District and school community demographics;
- b) Conducting research on trends and promising practices in human rights, equity, anti-oppression, anti-discrimination and anti-racism in education and employment;
- c) Analyzing disaggregated data and using anti-discriminatory and anti-racist approaches to identify issues, themes/trends, barriers, and disproportionate and intersectional impacts in:
 - Services and student experiences and outcomes, including (among other things): student census and school climate surveys, academic placements, course enrolments, access to programs, achievement and learning skills, well-being, bullying/safety, attendance, Education Quality and Assessment Ontario (EQAO) test scores, credits granted to students, graduation metrics, post-secondary access (i.e., university and college applications and confirmations), accommodations, special education identifications, special education class placements, awards and scholarships, discipline (e.g., suspensions and expulsions), ~~curriculum development~~, extra and co-curricular engagement, and human rights issues and complaints and resolutions/results;
 - Employment including (among other things): workforce census and employee experience surveys, recruitment, selection, accommodations, workplace conditions and experiences, retention, access to developmental opportunities, volunteer recruitment, promotions, discipline, workforce data, terminations, exits, and human rights issues and complaint and resolutions/results;

- d) Using the data to inform revisions to (or to develop new) strategies, policies, procedures, professional development, training, tools, resources and accountability measures to address disproportionalities, and may include conducting system or organizational culture reviews;
- e) Considering additional data, research and other approaches that may be required to identify, assess and address potential barriers and differential or disproportionate experiences and outcomes, or to meet the objectives of the Human Rights Policy and this procedure;
- f) Developing key performance indicators and evaluating and reporting on the implementation and effectiveness of the Human Rights Policy and its related procedures in achieving their objectives; and
- g) Consulting with community partners on all aspects of data collection and evaluation, including recommendations on analyzing and addressing trends and findings. This includes engaging Indigenous communities on approaches and perspectives on sources and types of data, data collection, analyses and evaluation.

~~3.293.34~~ The evaluation plan will align with data collection and evaluation requirements as set out in the Anti-Racism Directorate's *Data Standards for the Identification and Monitoring of Systemic Racism*.

~~Students, Parents/Families/Caregivers and Community Members~~

~~All students, parents, caregivers, community members and all other visitors are expected to treat all other DDSB community members with dignity and respect and to not engage in discriminatory and harassing behaviour in DDSB learning and working environments.~~

~~The Code of Conduct and the Student Human Rights Issues, Incidents and Complaints Resolutions [working title] procedure sets out expectations, the process for raising issues and complaints and the steps that will be taken to address discrimination and harassment.~~

Communications and Information Sharing

~~3.303.35~~ The Director and designates will communicate about and publicly post this procedure so that students, families, employees, community members and visitors, etc. can access and are aware of this information. Alternative formats will be made available upon request.

~~3.343.36~~ The District will reference this procedure in School Codes of Conduct, School Handbooks, newsletters, reports, school websites and other appropriate communication tools, and will provide this procedure to School Community Councils and volunteers.

~~3.323.37~~ All District communications and websites will be accessible and comply with requirements under the Human Rights Code and the Accessibility for Ontarians with Disabilities Act. All posted images and graphics will be inclusive and representative of the District's diverse communities.

~~3.333.38~~ The Director of Education and designates will develop and implement a communications and engagement plan to help promote human rights and to:

- a) Raise awareness among students, families/~~caregivers~~guardians, employees and communities about their responsibilities and their rights, including the right to non-discrimination and accommodation, and how to assert these rights;
- b) Raise awareness among employees about their human rights related roles, responsibilities and accountabilities, and that human rights violations have consequences;
- c) Embed human rights, anti-oppression and equity principles into all communications;
- d) Identify and address communication barriers, and enhance accessible communications

- and engagement opportunities for all community members;
- e) Invite consultation and engagement on key initiatives and strategies, including ongoing updates to this procedure and related policy; and
 - f) Provide regular progress reports on initiatives to address systemic issues and the outcomes of those initiatives.

Review Process

~~3.343.39~~ The Director of Education and designates will review and update this procedure as required and at least every five years. To support the review process, the review will include:

- a) Data (for example, school climate and well-being survey data, student census/identity survey, workforce census data, complaints data, accommodations data, etc.); and
- b) Wide consultation with students, employees, parents/ ~~caregivers~~/guardians, School Community Councils and community partners.

~~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.~~

~~3.353.40~~ The District will share the consultation results with all stakeholders.

4.0 Reference Documents

~~4.1~~ Policies

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

4.1 Procedures

- Classroom Practices: Teaching and Learning
- Equity and Inclusive Education
- Equitable Recruitment
- Positive School Climates
- Complaints Procedure - Workplace Harassment and Prevention, Workplace Sexual Harassment Prevention and Safe and Respectful Workplace

4.2 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
- United Nations Convention on the Rights of the Child
- Charter of Rights and Freedoms
- Ontario Human Rights Code
- Anti-Racism Act
- Accessibility for Ontarians with Disabilities Act
- Occupational Health and Safety Act
- Education Act
- Ontario Human Rights Commission's policies, guidelines, reports and resources
- Anti-Racism Directorate's Anti-Racism Policy, Anti-Racism Strategy and Data Standards for the Identification and Monitoring of Systemic Racism

- [The Equity Continuum: Action for Critical Transformation in Schools and Classrooms \(Murray and West-Burns, 2011\)](#)
- [Building Capacity: A Focus on Culturally Responsive and Relevant Pedagogy Through a Critically Conscious Practitioner Inquiry \(West-Burns, 2018\)](#)

Appendix:

None

Effective Date

YYYY-MM-DD

Amended

YYYY-MM-DD

Tracked Changes Version:
Draft Human Rights Inclusive Design
and Accommodation Procedure

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 under the Ontario Human Rights Code related needs, (the "Code"), and to support inclusive design.

1.2 This procedure shall be read in conjunction together with the Human Rights Roles, Responsibilities and Accountability Framework (the "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.—

1.3 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.—

The District also recognizes the unique and distinct rights of Indigenous Peoples (for example, related to Two Spirit identities and the right 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.

1.3 Additional procedures are adopted under the Human Rights Policy to proactively prevent discrimination and to address human rights accommodation issues, incidents and complaints.—

1.4 For students, the purpose of the duty to accommodate is to ensure that all eligible includes providing students have with meaningful access to education where learning conditions can be adjusted to meet Human Rights Code related needs without undue hardship to the District to the point of undue hardship.

1.5 For employees, the ~~purpose of the~~ duty to accommodate ~~is to ensure that persons who are otherwise fit to work are~~includes not unfairly ~~excluded~~excluding employees from working where working conditions can be adjusted to meet ~~Human Rights Code~~ related needs ~~without to the point of~~ undue hardship ~~to the District~~.

~~1.4~~ ~~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).~~

1.6 The District will meet its procedural and substantive duty to accommodate ~~a student's or an employee's Human Rights under the~~ 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 or classism, in accordance with the terms of the Human Rights Policy and this procedure.

1.7 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~~Key human rights and equity ~~that terms used in this procedure~~ 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. The procedure also considers needs related to communication and language barriers, and the unique needs of newcomers, English language learners, undocumented students/families and children and youth in care.
- 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. and related Accountability Framework and procedures.

- 3.3 The successful implementation of this procedure ~~requires~~depends upon 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 endeavor to appropriately 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 learning resources and opportunities for professional development for employees to:
- a) Enhance understanding of inclusive design and 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, parents/guardian 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 duringas follows:
- a) For students: at or during registration, admission, orientation, returning student processes, and, as may be appropriate, at 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: during the recruitment process (e.g., job ads, interviews), onboarding ~~processes~~process and, as may be appropriate, at 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, People and Culture (Human Resource Services) or, for all other accommodation requests, to their manager or supervisor. The manager or supervisor shall consult with People and Culture (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 that is not on a completed request form must document it on a request form.

Duty to Inquire

- 3.12 The District recognizes that a student (or their parent/guardian) or an 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 communication barrier, etc.).~~ Where the District is aware or reasonably ought to be aware that a student or an employee's behavior, behaviour or performance or inability to fulfill their duties as a service user or employee may be linked to disability a Code-protected ground, the District has arecognizes its duty to inquire about this link regarding any needed accommodation support 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~~3.13 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)~~c) Store accommodation information in a secure physical and/or cyber location that only authorized designated personnel can access;
- ~~e)~~d) Only share information with ~~others~~other District employees, 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; (any electronic sharing of confidential data shall be by way of password protected attachments or secure links); and
- ~~f)~~e) Only disclose this information with the student (or parent/guardian) or employee's consent, unless permitted or required underin 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~~3.14 The accommodation process is a shared responsibility and staff are to cooperatively and respectfully engage with the ~~students/parents/guardians~~student (or their parent/guardian) 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:~~

~~3.183.15~~raise accommodation requests in good faith; and shall, to the best of their ability:

- a) 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 to support disability-related accommodation requests, where necessary; ~~etc.;~~
- b) Meet bona fide education/academic or employment requirements, once accommodation is provided; and
- c) 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.—~~

~~3.193.16~~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 in a timely manner;
- 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~~Provide updates to 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)g)~~ h)g) Implement the accommodation solution and, where needed, monitor its ongoing effectiveness; and
- ~~i)h)~~ i)h) Document accommodation requests and actions taken.

~~3.20—In addition, all DDSB community members must fulfill their responsibilities under the Human Rights Policy and related procedures.~~

~~3.213.17~~Where the District ~~may contract~~contracts out work or services to a third-party ~~to provide a service or an employment function~~provider, the District ~~will require~~ requires that the third party ~~fulfills~~confirms its commitment to fulfilling its obligations under the ~~Human Rights~~ Code, including the duty to accommodate.

Exploring Accommodation Options

~~3.223.18~~ Responsible staff will make every effort to provide ~~appropriate and reasonable~~any required 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 ~~-, to the point of undue hardship.~~

~~3.233.19~~ 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.

~~3.243.20~~ The process used to determine the appropriate accommodation under the Code 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~~options as to appropriate accommodations under the Code.

~~3.253.21~~ ~~To explore accommodation options~~Subject to the confidentiality provisions of this procedure, responsible staff may ~~also~~ consult with internal resources (e.g., Indigenous Education, Inclusive Student Services, Equity and Inclusive Education, Human ~~Resources~~Resource Services, Human Rights and Equity Advisor, General Counsel, etc.). With the student (or their parent/guardian) or the employee's consent, responsible staff may also consult with affinity networks and community groups.

~~3.263.22~~ Responsible staff may ~~also~~ request and obtain additional information about the student or employee's Human Rights Code-related needs, limitations and restrictions to facilitate the accommodation process.

~~3.273.23~~ Depending on individual needs, accommodation options may be seen along a continuum. Where there is more than one option, ~~the most appropriate~~reasonable 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~~responds to ~~the individual's~~their needs and circumstances ~~-, to the point of undue hardship.~~

~~3.28~~—~~3.24~~ Responsible staff will also consider :

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__

- a) ~~Unique needs and barriers for newcomers, English language learners and children and youth in care.~~

~~Where~~

3.25 Where accommodation is necessary and yet 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.~~

~~3.26~~—~~The~~Where it is determined that an accommodation is required, responsible staff will:

- a) ~~Involve~~ notify the student (or their parent/guardian) or employee ~~throughout the accommodation process;~~
 - b) ~~Inform them of~~ about the accommodation solution/decision; ~~and~~
 - c) ~~Implement the most appropriate accommodation under the circumstance; and~~
- 3.273.26 ~~document the decision and steps taken in,~~ complete an accommodation plan and implement the accommodation plan.

Accommodation Solutions

- 3.283.27 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, the use of support services, the use of service animals, alternate technology ~~and communications (e.g., alternative formats).~~ In addition, accommodations for students may include modifications or adjustments to curriculum, learning plans, assessment or evaluation timelines, methodologies or formats, or transportation, ~~etc.~~
- 3.29 ~~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

- 3.303.28 The accommodation process and result will be documented in an accommodation plan ~~{[template]}~~ attached 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 that may be required (e.g., adaptive technology), including dates ordered, acquired and or 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~~ may satisfy ~~the~~ these requirements ~~of this section.~~

Monitoring Accommodation and New or Changing Accommodation Needs

3.343.29 Once the accommodation plan has been implemented, responsible staff will monitor to assess if it continues to be appropriate. The accommodation plan must be reviewed when the student or employee's needs or circumstances change and impact ~~impacting~~ the effectiveness of the accommodation. This includes and but 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.

3.323.30 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

~~3.33 — 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.~~

~~3.34 — 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.~~

~~3.35 — 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.~~

~~3.36 — 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.~~

~~3.37 — 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.~~

- ~~3.38 — 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.~~
- ~~3.39 — 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.~~
- ~~3.40 — 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

- 3.31 — Undue hardship is the legal test which sets parameters as to the extent to which an organization must accommodate individuals pursuant to the Code. It is a very high standard.

~~3.41~~3.32 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.

~~3.423.33~~ 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 the superintendent responsible for human resource services. Where Human Resource Services. Where Abilities Management is handling an employee's disability-related accommodation request, ~~Abilities Management~~ they will ~~engage and consult with the employee's superintendent or senior manager and the Superintendent of Human Resource Services.~~

~~3.433.34~~ 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 organizational learning needs and professional development.

~~3.44~~ ~~If undue hardship has not been reached, appropriate~~ Any accommodation will be ~~implemented and~~ documented in the accommodation plan.

~~3.45~~ ~~Where a decision is made and implemented in accordance with that plan. The accommodation plan shall document if and how undue hardship has been reached, impacted the reasons for the decision shall be documented and a clear nature and concise summary extent 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

~~3.46~~ 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;~~

~~3.473.35~~ 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,

- ~~b) 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~~ **3.36** This procedure in no way affects students/families' or employees' ability to exercise their rights under other processes established through legislation, Board policy or procedure, contract 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~~ **3.37** 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 Code, the Human Rights Code Policy or this procedure, including:
- a) Requesting information about human rights and accommodation;
 - b) Requesting an accommodation;
 - c) ~~Rising~~ 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 a complaint ~~(or participating as a party or witness in)~~ a an issue or complaint ~~or issue~~ resolution process.

~~3.54~~3.38 Persons who are found to have reprimanded 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~~, as well applicable procedures including the Student/Family Human Rights Issues, Incidents/Issue, Incident and Complaints/Complaint Resolution Procedure [working title] and the Complaints Procedure – Workplace Harassment Prevention, Workplace Sexual Harassment Prevention and Safe and Respectful Workplace procedure [working title].

Specific Inclusive Design and Accommodation Considerations

~~3.55~~—In addition to the general ~~framework~~accommodation process outlined above, ~~implementation of the Board's Human Rights Policy will engage some specific Human Rights~~District recognizes additional and/or unique inclusive design and/or accommodation considerations based on the Code related needs/accommodations that require guidance to navigate. This procedure provides guidance with respect to:

- ~~Disability;~~

~~3.56~~3.39 ~~grounds of disability, gender identity and, gender expression; and creed/religion. Each of these is discussed below.~~

Disability

~~3.57~~3.40 The District recognizes:

- The broad and evolving definition of disability under the ~~Human Rights~~ Code and case law;
- ~~Unique barriers for students and employees with~~Ableism, stigmatization and negative biases, assumptions and stereotypes about people with disabilities;
- ~~b)~~c) Unique accessibility barriers (for example, attitudinal, physical, architectural, information/communication or technological barriers) for people with neurodivergent traits, mental health disabilities, addictions and disabilities that may be "invisible", episodic, temporary and/or permanent; and
- ~~d) Intersecting discrimination based on disability and another Human Rights Code protected ground(s) (e.g., another type of disability, ancestry, race, sexual orientation, gender identity, gender expression, creed, etc.) and socioeconomic status, which may affect accommodation needs and plans; and~~
- ~~e)~~e) Individuals may experience disability-related barriers differently (in other words, not everyone with the same type of disability may have the same accommodation needs).

~~3.41~~ The District ~~also recognizes that is~~ committed to addressing ableism, supporting inclusive and stigmatization, misinformation accessible environments, recognizing and negative biases, assumptions and stereotypes may prevent students affirming individual strengths, abilities and talents, and employees accommodating individuals 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).

~~3.58~~—The District recognizes ~~unique considerations for students and employees~~accordance 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 rightCode, 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;—~~
- ~~Wait lists and other barriers to accessing appropriate and timely medical assessments in some communities and/or based on the naturepoint 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);undue hardship.~~
- ~~e) 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—~~
 - ~~f) 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.—~~
- ~~3.59 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

- 3.42 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.

- 3.43 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.
- 3.44 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

- ~~3.60~~ In addition to the accommodation 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 (for example, learning style, academic performance and the/needs, nature of the supports required;~~
 - ~~c) Proximity to home;~~
 - ~~d) Opportunities to interact with other students;~~
- 3.46 Potential and mental health and safety issues, where applicable; and well-being).
- ~~e) 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.~~
- 3.47 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.

Gender Identity and Gender Expression

- 3.48 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 (differences in sex development) students, parents/guardians, employees and community members.

Note: It is noted that 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 and non-binary gender identities and expressions, unless otherwise noted.

- 3.49 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.

- 3.50 Trans students and employees may have individualized, specific and evolving needs related to safety and dignity, expressing their gender identity and having their gender identity and expression (and other intersecting ~~Human Rights Code grounds-based needs~~) recognized, and accommodations accommodated (where required). ~~These needs might include:), including chosen names/pronouns, confidentiality, inclusive and affirming spaces and activities and transitioning support (where applicable).~~

- ~~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-confirming identities; and~~
 - ~~Learning and working environments; and~~~~

~~e) Unique needs of students and employees who may be transitioning at school or work.~~
Expressing Gender Identity

3.51 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. 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.).

~~3.543.52~~ 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). 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.

~~3.521.1~~ ~~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.).~~

~~3.53~~ 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.

~~3.543.53~~ 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

~~3.553.54~~ 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.

~~3.563.55~~ Subject to record keeping and disclosure requirements in the Ontario Student Record (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, and subject to the terms of the Consent for Clinical Services Procedure, 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.

3.56 ~~As a best practice, and~~ Employees are to 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.

Supporting a Trans Student's Identity

- 3.57 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.

~~3.58 — 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.~~

~~3.59 — 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

~~3.60~~3.58 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.

~~3.61~~3.59 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

3.623.60 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.

3.633.61 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.

3.643.62 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~~. Where a trans employees' employee requests that the District recognize a name differ that differs from the name the person uses with any professional college or regulatory body, the General Counsel is to be consulted.

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.

~~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

3.653.63 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.

3.663.64 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 will assess the 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.

3.673.65 Where appropriate, school staff may also refer the student to District or community resources for additional support.

- 3.66 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~~in communications and documents that are sent to parents/guardians/~~s~~/families.

Consent for District Clinical Services

- 3.67 ~~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 and/or their parent/guardian in a way that addresses capacity issues, medical consent requirements, and respects accordance with the student's dignity, and best addresses terms of the student's safety and well-being concerns in the circumstances Consent for Clinical Services Procedure.

Washroom and Change Rooms/Facilities

- ~~3.68 — Trans students and employees have the right to:~~

- 3.68 Trans students and employees shall not be discriminated against or harassed for accessing washrooms and change rooms/facilities that do not conflict with their self-identified lived gender identity and shall be accommodated to the point of undue hardship with respect to:

- a) Access and use of washroom and change rooms/facilities that ~~align~~do not conflict with their self-identified lived gender identity; and
 - b) ~~Request~~Requests for 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.
- ~~Not be discriminated against or harassed for accessing washrooms and change rooms/facilities that align with their self-identified lived gender identity.~~
- 3.69 Trans students and employees may use one or both gendered washrooms or a private single stall or universal washroom. Where ~~possible~~reasonably feasible, schools ~~will~~provideshall have 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.
- 3.70 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.~~
- 3.71 ~~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

- 3.723.71 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.
- 3.73 ~~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.~~
- 3.74 ~~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

- 3.753.72 The District recognizes the importance of creating learning and working environments that respect and include diverse gender identities. ~~The District will (among other things); and will:~~
- 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~~
 - a) 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) Affirm and support diverse gender identities (for example, by integrating trans positive content and gender inclusive curriculum, pedagogy, instructional practices, resources, the learning and working environments, activities and events and student identity-based affinity groups); and
 - b) Challenge cisnormativity 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;
 - a)b) 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;
- d) 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);
- e) Gender inclusive (or private options within) washrooms, change rooms/facilities and other spaces;
- f) 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*])
- g) Take steps to invite employment applications from trans and gender non-conforming people to help diversify the District's workforce; and
- h) Support affinity groups and spaces for trans and gender non-conforming students and employees.

Transitioning at School and Work

3.76 — The District recognizes that transitioning:

- a) Means different things to different people and may evolve over time;
- b) Transitioning can be a very difficult and stressful for some trans students and employees; ~~they may experience or be subjected to because of~~ 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.

3.77—~~In addition, people who are transitioning may not have support from their friends, parents/guardians, families, colleagues, communities and other people as they transition.~~

3.783.73. The District recognizes the important role it plays in creating welcoming schools and workplaces to support transitioning students and employees. ~~All employees will treat, where all~~ students and staff are treated with dignity and respect ~~and will support transitioning students and employees.~~

3.793.74 Students and employees who are transitioning may ~~have additional needs and~~ require accommodations specific/unique and intersecting accommodation needs to safely, respectfully and confidentially transition in District learning and working environments, ~~including (but not limited to):~~ The District will accommodate transitioning students and employees on an individual case-by-case basis in accordance with the Code.

- 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.).~~
- 3.80—~~The District's and documents provide further information for students transitioning in District learning environments, including collaboratively developing an individualized transition plan.~~
- 3.81—~~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.~~
- 3.82—~~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).~~

- 3.83 — ~~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.~~
- 3.84 — ~~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

- ~~3.85~~ 3.75 The District recognizes that creed may influence and be an important part of a person's identity, worldview and way of life, and recognizes the rights of ~~student~~students, employees and District community members to freely hold ~~and observe~~ their creed beliefs and to be accommodated under the Code in relation to observance in District working and learning environments.
- 3.86 — ~~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.~~

~~3.87 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.~~

~~3.88 The District recognizes that creed:~~

- ~~a) Is not defined in the Human Rights Code and understandings of creed have evolved over time;~~

3.76 In this regard, creed:

- a) Is sincerely, freely and deeply held;
- 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:~~
 - ~~e)a) Is sincerely, freely and deeply held;~~
 - f)c) Is integrally linked to a person's identity, self-definition and fulfilment;
 - g)d) Is a comprehensive, overarching system of belief that influences or governs a person's conduct and practices;
 - h)e) 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
 - i)f) Has a "nexus" or connection to an organization or community that professes a shared system of belief; and
- ~~j) 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;~~
- ~~k) 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;~~
- ~~l) 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;~~
- ~~m) Can include newer or lesser known religions (assessed on a case-by-case basis based on the criteria set out above); and~~
 - n)g) Does not include every belief, opinion, expression, practice, matter of conscience, political belief or conviction.

~~3.89 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~~

3.90 ~~“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.~~

3.91 ~~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.~~

3.77 The District also recognizes community members may experience creed-based discrimination, stigmatization, faithism and hate in various ways, including where creed-based discrimination intersects with other Code protected grounds (e.g., race, disability, sexual orientation, gender, gender identity and gender expression).

3.78 The District will:

- a) Support welcoming, inclusive and equitable learning and working environments that better reflect the multi-faith identities of the school community it serves; and
- b) Engage students, parents/guardians and employees to help identify creed related barriers and needs.

3.923.79 The District also recognizes that policies, procedures and practices may have an adverse effect on a student or employee’s sincerely held belief that is connected to creed. Students or employees may request creed-related require accommodations for (and not limited creed-based practices related 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~~ Dietary requirements (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; and
- h) ~~Exemptions from~~ Curriculum and activities; and.

~~i) Recruitment, hiring and employment practices.~~

~~3.93 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.~~

~~3.94 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.~~

~~3.95 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.~~

~~3.96 There is no general right not to be exposed to views and beliefs that contradict or differ from one's own.~~

- 3.97—~~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.~~
- 3.98—~~District~~ Students and employees may request accommodation for time away from school or work (or for short periods of prayer during the school or work day) 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.
- 3.99—~~The~~. Where these observances are adversely affected by District school and employment hours/schedules, the District will accommodate creed-based requests for time off from work to observe creed-based practices to the point of undue hardship.
- 3.100—~~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.~~
- 3.1013.80—The District has a resource calendar that sets out a list of common religious holidays and observances of diverse creed groups that may require explore 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. options to support these practices in accordance with the Code.
- 3.102—~~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.~~

~~3.1033.81~~ DDSB community members 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. DDSB community members must treat one another with dignity and respect, regardless of any opt out for opening exercises.

Dietary Requirements

~~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: Fasting~~

- ~~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.~~

~~3.1043.82~~ Student or employee's individual sincerely held creed-related food requirements or restrictions, including practices as to fasting, will be accommodated to the point of undue hardship. In doing so, in considering accommodation requests, responsible staff should not rely on generalizations about creed based dietary restrictions and should provide food options that requirements and are to consider options of comparable nutritional value to those offered to other people.

~~3.105 People responsible for cooking, handling and serving food must take special care to:~~

3.83 Where the District provides food services, and irrespective of individual accommodation plans, responsible staff shall:

- a) Keep any vegetarian ~~and non-vegetarian foods~~ food options separate, with separate serving utensils;
- b) ~~Label all food items with a list of ingredients; for packaged foods,~~ Ensure any kosher or halal certification markings ~~should be on packaged food are visible on the packaging;~~ and
- c) ~~Adjust snacks~~ Provide appropriate options and/or adjust food services, pizza days, fun fairs, meal programs and community events to ~~reflect~~ account for typical dietary needs and restrictions.

Fasting

- ~~3.106—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.~~
- ~~3.107—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

~~3.108~~3.84 Students and employees may wish to 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~~, face coverings, 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~~contravening safety policies. Religious attire also makes students or employees' creed-based beliefs "visible" and may make them more vulnerable to discrimination and harassment. 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: and will take steps to prevent and address potential discrimination and harassment in accordance with the Human Rights Policy and procedures.

- ~~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).~~
- ~~3.109—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.~~
- ~~3.110—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

3.1143.85 It is recognized that students and employees may wish to express a creed belief by displaying or wearing a religious symbol in District learning and working environments.

3.1123.86 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~~should not be displayed as it may have a significant negative impact (e.g., exclusion, discrimination against others or creed pressure) or ~~creates~~may create or ~~contributes~~contribute 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~~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

3.1133.87 It is recognized that students or employees may hold creed beliefs about not being photographed, ~~wear~~wearing face or head coverings as part of their expression of creed beliefs, and/or ~~may not show~~about showing 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

3.1143.88 It is recognized that there may be some situations where students or parents/guardians may request accommodations as ~~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 or freedom of religion.

3.1153.89 There is no broad/general 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.

3.1163.90 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/accommodation. In such a case, responsible staff will discuss possible individual solutions with a focus on meeting curriculum requirements, preserving student/family dignity and privacy and promoting integration and full participation. Appropriate accommodations (e.g., 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

3.1173.91 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~~

~~3.118 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~~

~~3.119 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.~~

~~3.120 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.~~

~~3.121 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~~

~~3.122—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

~~3.123—The District recognizes that in addition to requirements set out in this procedure, barriers to inclusion and accessibility issues also~~barriers may ~~affect general recruitment and employment practices and processes, and may impact the District's efforts to recruit and retain a qualified workforce that represents the diverse communities it serves. The District is committed to meeting~~will meet accommodation requirements under the ~~Human Rights Code and obligations under the 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) throughout the employment cycle (e.g., recruitment, selection, onboarding, orientation~~promotion ~~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;~~

~~3.124~~3.92 ~~human resources tools and supports for managers/supervisors; administration.~~

- ~~k) Training and professional development for human resources staff; and~~
- ~~l) All other human resource administration and staffing decisions and functions.~~

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

~~3.125—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 Competing Rights

3.1263.93 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 assess each situation on a case by case basis; and
- e) ~~Will collaboratively explore options and solutions to address conflicting and competing rights in consultation with appropriate internal resources and expertise to maximize rights for everyone.~~
- d) ~~If a student or employee's using the framework set out in the Ontario 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 Commission's 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~~

~~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

3.1273.94 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

3.1283.95 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.

3.1293.96 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

3.1303.97 The Director of Education and designates will collect and analyze accommodation data in accordance with the Human Rights Policy, and related Accountability Framework and 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 endeavour to co-create any such programs with communities the District serves and those ~~who are~~ most affected by the program.

Communications and Information Sharing

3.98 The Director and designates will communicate about and publicly post this procedure in accordance with the requirements of the Human Rights Policy, and related Accountability Framework and procedures ~~and accountability framework~~.

Review Process

3.1313.99 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.

3.1323.100 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.

3.1333.101 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

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

Effective Date

YYYY-MM-DD

Amended

YYYY-MM-DD

Tracked Changes Version:
Draft Student/Family Human Rights
Issue, Incident and Complaint
Resolution Procedure

STUDENTS

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

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").

~~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.~~

~~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.~~

~~4.11.0 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.~~

~~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.~~

~~4.21.1 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.

~~4.31.2 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 This procedure shall be read together with the Human Rights Policy and related procedures, including the Human Rights Roles, Responsibilities and Accountability Framework.~~

~~1.4 The District recognizes the unique and distinct rights of Indigenous Peoples. Indigenous students and families may 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.~~

~~4.41.5~~ Nothing in this procedure prevents anyone from seeking to address a human rights issue or complaint through the Human Rights ~~Tribunals~~Tribunal of Ontario or as otherwise may be lawfully available through other means or forums.

~~4.51.6~~ 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.

~~4.61.7~~ Student complaints against other students or District community members will be addressed through the Code of Conduct.

2.0 Definitions

~~This procedure refers to certain~~

2.1 Key terms related to human rights and equity ~~that terms used in this procedure~~ 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~~parent(s)/guardian(s) 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.~~

~~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.~~

3.2 The District shall investigate potential discrimination upon becoming aware of it (or where it should ~~reasonable~~reasonably be known), ~~including when~~regardless of whether a formal written complaint has ~~not~~ been submitted.

Key Principles

3.3 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 (including emotional/psychological) 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; ~~and~~
- o) Uphold Duty Bearer responsibilities under the Human Rights Policy throughout issue, incident and complaints resolution processes.

3.4 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).

3.5 This procedure has three main parts:

- Part I is the Issue and Incident Reporting and Response Process;
- Part II is the ~~Complaints~~Complaint Process; and
- Part III are general requirements and considerations that apply to both processes ~~–~~ [including safety and support, union/federation/association representation (where applicable), support persons, confidentiality, timelines and protection from reprisal].

I. Issue and Incident Reporting and ~~Resolution~~Response Process

3.6 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, ground(s) and~~ intersecting grounds ~~and classism.~~

3.63.7 A student (or their parent/guardian) may speak with their teacher or the school principal ~~about (or any issues and incidents)~~ other school employee) about an issue and incident of discrimination that affect students at school or at a school-related activity or event, or that affects the learning environment.

3.73.8 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

Employee Responsibilities

3.83.9 When ~~an~~ a District 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 to 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). Further, the employee must:

- a) Interrupt and intervene immediately to stop the conduct;
- ~~a)~~ Name the discriminatory act;
- ~~b)~~ Immediately acknowledge Determine potential safety needs or supports for individuals involved or impacted in the matter; and
- ~~b)c)~~ State 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;) discussion.~~
- ~~b) Consider potential opportunities to support discussions/learning about why the conduct was inappropriate;—~~
 - ~~c) Determine potential safety or supports for individuals involved or impacted in the matter;— and—~~
 - ~~d) Report the incident to their principal (or manager/supervisor) immediately.~~

~~Principal's Actions—~~

Principal Responsibilities

3.10 If an issue or incident involves a possible hate crime, (refer to Glossary of Terms), the principal must contact Positive School Climates, the Family of Schools superintendent and the police. District responses and the principal's actions (as outlined below) may need to await police direction/investigation. In such circumstances, the principal will consult with the police on any steps the District can take to support safety and to communicate to the affected ~~students~~student(s) (and their parents/guardians), ~~pending any police investigation.~~

3.93.11 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 willis not to 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.

3.403.12 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; subject to section 3.89 (Safety, Supports and Interim Measures);
- c) Notify the superintendent within one day;
- d) Contact Human Resource Services if an employee(s) is involved;
- ~~d)e)~~ e) Contact emergency services if medical attention is required;
- ~~e)f)~~ f) Note the names of any witnesses and preserve any pertinent evidence or information; and
- ~~f)g)~~ g) 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.

3.443.13 The principal may need to speak to the parties involved and those impacted to gather preliminary information and details about the incident. Where the principal has sufficient information, the principal may take appropriate steps to resolve the issue.

3.423.14 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 Responsibilities

The Superintendent's Action-
responsible Family of Schools

~~3.133.15~~ 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).

~~3.143.16~~ 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.

~~3.153.17~~ 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.

~~3.163.18~~ 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.

~~3.173.19~~ 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; ~~and~~
- b) Convene ~~an~~ an integrated response team within three days of being notified of the incident; ~~–~~

Integrated Response Team

~~3.183.20~~ Depending on the nature of the incident, the integrated 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; and
- ~~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 any further input/expertise required to address the matter (e.g., Human ~~Resources~~Resource Services, Associate Director of Equitable Education, Director of Education, etc.).

~~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.~~

While they would not be part of the integrated response team, critical friends, subject matter experts or other individuals may be consulted at the discretion of the superintendent, provided that the identity of the students, employees, parents/guardians and other District community members involved shall not be disclosed by any District employee without consent.

3.193.21 The integrated response team will respect and maintain 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/DSB 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.

3.203.22 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.

3.213.23 After the response has been implemented, the superintendent and principal will debrief to discuss potential lessons learned, promising practices and potential preventative measures.

~~3.223.1 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

3.24 The superintendent, or their designate, is responsible for administering the complaint process.

3.233.25 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 report and raise a complaint using the attached complaint form [template] and submit it to their superintendent. (or if the complaint involves the superintendent, to the next level manager not involved in the matter). 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.

3.243.26 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. However, this step is not required.~~

A complainant-

3.253.27 The individual raising a complaint (a complaint "reporter") 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-reporter~~ to determine if the withdrawal is because of safety concerns or fear of reprisal, and the District will attempt to address those concerns.

3.263.28 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 will assess the available information and may proceed with an investigation, in which case the complainant-reporter may be treated as considered a witness.

Types of Complaints

~~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).~~

3.273.29 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~~review the complaint in a manner deemed appropriate in the circumstances. ~~No formal investigation summary will but may not be provided to any party to an~~ able to investigate the complaint further if procedural fairness cannot be maintained due to the anonymous nature of

the complaint.

~~3.283.30~~ Where the District becomes aware of potential discrimination in the absence of a formal complaint or where a complainant/reporter 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

~~3.293.31~~ 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, in consultation with the Associate Director of Equitable Education and the Human Rights and Equity Advisor. 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. If a complaint involves allegations about the conduct of an employee(s), Human Resource Services will also be consulted.

3.32 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/reporter.

3.33 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/reporter in writing of the determination.

3.34 Where there is clear information that the complaint may be frivolous or vexatious, the superintendent, in consultation with the Associate Director of Equitable Education and the Human Rights and Equity Advisor, will also consider whether to proceed with complaint. The reporter will be advised of the decision and rationale.

~~3.303.35~~ If the complaint is assessed to fall under the scope and application of the Human Rights Policy and procedures, the superintendent shall:

~~Report the matter to the Associate Director of Equitable Education and inform the Human Rights and Equity Advisor;~~

- a) Determine if interim safety or supports are required pending the resolution of the matter; and
- b) Consider potential early resolution options.

Early Communication with the Parties

~~3.313.36~~ 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.

~~3.323.37~~ The respondent may provide the superintendent with a written response to the complaint.

~~3.333.38~~ 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

3.343.39 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 the 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. If the respondent is an employee, the superintendent will consult with Human Resource Services.

3.353.41 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.

3.363.42 The superintendent will take appropriate actions and communicate the outcomesfindings to the parties. Any potential corrective or disciplinary action taken against the respondent will be kept confidential.

Early Resolution

3.373.43 Where a reporter requests a form of alternative dispute resolution (ADR), or the superintendent believesassesses that the complaint may be resolved through ADR, 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.

3.383.44 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.

3.393.45 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.

3.403.46 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.

3.413.47 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

3.423.48 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/reporter, respondent and witnesses, and collecting, reviewing and assessing documentary and other information and records.

3.433.49 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, and to produce relevant information.

3.443.50 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

3.453.51 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 Human Resource Services if the investigation involves an employee) 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.

3.463.52 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~~ the Human Rights Policy and this procedure as to confidentiality, protection from reprisal, the right to have a support person, (including an employee's union/federation representative, where applicable) and identifying any accommodation needs to participate in the investigation process; and. The superintendent will also provide all parties with a copy of the Human Rights Policy and this procedure.

3.473.53 As the investigation proceeds, the superintendent will assess potential opportunities to resolve the matter. The complainant/reporter 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

3.483.54 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.

3.493.55 The investigator will interview (separately) the ~~complainant~~reporter, 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. Where the respondent is a member of a union/federation/association, the respondent has the right to union/federation/association representation during the investigation meeting(s).

3.503.56 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.~~

~~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.~~

~~The investigator will thoroughly interview the complainant and the respondent(s)~~
3.513.57 The investigator will interview the reporter, respondent(s) and witness(es) using a trauma informed approach. The respondent should be given the opportunity to respond to each of the specific allegations raised by the ~~complainant~~reporter.

~~If the investigator believes that other people not named as witnesses may have information relevant to the complaint, the investigator may interview them.~~

~~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.~~

3.523.58 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.

~~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.~~

3.533.59 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 Investigation Findings

3.543.60 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.

~~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.~~

~~The investigator may consult with subject matter expertise to help make this assessment.~~

3.553.61 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~~

3.563.62 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.

3.573.63 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

3.583.64 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.

3.593.65 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

3.603.66 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.

~~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.~~

3.613.67 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.

3.623.68 The investigator will ~~meet with~~invite the ~~complainant~~reporter and respondent individually to a meeting (in-person or virtual) to verbally share the draft summary report and will provide a copy of the summary report to the parties to give them an opportunity to comment.

3.633.69 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~~complaint reporter, respondent and Associate Director of Education.

3.643.70 All parties will keep the summary report and findings confidential, ~~subject~~except as may be required to section x.xx, administer any corrective action in response to the complaint, or as required or permitted by law.

Requesting a Review of the Investigation Findings

3.653.71 A ~~complainant~~reporter 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.

3.663.72 The review request must be submitted in writing within ten regular business days from the date the final summary investigation report was received.

3.673.73 The Associate Director of Equitable Education will only consider a review request if the request asserts:

- a) Lack of procedural fairness;
- b) That the lack of procedural fairness could have had an impact on the findings or outcome of the investigation;
- ~~b)c)~~ That the findings of fact do not support the conclusion; or
- ~~c)d)~~ New facts or evidence that could affect the outcome decision and that could not have been reasonably obtained during the investigation.

3.683.74 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.

3.693.75 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.

3.703.76 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

3.713.77 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 or potential evidence or findings of systemic issues in the environment).

Complaint Substantiated (in whole or in part)

3.723.78 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.

3.733.79 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).~~

To support ~~these findings~~this process, the superintendent responsible for Human Resources shall convene ~~an a committee known as the~~ Investigation Outcome Committee ("IOC"). ~~The purpose of the IOC is to support consistent organizational approaches and decision making that is") made up the~~ Associate Director of Equitable Education, the Human Rights and Equity Advisor and the respondent's superintendent. At the discretion of the superintendent responsible for Human Resources, additional supervisory staff may need to be involved based on the findings and issues outlined in the investigation report in accordance with relevant policies, procedures and collective agreement provisions (where applicable). The IOC will ~~be comprised of:~~make recommendations to

- ~~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~~Associate Director of union, federation/association);
- ~~e) General Counsel; and~~
- ~~f) Where applicable/appropriate, the Superintendent of Indigenous Education, Inclusive Student Services, Equity and Inclusive~~Equitable Education and Positive School Climates or other portfolio(s) relevant to the complaint to address the specific investigation findings.

~~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.~~

~~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~~about the appropriate response, 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.~~

~~The IOC will maintain confidentiality.~~

~~Investigation Response Action Plan~~

~~3.743.80~~ The IOC will make a recommendation to the Associate Director of Equitable Education about the appropriate corrective, disciplinary and systemic response to the substantiated complaint and suggested timelines. The recommendations will be documented in an investigation response action plan (template). The Associate Director of Equitable Education will document which of the recommendations are being acted upon, including corrective or disciplinary actions that may be appropriate, in consultation with Human Resource Services. The IOC will maintain confidentiality.

~~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

~~3.753.81~~ 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.

~~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

~~3.763.82~~ 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

~~3.773.83~~ The Associate Director of Equitable Education will provide the complainant/reporter 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.~~

~~3.783.84~~ The Associate Director of Equitable Education will keep the Director of Education informed

about substantiated findings and actions adopted from 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.

~~3.79~~3.85 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

Where a complainant/reporter or respondent is dissatisfied with the outcome of the complaint, they may pursue other options ~~available to them/~~remedies such as filing an application with the Human Rights Tribunal of Ontario.

~~3.80~~3.86 Employees or as may have options be available under collective agreements ~~(e.g., grievance rights), where applicable, contract, or otherwise at law.~~

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

~~3.84~~3.87 Human rights issues, incidents and complaints affect parties and witnesses (and relationships among them) and other people in the learning and working 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: (for example, restorative meetings, learning and professional development).

- ~~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.~~

~~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

3.88 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. It may also involve separating parties (where feasible

and in a way that does not penalize the reporter) and developing a safety plan.

~~The 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.~~

3.89 District will also consider unique identity-based and other safety and privacy concerns that need to be addressed in safety planning related to stigma, biases, barriers and stereotypes based on disability, sexual orientation, gender identity, gender expression and all Human Rights Code grounds. For example, 2SLGBTQI students may not be “out” with their parents/guardians and may have safety concerns related to communications, and they may not have access to a safe support person to attend complaints resolution meetings.

3.823.90 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.

~~The District will also communicate~~
Union/Federation/Association Representation

~~Respondents who are employees and follow up with affected students, parents/guardians and community who are members in of a timely manner to provide updates and supports, as may be required. As new information becomes available union, federation or as circumstances change, additional safety considerations, supports and actions may be required.~~

~~Additional Safety Concerns~~

3.833.91 ~~The District recognizes association have 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 right to union/federation/association representation at 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. meetings and investigations.~~

~~Sexual Orientation, Gender Identity and Gender Expression~~

~~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.~~

~~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

Complainants

~~3.84~~3.92 Reporters, 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), a friend, school staff, another student, teacher, or community advocate, member or representative.

~~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.—~~

~~For students, their parent/guardian usually participates as a support person. A student may have another person attend as a support person.~~

~~Parties also have the right to attend issue or complaint resolutions meetings with a translator or interpreter.—~~

3.853.93 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.

~~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.~~

3.863.94 All Support persons must not answer questions or advocate on behalf of the interviewee or obstruct the investigation process in any way.

Confidentiality

3.873.95 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:—~~

3.96 All individuals involved in reporting/raising, responding to, or the administration of an issue or complaint under this procedure must keep all information related to the issue or complaint strictly confidential, except as may be required to administer any corrective action in response to the complaint, or as required or permitted by law.

3.97 Specific details about individual disciplinary responses involving students or employees are confidential matters and will not be disclosed. General summary data about complaints and

actions taken to address them may be included as part of annual reports and trends analyses.
The District may communicate about other aspects of a response (e.g., systemic actions) to
support transparency and accountability and without sharing confidential information.

- ~~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.~~

~~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.~~

~~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.~~

~~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.~~

~~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).~~

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

~~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

~~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.~~

3.883.98 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 seeking information about or asserting their rights under the Human Rights Code or this procedure the Human Rights Policy and procedures, including:

~~a) Requesting information about human rights;~~

a) Requesting an accommodation;

~~b)~~ b) Raising a human rights issue, incident or complaint;

~~b)c)~~ c) Raising a concern about an issue, incident, the complaint or accommodation process or outcome;

~~d)~~ d) Filing/Reporting a human rights related complaint, issue or incident under section 3.9 (Employee Responsibilities);

~~e)e)~~ e) Filing an application to the Human Rights Tribunal of Ontario or raising a complaint to another external body to assert their rights; and

~~f)f)~~ f) Providing information related to an issue or complaint or participating as a party or witness in a complaint or issue resolution process.

3.893.99 Protection from reprisal extends to any District community member who is a complainant/reporter, witness, advisor, support person or representation, investigator, decision maker or District representative responsible for implementing the outcome of a complaint.

3.903.100 All complaints about reprisal should be raised to the superintendent (or if the matter involves the superintendent, the next level supervisor) 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

Investigations into Allegations of Discrimination and Racism

3.943.101 The District recognizes that in some cases, incidents of racial discrimination and (for example, systemic discrimination and racism, ableism, homophobia, biphobia, transphobia and faithism) may be overt and in other cases, it may be subtle with little or no direct evidence. Assessing allegations of discrimination and 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 discrimination and racism ~~operates~~ operate 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, people based on ancestry, race, disability, sexual orientation, gender identity, gender expression, creed/religion, intersection of grounds and classism 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.~~

~~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~~

~~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~~

3.923.102 ~~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.~~

~~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.~~

Timelines to Address an Issue or Complaint

3.103 Timelines to address an issue or a complaint may vary depending on several factors, including and not limited to the nature of the complaint, the complexity of the allegations, number and availability of parties/witnesses and resolution method(s). The District is committed to addressing and resolving issues, incidents and complaints as quickly as is reasonably possible in all of the circumstances. Persons involved in addressing the matter (e.g., superintendent,

mediator, investigator) will advise parties of expected timelines and will keep parties informed of next steps and any potential delays throughout the process.

Flexible Procedures

3.933.104 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.

~~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

3.943.105 Any participant (~~complainant~~reporter, 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

~~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.~~

~~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.~~

~~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

3.953.106 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 assess each situation on a case by case basis; and
- ~~a) Will collaboratively explore options and solutions to address conflicting and competing rights in consultation with appropriate internal resources and expertise to maximize rights for everyone.~~
- e)d) If a human rights issue conflicts with the rights or using the framework set out in the Ontario 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 Commission's 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~~

~~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

3.963.107 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.

3.973.108 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

3.983.109 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

3.993.110 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.

~~3.1003.111~~ 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.

~~3.1013.112~~ 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

~~3.1023.113~~ 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.

~~3.1033.114~~ 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.

~~3.1043.115~~ 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
- Toronto District School Board's Reporting and Responding to Racism and Hate Incidents Involving or Impacting Students in Schools Operating Procedure

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

Tracked Changes Version:
Revised Draft Human Rights Roles,
Responsibilities and Accountability
Framework (Procedure)

DRAFT ~~Procedure~~ **under the Human Rights Policy:**

Roles, Responsibilities and Accountability Framework

1. Objectives

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

1.0 Objective

- 1.1 The Human Rights, Anti-Discrimination and Anti-Racism Policy (the “Human Rights Policy”) requires the District to implement a human rights roles, responsibilities and accountability framework to support individual and organizational roles and responsibilities in meeting the policy’s objectives. ~~This procedure:~~
- 1.2 This procedure is adopted under the Human Rights Policy ~~in order to implement~~ establish an accountability framework for DDSB employees; ~~and it~~ must be applied to the implementation of the ~~Human Rights~~ policy and its related procedures.
- 1.3 ~~Pursuant to~~ The Human Rights Policy and ~~this procedure, the DDSB is committed to related procedures and the Indigenous Education Policy and procedures focus on:~~
 - a) Promoting, protecting and upholding the distinct Indigenous rights of Indigenous Peoples and human rights, and proactively;
 - b) Proactively identifying, preventing and addressing all forms of discrimination and racism in the District’s services, employment, and learning and working environments;
 - c) Taking intentional human rights, anti-discriminatory and anti-racist approaches and actions to support equitable experiences, opportunities and access and to prevent disproportionate outcomes for students and employees; and
 - d) Providing services, employment and learning and working environment that are safe, welcoming, respectful, inclusive, equitable, accessible and free from discrimination, racism, oppression, harassment and harm.

- 1.4 As a publicly funded school board, the District is accountable to the students and communities it serves. ~~The district will take intentional steps to fulfill human rights responsibilities and assess and report on its efforts.~~ This procedure summarizes the District's approach to support an accountable human rights organization.

2.0 Definitions

- 2.1 Key human rights and equity terms used in this procedure are defined in Appendix A (Glossary of Terms) of the Human Rights Policy.

Procedure

3.0 2.

Roles, Responsibilities and Accountability

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

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

4.73.3 Responsibilities and accountabilities:

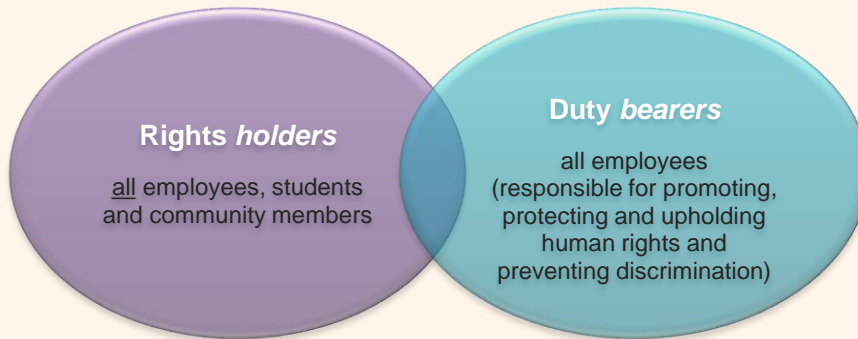
- a) Are key parts of supporting, promoting and protecting human rights and meeting requirements under the Human Rights Policy and procedures; and

- b) Can be described as the relationship between:

- Rights holders: all students, employees, ~~students~~ and community members¹; and
- Duty Bearers: employees in the organization who are responsible for promoting, protecting and upholding human rights and preventing and addressing discrimination against rights holders (in other words, all employees).

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

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



3. Duty Bearer Responsibilities

4.93.5 All Duty Bearers are responsible for:

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

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

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

- e) **Correct** and address human rights issues, incidents and complaints.

~~4.143.7~~ For administrators, supervisors, managers and senior leaders, these responsibilities also include the following:

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

~~4.123.8~~ The Director of Education and/or designates is responsible for:

- a) Promoting and maintaining an accountable human rights organizational culture that:
 - Supports, respects and upholds the District's commitments and responsibilities set out in the Human Rights Policy and procedures; and
 - Complies with the individual and organizational requirements and elements of this framework;
- b) Holding direct reports accountable; and
- c) Providing regular reports to the Board of Trustees about organizational compliance with the Human Rights Policy, including relevant implementation and experience and outcome measures and data.

~~4.133.9~~ Appendix A outlines additional responsibilities for the Director of Education and all employees, including school-based employees, non-school-based employees, administrators, managers/supervisors and the Director of Education to uphold human rights, prevent discrimination and implement the Human Rights Policy and procedures, system leaders. All responsibilities are based on and/or flow from the Human Rights Policy and procedures.

~~Board of Trustees~~

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

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

~~and participation, and support equitable opportunities, experiences and outcomes for all students.~~

~~4.~~ Organizational Requirements

~~4.143.10~~ All schools, program areas and system departments are, through their respective employees, responsible for the successful implementation and adoption of the Human Rights Policy and procedures, which ~~includes~~include:

- a) Acting on and implementing the elements of this framework; and
- b) Fulfilling Duty Bearer roles and responsibilities in:
 - Learning and working environments; and
 - The services and supports they provide to students, parents/~~caregivers~~guardians, employees and community members.

Elements of an Accountable Human Rights Organization

~~4.153.11~~ To support an organizational culture of human rights responsibilities and accountability as called for in the Human Rights Policy, the District will:

1. **Document expectations** so that all employees understand their duty bearer responsibilities (for example, in operational and employment procedures, practices, strategies and initiatives, job descriptions, hiring processes, performance appraisals/reviews and learning plans);
2. **Build employee capacity** to meet duty bearer responsibilities and provide duty bearers with knowledge and skills (e.g., through professional development/training and access to tools, resources and internal subject matter expertise) to help apply human rights responsibilities in day-to-day actions and decision making;
3. **Uphold human rights** by proactively identifying, preventing and addressing discriminatory structures and barriers in policies, procedures and practices;
have an
4. Develop and maintain **effective issue and complaint resolution processes and mechanisms** to address individual and systemic issues and complaints; and
5. **Monitor, evaluate and report results** through data collection, analysis and public reporting.

~~4.163.12~~ ~~Appendix B sets out the general concepts and principles as to accountability that have informed this procedure and that shall guide all~~All District employees ~~in the district in adopting and implementing contribute to these shared organizational responsibilities to implement~~ the Human Rights Policy and related procedures. Appendix B provides additional information on organizational responsibilities and accountability.

~~Individual and Organizational~~ Accountability Mechanisms

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

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

3.13 Each school and system department will:

- a) ~~develop and is responsible for developing and implementing action~~ ~~implementation~~ plans to meet the requirements of the policy; ~~and procedures and this framework through the mechanisms listed as summarized below at the employee and appropriate organizational level(s); and~~

~~demonstrate how the implementation plans incorporate duty bearer responsibilities and the elements of an accountable human rights organization (including (including~~ the requirements and actions listed in Appendices A and B) into all activities.

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

5. Evaluation and Reporting

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

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

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

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

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

4.0 Reference Documents**4.1 Policies**

- Indigenous Education
Human Rights Policy



- Consultative Processes
- 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
- Human Rights Inclusive Design and Accommodation
- Student/Family Human Rights Issue, Incident and Complaint Resolution
- Equity and Inclusive Education
- Equitable Recruitment
- Positive School Climates
- Complaint Procedure – Workplace Harassment Prevention, Workplace Sexual Harassment Prevent 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

~~Appendix A: Employee Roles and Duty Bearer Responsibilities~~

~~Appendix B: Key Organizational Elements and Actions~~

- **References:**
- Ontario Human Rights Commission's ~~Policy~~ policies, guidelines 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
- York Region District School Board Anti-Black Racism Strategy
- The Equity Continuum: Action for Critical Transformation in Schools and Classrooms (Murray and West-Burns, 2011)
- Building Capacity: A Focus on Culturally Responsive and Relevant Pedagogy Through a Critically Conscious Practitioner Inquiry (West-Burns, 2018)

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

Appendix:

Appendix A: Employee Roles and Duty Bearer Responsibilities

Appendix B: Key Organizational Elements and Actions

Effective Date

YYYY-MM-DD

Amended

YYYY-MM-DD

Appendix A: Employee Roles and Duty Bearer Responsibilities

- 1.1 All employees have individual roles, responsibilities and accountability for human rights, anti-discrimination and anti-racism in District services, employment and learning and working environments as set out in:
 - a) The Human Rights Policy and related procedures; and
 - b) Legislation, other policies and procedures, collective agreements (where applicable) and professional standards governing conduct (where applicable).
- 1.2 In addition, all employees contribute to shared organizational responsibilities to create and contribute to learning and working environments that centre human rights and equity and that are welcoming, safe, respectful, equitable, inclusive, accessible and free from discrimination, oppression, harassment and harm.
- 1.3 The Director of Education and/or designates is responsible for the operations of the District and implementing (or overseeing the implementation of):
 - a) Organizational requirements to uphold the Human Rights Policy and procedures; and
 - b) Initiatives, practices and measures to support all employees in complying with the Human Rights Policy and procedures.

Organizational Responsibilities

- 1.4 The District, through the Director of Education and/or designates, will:
 - a) Engage and consult with diverse communities, including enhancing existing or developing new relationships with communities and networks;
 - b) Integrate human rights, anti-discrimination, anti-racism, inclusive design, Universal Design for Learning (UDL) and accessibility principles into organizational operational, service related and employment related policies, procedures, practices, rules, programs, initiatives and informal and formal decision making;
 - c) Identify, prevent and address discriminatory and inequitable impacts, practices, processes, experiences, barriers and outcomes in all aspects of:
 - ~~curriculum design~~Pedagogical and ~~delivery,~~pedagogical teaching/instructional approaches and practices,
educational program delivery and all classroom/school practices;
 - Recruitment, selection, promotion and retention and all human resources practices and decisions;
 - Initiatives and programs, including school and board improvement, learning, operational and strategic plans and priorities;
 - Training, learning, professional development, performance and succession plans and decision making;
 - Business planning, processes and decisions (e.g., procurements, budgets, resources, etc.);
 - Communications;
 - Evaluation and reporting;
 - Community engagement; and
 - Organizational change processes, assessments and decision making;

- d) Communicate about human rights related accountabilities so that all employees recognize and understand their individual and organizational roles and responsibilities and how their decisions and actions must uphold human rights and prevent discrimination;
- e) Fulfill its legal duty to accommodate Human Rights Code related needs to the point of undue hardship;
- f) Provide students, parents/guardians/~~caregivers~~, employees and community members with information, tools, resources, and processes to identify and raise potential discriminatory practices, exercise their rights, and provide feedback on their Human Rights Code-related experiences in DDSB learning and working environments;
- g) Not condone, ignore, or continue discriminatory practices;
- h) Have in place transparent, fair, accessible and effective processes to address human rights accommodation requests, issues, incidents, and complaints;
- i) Implement additional actions/initiatives as may be required to meet the objectives of the Human Rights Policy and procedures;
- j) Work with education sector and other partners to raise potential human rights issues in their processes/practices that impact District students, employees and communities; and
- k) Measure, evaluate and report on organizational human rights performance.

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

- a) Set clear direction and expectations to help employees at all levels fulfill individual and organizational roles, responsibilities and accountabilities for human rights, anti-discrimination, anti-racism, inclusive design, UDL and accessibility;
- b) Build capacity and competencies and ~~providing~~provide professional learning and training to equip employees with knowledge and skills to:
 - Support the implementation of the Human Rights Policy and procedures
 - Identify, prevent, and address discrimination and discriminatory barriers
 - Apply human rights, anti-discrimination and anti-racism principles and approaches in day-to-day activities and decision making;
- c) Integrate and embed human rights, anti-discrimination, and anti-racism into:
 - Recommendations to the Board of Trustees to inform the Board's decision making;
 - Strategic priorities, operational strategies, initiatives and action plans
 - Operational functions, policies, procedures and practices, including (and not limited to) those related to ~~curriculum, pedagogy~~pedagogical and teaching/instructional practices, student assessment, placement, guidance, supports, resources and discipline;
 - Employment and human resources functions, policies, procedures and practices, including (and not limited to) job descriptions, hiring practices, supervision, performance appraisals, performance management, promotion practices, succession planning, termination, exits and safe and respectful workplaces;
 - Mental health and well-being initiatives;
 - Organizational learning plans and other job expectations;
 - Financial and business planning and relationships including:
 - Equitable budget and resource allocation recommendations that include human rights barrier identification, removal and accommodation costs that are appropriately spread as widely as possible throughout the organization; and
 - Procurement processes, vendor selection, community use of schools permits, etc.
 - Research and evaluation;
 - Community engagement and partnerships, including School Community Councils;

- Communications and reporting;

- d) Develop fair, effective and efficient human rights accommodation, issue, incident and complaint resolution mechanisms;
- e) Prevent and correct human rights violations and upholding individual and organizational obligations and accountabilities;
- f) Monitor, evaluate and report on progress, including collecting and analyzing data to identify potential issues and trends;
- g) Act on and address results, findings and trends to support ongoing organizational learning and growth;
- h) Support Human Rights Policy commitments, champion an organizational culture of human rights, and promote human rights, anti-discrimination and anti-racism as core competencies and practices;
- i) Raise systemic human rights related policy or other issues that affect the District's services, employment and learning and working environments to the Board of Trustees, education/community partners or the Ministry of Education, as appropriate;
- j) Strengthen Board of Trustee governance through the provision of training on human rights, anti-discrimination and anti-racism principles and the scope, use and results of identity-based data collection and analyses within the District;
- k) Monitor and assess organizational compliance with this procedure and:
 - Revise or remove procedures and practices that conflict with the Human Rights Policy and procedures;
 - Implement new procedures, actions or initiatives that proactively promote and support human rights, anti-discrimination and anti-racism; and
 - Hold direct reports accountable for complying with individual and shared organizational roles and responsibilities set out in the Human Rights Policy and procedures; and
- l) Put in place appropriate organizational structures and allocate sufficient resources and expertise to:
 - Implement requirements and meet the objectives of the Human Rights Policy and procedures; this may include additional actions as may be required to meet the policy's objectives; and
 - Support this critical work.

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

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

Employee Responsibilities

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

- a) Model human rights positive behaviour and not engage in any form of discrimination or

harassment;

b) Ground decisions and actions in District policies and procedures:

b)c) Support and contribute to safe, welcoming, respectful, inclusive, accessible and equitable learning and working environments;

e)d) Engage in ongoing learning and professional development to:

- Strengthen human rights, anti-discrimination and anti-racism knowledge, skills and competencies; and
- Recognize how positionality, power and privilege and discriminatory biases, beliefs, assumptions, stereotypes, ideologies, inequities and barriers operate in District learning and working environments and in individual practices;

e)e) Apply human rights, anti-discrimination and anti-racism principles, practices and approaches (including inclusive design, UDL and accessibility principles) in all work, interactions, actions and decision making; this includes:

- Addressing human rights obligations when applying other policies, procedures and practices;
- Examining practices and decision making to consider potential discriminatory barriers and inequitable experiences, processes, effects and outcomes, including impacts on students, families, employees and communities that may be discriminatory and may unintentionally cause trauma and harm;
- Act in ways that uphold the rights of the child/student and the rights of employees, are in the best interests of the child/student, are asset-based, do not cause or perpetuate harm and are not discriminatory (e.g., adjust practices to prevent or address potential discrimination);

e)f) Report potential discrimination and discriminatory barriers to their supervisor/manager;

f)g) Intervene to stop all forms of harassment or discrimination against a student(s) and report it to their supervisor/manager through appropriate processes;

e)h) Not interfere with human rights issue or complaint resolution processes;

f)i) Participate in and cooperate fully with information gathering or investigation procedures, as may be required to respond to a human rights issue or complaint;

f)i) Not engage in reprisal actions against students (or their family members/caregivers/guardians), employees or community members who raise human rights related issues, concerns, accommodation requests or complaints, or who participate in complaint or issue resolution processes; and

f)k) Support and contribute to the organizational responsibilities outlined in the Human Rights Policy and procedures.

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

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

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

- a) Create conditions that support welcoming, safe, inclusive, accessible, equitable learning environments, opportunities, experiences and outcomes for students;
- b) Treat students equitably, with dignity, respect and care, and respond to individual and intersecting identities, strengths, barriers, needs, circumstances and other factors that influence individual student learning and experiences;
- c) Critically examine and reflect on how positionality, systems of power, privileges, biases and ideologies operate and affect their decisions, actions and interactions in classrooms and schools (for example, relating to educational philosophies, pedagogical and teaching/instructional approaches, class rules and routines, ~~curriculum and delivery~~, instructional materials and resources, student assessment, placement, programming needs, evaluation, classroom management, guidance practices, office referrals, referrals to the police and Children's Aid Society, discipline, resources and support for students, school activities and events, parent/caregiver/guardian and community engagement, etc.) and how this affects students;
- d) Not take part in, condone or allow discrimination in learning environments; and
- e) Confront, challenge and disrupt discriminatory practices, barriers and inequities in student learning environments and services and adjust practices and approaches and address barriers as required to support equitable opportunities, processes, experiences and outcomes. This includes reviewing and addressing class/school data findings and trends.

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

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

- In consultation with Human Resources, taking appropriate corrective, responsive, remedial, restorative and/or disciplinary action (up to and including termination of employment) to address human rights performance concerns and policy violations;
- j) Address potential resistance to initiatives and strategies that challenge discriminatory ideologies, practices and inequities and that promote increased access to, and opportunities and participation for, groups that are discriminated against, marginalized and minoritized;
- k) Build and sustain relationships and regularly engage District community members on initiatives that affect them;
- l) Champion and promote initiatives that support human rights organizational change and that address barriers, disparities and disproportionate experiences, processes and outcomes for Human Rights Code-protected groups; and
- m) Incorporate the commitments, objectives and requirements of the Human Rights Policy and procedures in school and/or system department learning plans and initiatives.

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

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

Accountability

1.12 All employees are expected to:

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

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

In some situations, the District may be required to report findings of racism, discrimination or harassment to applicable professional colleges.

School Community Councils

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

Appendix B: Key Organizational Elements and Actions

Principles

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

Key Elements of an Accountable Human Rights Organization Embedded in the Human Rights Policy and Procedures

1. Document expectations Duty Bearers know what their human rights-related responsibilities are	a) Outline human rights requirements, responsibilities and expectations in: <ul style="list-style-type: none"> • Policies, procedures, practices, and learning/training; and • Operational plans, strategies, priorities and communications b) Define human rights-related roles and responsibilities and set clear expectations in all performance plans (i.e., identify, include and evaluate human rights performance and learning commitments, strategies and activities in job descriptions and performance plans, and reinforce expectations in day-to-day work) c) Clearly communicate Human Rights Policy requirements and the consequences for policy violations (including reprisal)
2. Build employee capacity Provide learning and resources on human rights roles and responsibilities	a) Provide opportunities for employees to learn about human rights and to understand how to apply human rights requirements to their jobs and decision making b) Provide resources to help employees support system- wide actions to identify, prevent and address discriminatory barriers c) Provide managers and employees with access to resources and Indigenous and human rights expertise to help resolve issues
3. Uphold human rights Proactively identify, prevent and address discriminatory structures and barriers	a) Design inclusive services, employment and learning and working environments to support equitable access, experiences and opportunities and to prevent discriminatory outcomes b) Identify, prevent and address: <ul style="list-style-type: none"> • Human rights barriers and needs in services, employment and learning and working environments; and • Processes or practices that conflict with human rights requirements c) Anticipate and address potential challenges to uphold the requirements of the Human Rights Policy and procedures

<p>4. Develop and maintain effective issue and complaint resolution processes</p> <p>Rights holders can safely raise human rights issues and complaints</p> <p>Duty bearers address complaints fairly and effectively</p>	<ul style="list-style-type: none"> a) Establish transparent and accessible processes to raise human rights issues, incidents and complaints b) Address issues, incidents and complaints fairly and effectively c) Clearly communicate processes and outcomes d) Take appropriate corrective, responsive, remedial, restorative and disciplinary action (in consultation with Human Resources and other areas, as may be appropriate in the circumstances, consistent with the principles of progressive discipline) to address human rights violations, and restore learning and working environments and relationships
<p>5. Monitor, evaluate and report results</p> <p>Review to determine if responsibilities and obligations are being met</p> <p>Learn from and act on the results to continuously improve human rights performance</p> <p>Communicate the results</p>	<ul style="list-style-type: none"> a) Monitor compliance with requirements and address potential barriers and issues, as needed b) Collect data to assess experiences and outcomes c) Report results to DDSB community members d) Provide opportunities for DDSB community members to provide: <ul style="list-style-type: none"> • Provide feedback on their human rights experiences; and • Invite input on District human rights initiatives e) Make responsive changes to the framework, as needed



Human Rights Policy Consultation

Survey December 2020

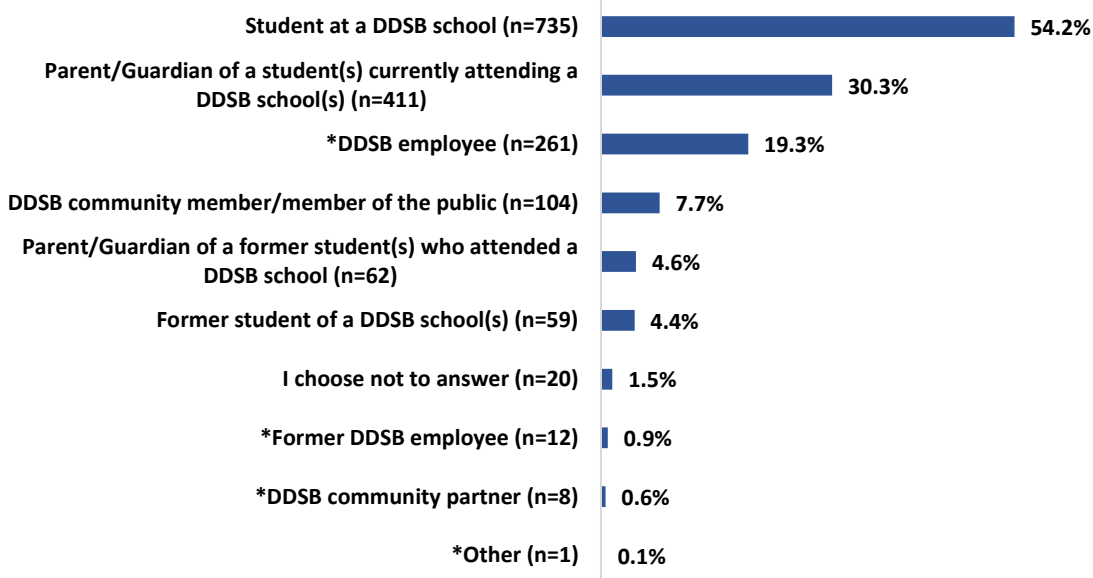
The Durham District School Board (DDSB) is developing a new policy to help everyone understand their human rights, roles and responsibilities in DDSB working and learning spaces (for example, schools, offices and school or work events). Human rights are important so that:

- Everyone is treated with dignity and respect, and that they feel welcome, safe and included; and
- No one is treated differently or discriminated against because of their ancestry, race, sex/gender, disability, sexual orientation, gender identity, gender expression, creed/religion or other human rights related characteristics.

On November 26th, 2020 this survey was launched using an online survey tool and made available to DDSB staff, students, parents/guardians, community partners and the public through various methods of communication (social media, DDSB website, school newsletters/emails, etc.).

The survey ran for two weeks, closing on December 9th, 2020 and 1,355 people completed the survey.

Figure 1:
I am a (identify role, position or connection)
n=1,355



*DDSB employee – any regular, temporary or contract employee or volunteer (including, for example: educators, school-based support staff, professional service staff, custodial staff, Education Centre-based staff, supervisors/managers, administrators, superintendents, associate directors, directors, etc.)

*Former DDSB employee – any former regular, temporary or contract employee or volunteer (including, for example: educators, school-based support staff, professional service staff, custodial staff, Education Centre-based staff, supervisors/managers, administrators, superintendents, associate directors, directors, etc.)

*DDSB community partner (representative from a community organization that serves DDSB students, parents/families and/or employees)

*Other: "Direct physical neighbour to a school"

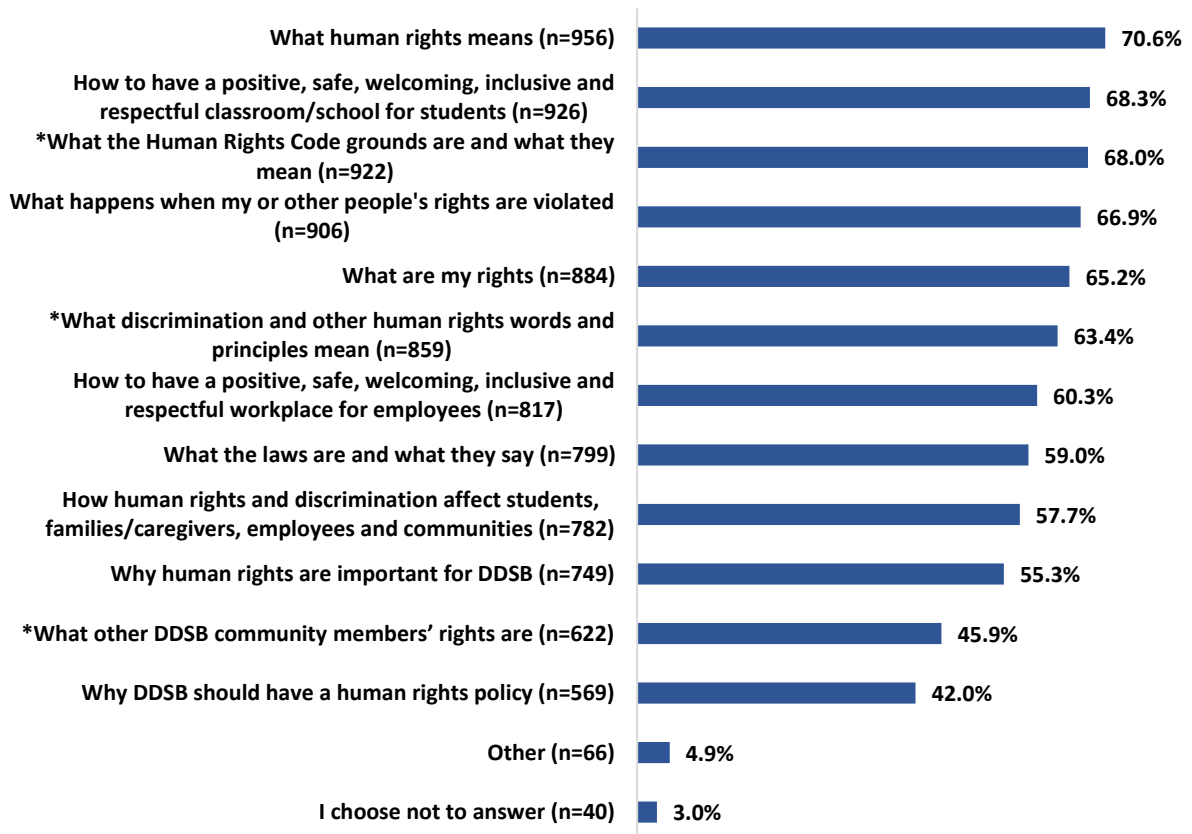
Question 2 This part is about general information on human rights and discrimination

What do you think is important for the DDSB to include in their human rights policy or procedure? *(Select as many as you would like)*

Figure 2:

Important to include in the DDSB human rights policy or procedure

n=1,355

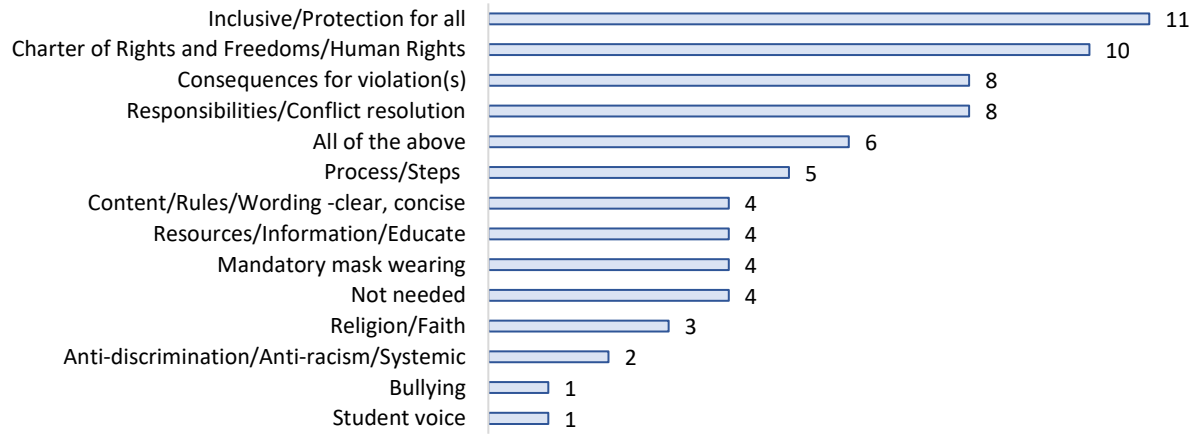


*What the Human Rights Code grounds are (for example, ancestry, race, sex, disability, gender identity and gender expression, sexual orientation, creed/religion, etc.) and what they mean

*What discrimination and other human rights words and principles mean (for example, definitions or explanations of different kinds of discrimination, racism, duty to accommodate, etc.)

*What other DDSB community members' (for example, students, employees, parents/caregivers, and community partners/agencies) rights are

Figure 2a:
Response option 'Other' (4.9%) by theme and number of responses
 Responses n=71



Question 3 Definitions and explanations

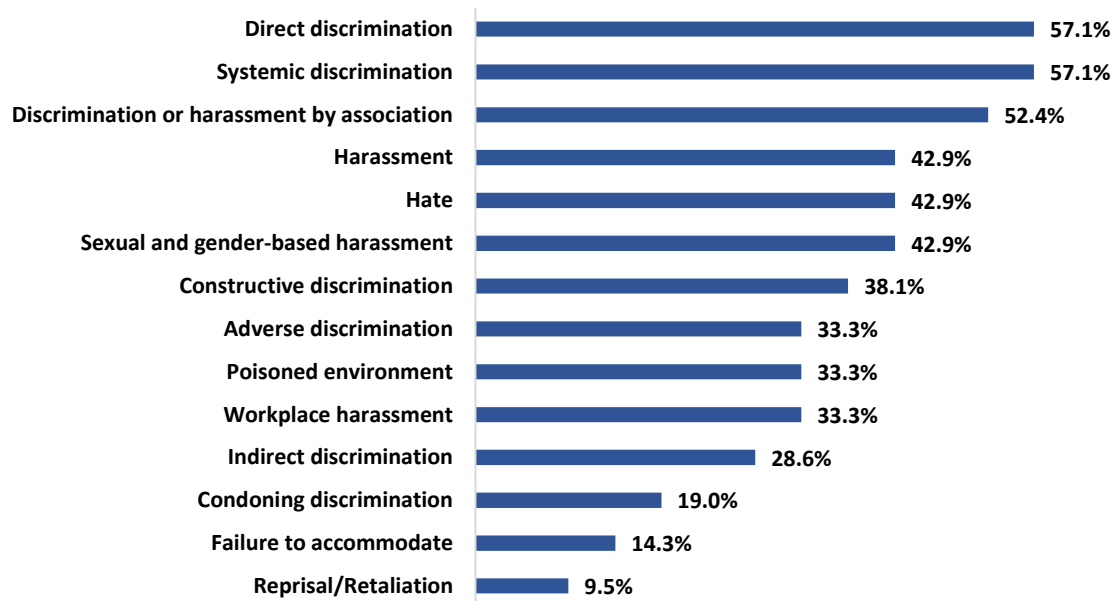
Extension of response option “What discrimination and other human rights words and principles mean” from Question 2. Participants that selected that option were directed to this follow up question.

Different types of discrimination and harassment I would like the policy to explain what these words mean: (Select as many as you would like)

Figure 3:

Different types of discrimination and harassment the policy should explain what these words mean

n=21



Question 4 Definitions and explanations

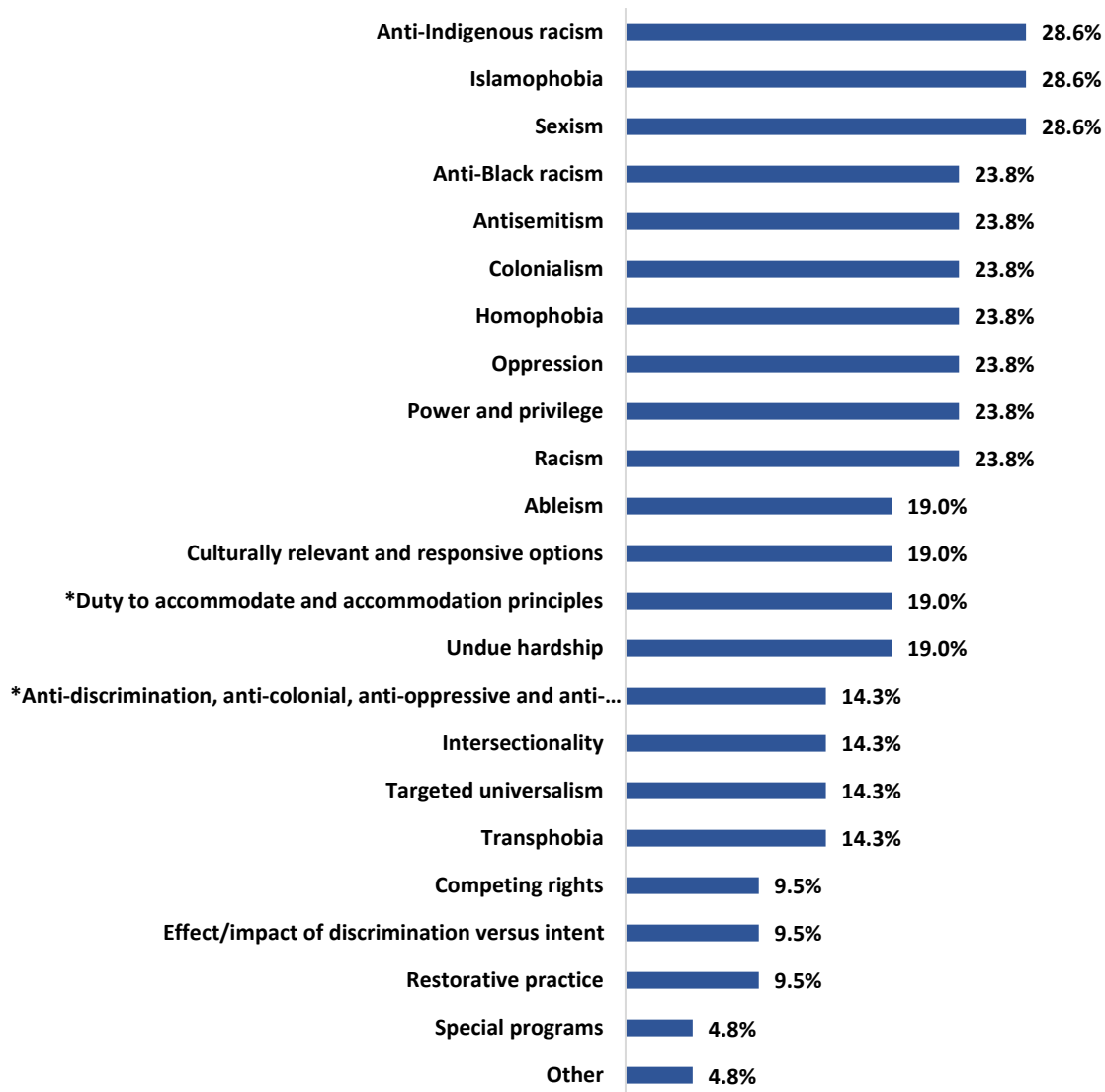
Extension of response option “What discrimination and other human rights words and principles mean” from Question 2. Participants that selected that option were directed to this follow up question.

Definitions and explanations, would you like the policy to explain what these words mean: (Select as many as you would like)

Figure 4:

Definitions and explanations - the policy should explain what these words mean

n=21



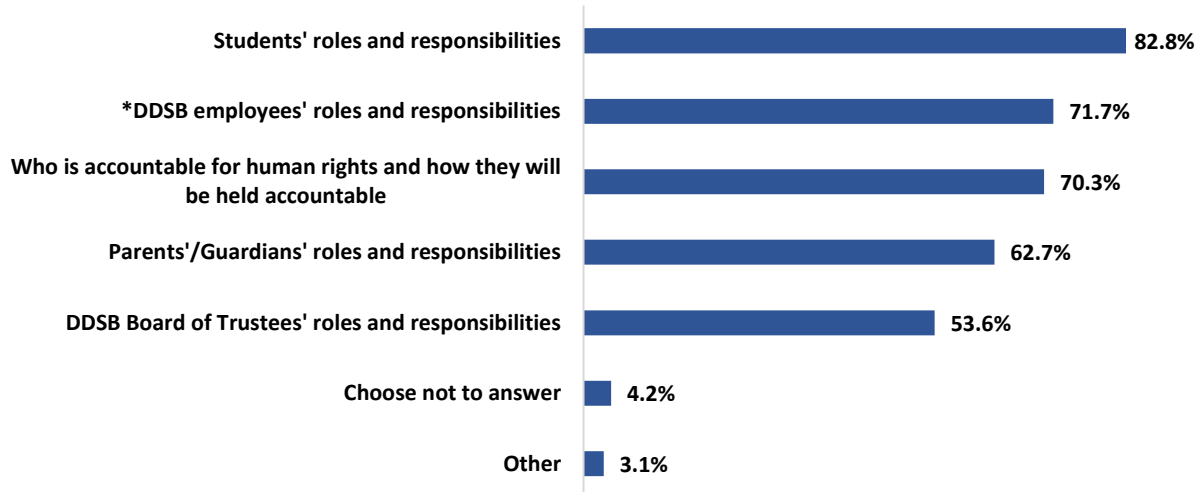
*Duty to accommodate and accommodation principles (for example, individualized, integration, inclusive design, accommodation process)

*Anti-discriminatory, anti-colonial, anti-oppressive and anti-racist actions and approaches

Question 5 Roles, responsibilities and accountabilities

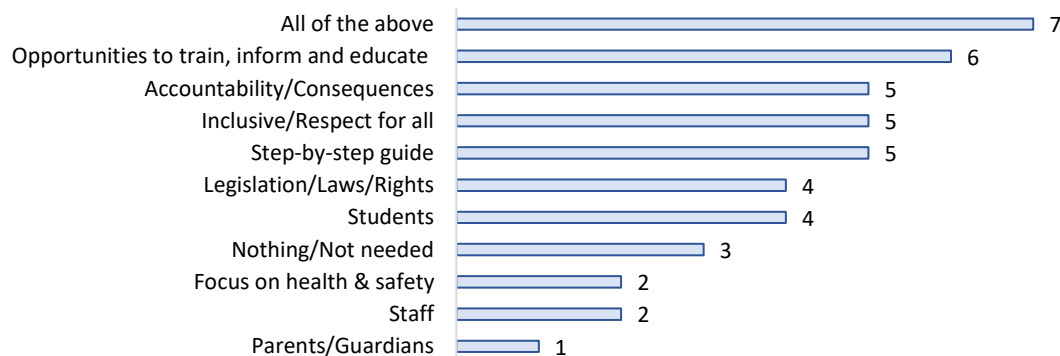
I would like the DDSB human rights policy and procedures to have information about: (Select as many as you would like)

Figure 5:
Information on roles, responsibilities and accountability
n=1,352



*DDSB employees' roles and responsibilities (including, for example: educators, school-based support staff, professional service staff, custodial staff, Education Centre-based staff, supervisors/managers, administrators, superintendents, associate directors, director, etc.)

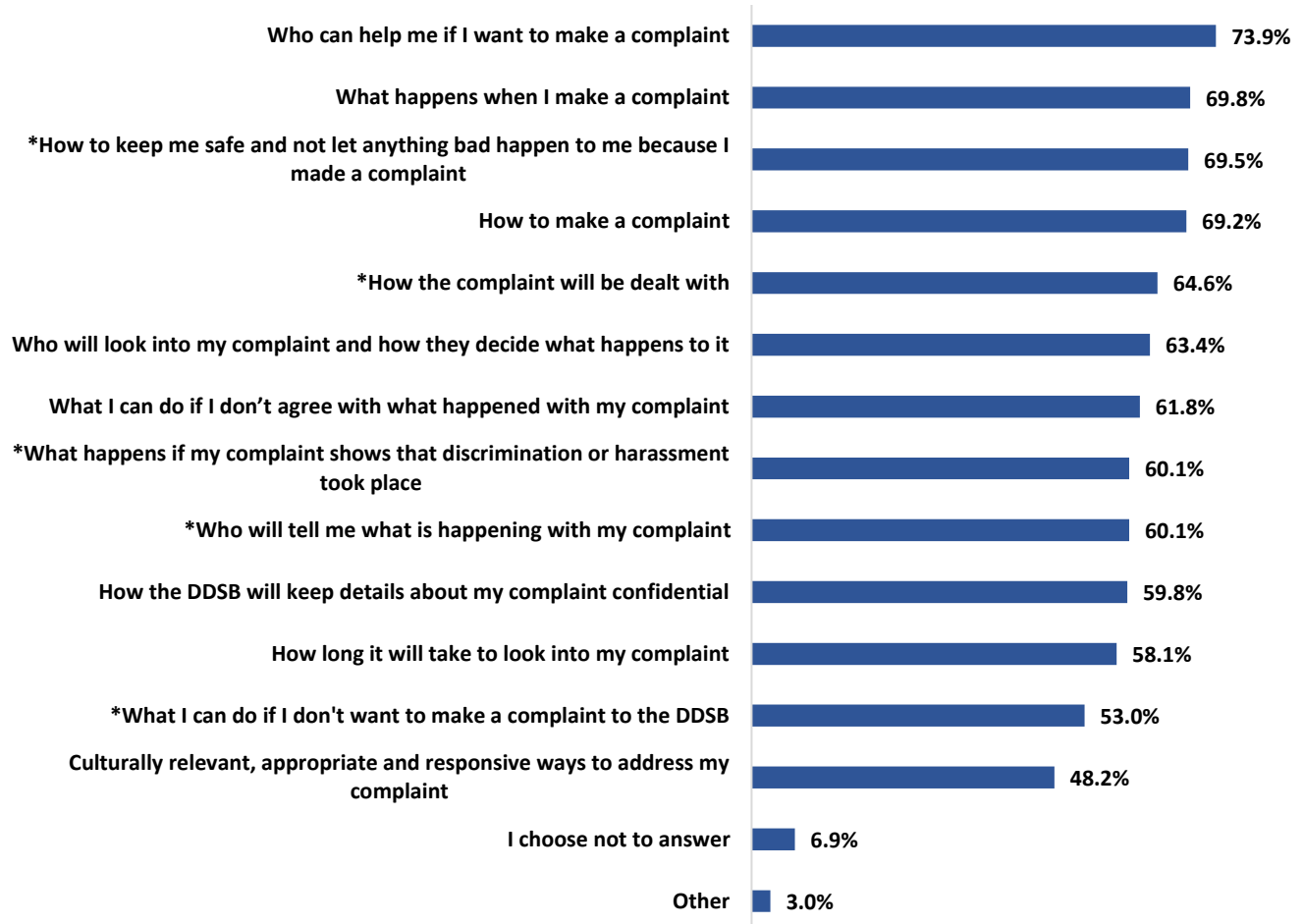
Figure 5a:
Response option 'Other' (3.1%) by theme and number of responses
Responses n=44



Question 6 Making a human rights complaint and what happens to it

I would like the DDSB human rights policy and procedures to have information about: (Select as many as you would like)

Figure 6:
Information on human rights complaint and what happens to it
n=1,342



* How to keep me safe and not let anything bad happen to me because I made a complaint (protection from reprisal)

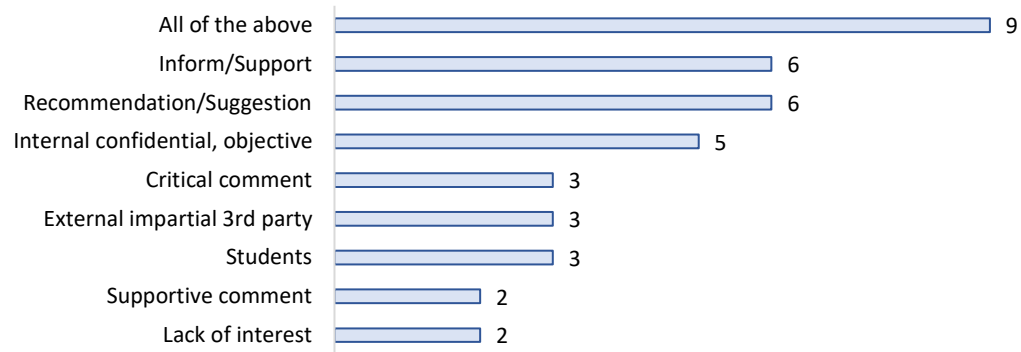
* How the complaint will be dealt with (ways to resolve it, through early resolution, restorative practice, or more formal mediation or investigation)

* What happens if my complaint shows that discrimination or harassment took place (what happens next, who is responsible and accountable, what action is taken)

* Who will tell me what is happening with my complaint (who will keep me informed)

* What I can do if I don't want to make a complaint to the DDSB (where else can I file a complaint, what choices do I have)

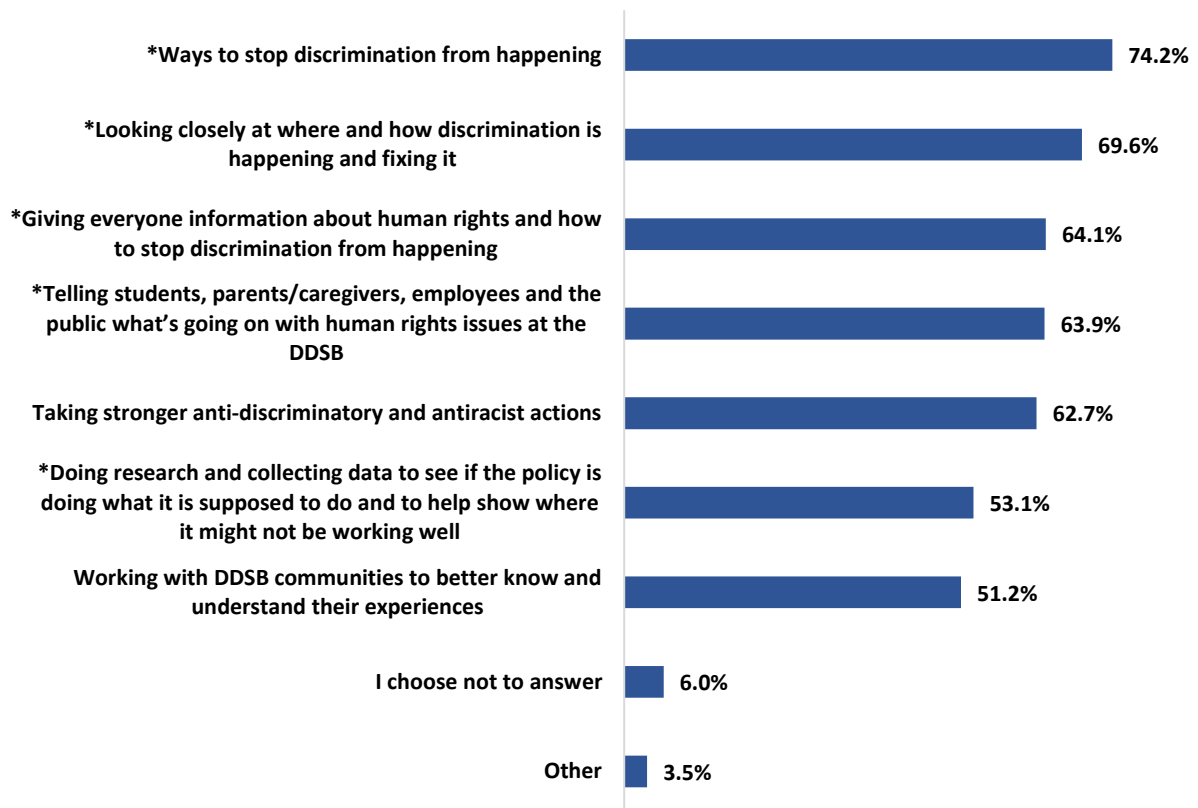
Figure 6a:
Response option 'Other' (3.0%) by theme and number of responses
Responses n=39



Question 7 How to stop or prevent discrimination from happening so that no one is treated differently at school or work because of ancestry, race, gender, disability, gender identity/gender expression, sexual orientation, creed/religion or any other Human Rights Code grounds

I would like the DDSB human rights policy and procedures to have information about: (Select as many as you would like)

Figure 7:
Information on preventing discrimination from happening
n=1,342



*Ways to stop discrimination from happening (being proactive, not being involved in discrimination)

* Looking closely at where and how discrimination is happening and fixing it (addressing systemic barriers in how and why we do things and make decisions; for example, making decisions about what to teach/how to teach it, classroom/school practices, hiring, department decisions, board decisions, etc.)

*Giving everyone information about human rights and how to stop discrimination from happening (for example, training, resources and other information)

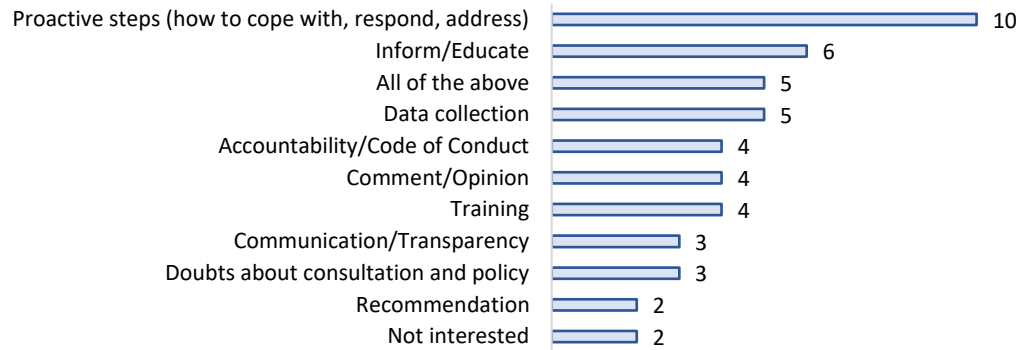
*Telling students, parents/caregivers, employees and the public what's going on with human rights issues at the DDSB – what's working well and what do we need to do differently (how we communicate and report about human rights)

*Doing research and collecting data to see if the policy is doing what it is supposed to do and to help show where it might not be working well (data collection, analysis and monitoring)

Figure 7a:

Response option 'Other' by theme and number of responses

Responses n=48



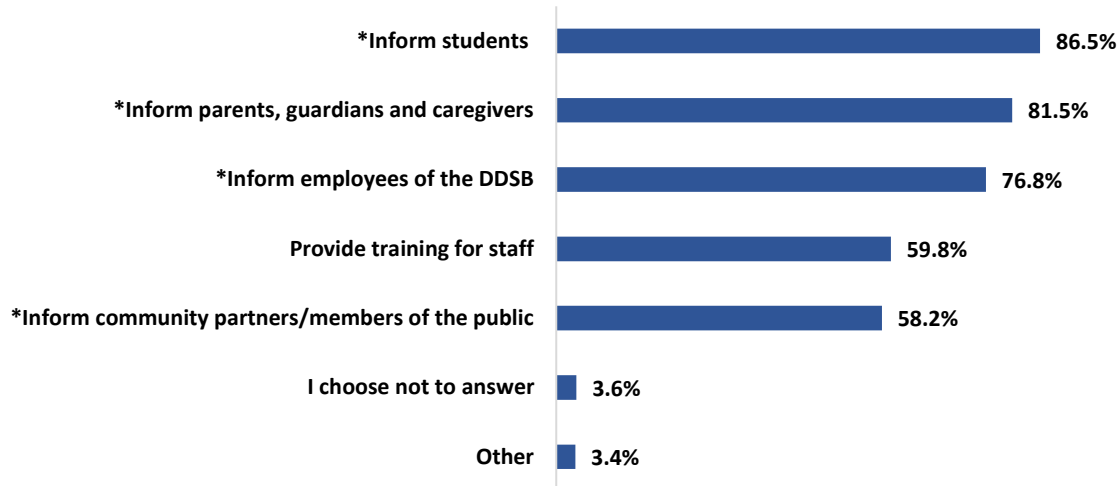
Question 8 Helping everyone know more about their rights, roles and responsibilities, and what to do if they have a complaint

When the policy is ready, I would like the DDSB to: (Select as many as you would like)

Figure 8:

When the policy is ready, I would like the DDSB to:

n=1,334



*Inform students (for example, through a brochure or details on the website that explains human rights and how to make a complaint)

*Inform parents, guardians and caregivers (for example, through a brochure or details on the website that explains human rights and how to make a complaint)

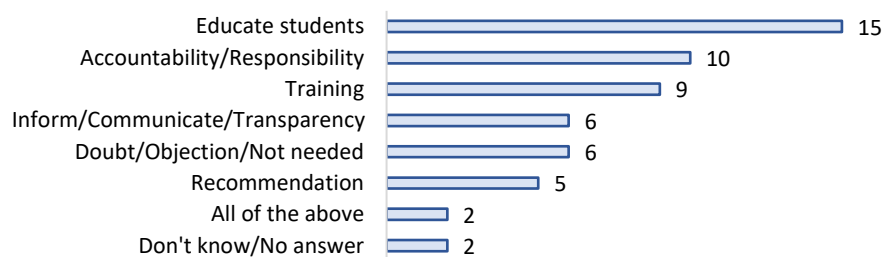
*Inform employees of the DDSB (for example, through a brochure or details on the website that explains human rights and how to make a complaint)

* Inform community partners/members of the public (for example, through a brochure or details on the website that explains human rights and how to make a complaint)

Figure 8a

Response option 'Other' by theme and number of responses

Responses n=55

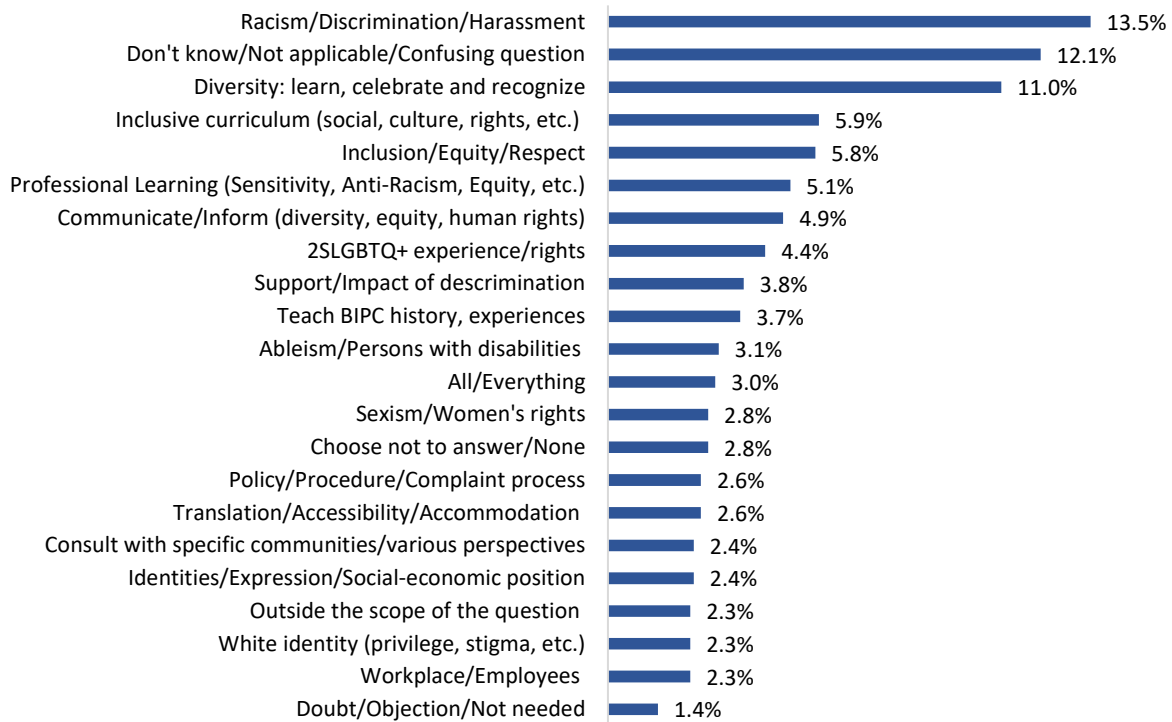


Question 9 *What culturally relevant and responsive options should be looked at?*

Figure 9

Culturally relevant and responsive options that should be looked at

Responses n=573

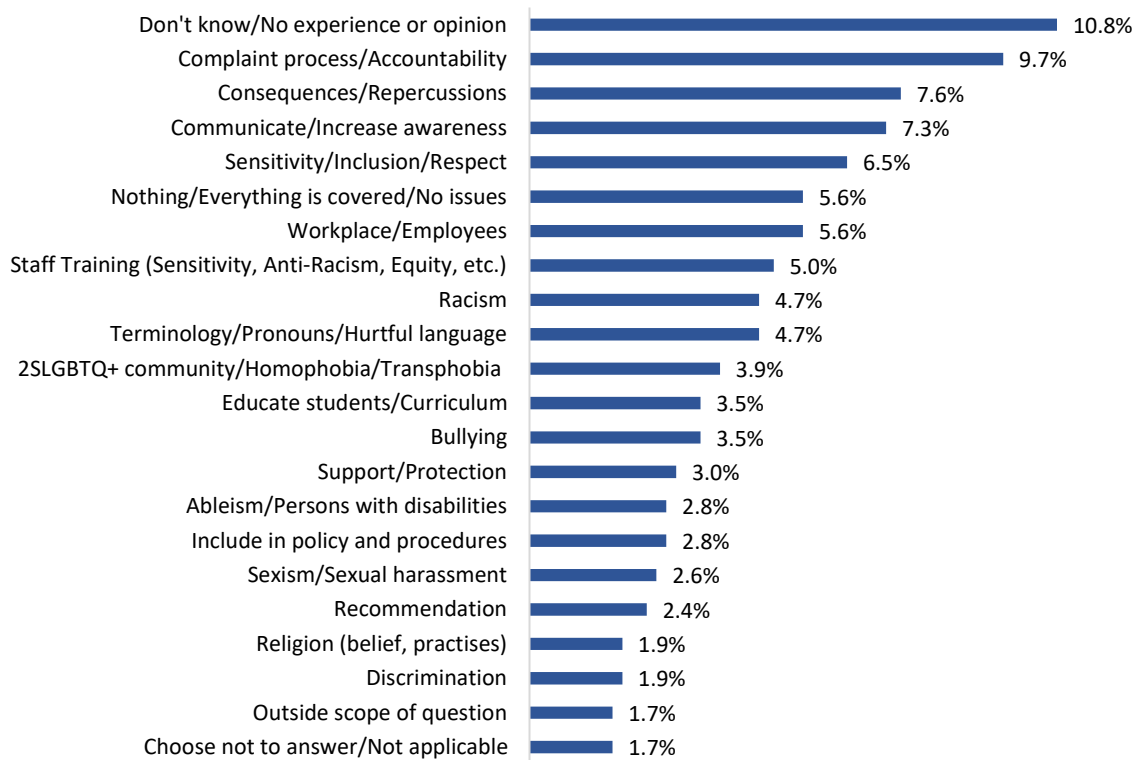


Question 10 *Based on your own experiences with human rights in the DDSB, what else should be covered in policy and procedures?*

Figure 10

Things that should be covered in policy and procedures based on participants' own experiences with human rights in the DDSB

Responses n=537



Question 10 continued

What worked well and what didn't work well?

DDSB students (themes):

- importance of listening to people/hearing about their experiences in their own voices
- importance of raising awareness for students through speakers
- days of significance
- raising awareness about the consequences of for policy violations

Parents/Guardians of a student(s) currently attending a DDSB school(s) (themes):

- importance of listening to people/hearing about their experiences in their own voices

DDSB employees - any regular, temporary or contract employee or volunteer (themes):

- raising awareness about the consequences for policy violations

Question 11 *Do you know about another school board, community or other organization/business that has a strong human rights policy we should look at, to help us write the DDSB policy?*

Figure 11:

Do you know about another school board, community or organization/business that has a strong human rights policy?

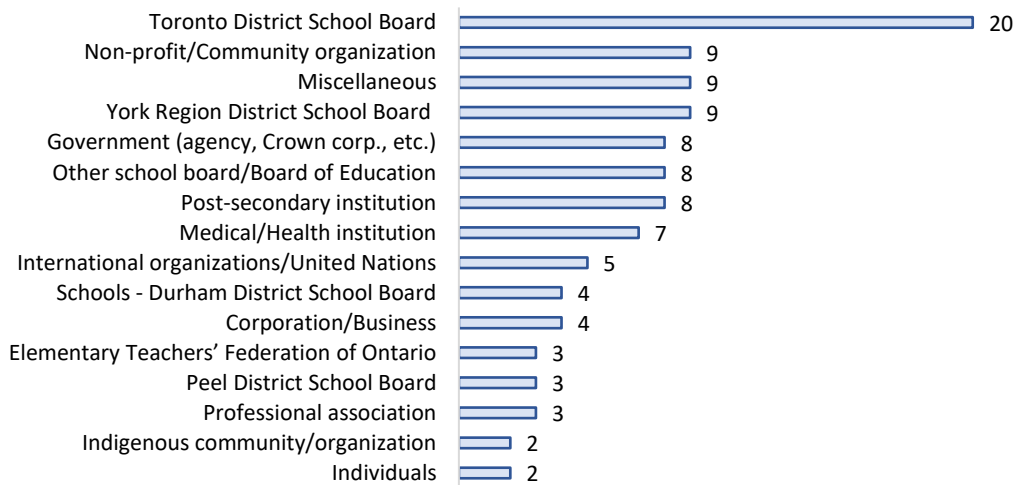
n=1,196



Yes, please tell us which school board, community or other organization:

Figure 11a:

Response option 'Yes' (7.9%) by theme and number of responses
Suggestions for school board, community or organization/business that has a strong human rights policy
 Responses n=104



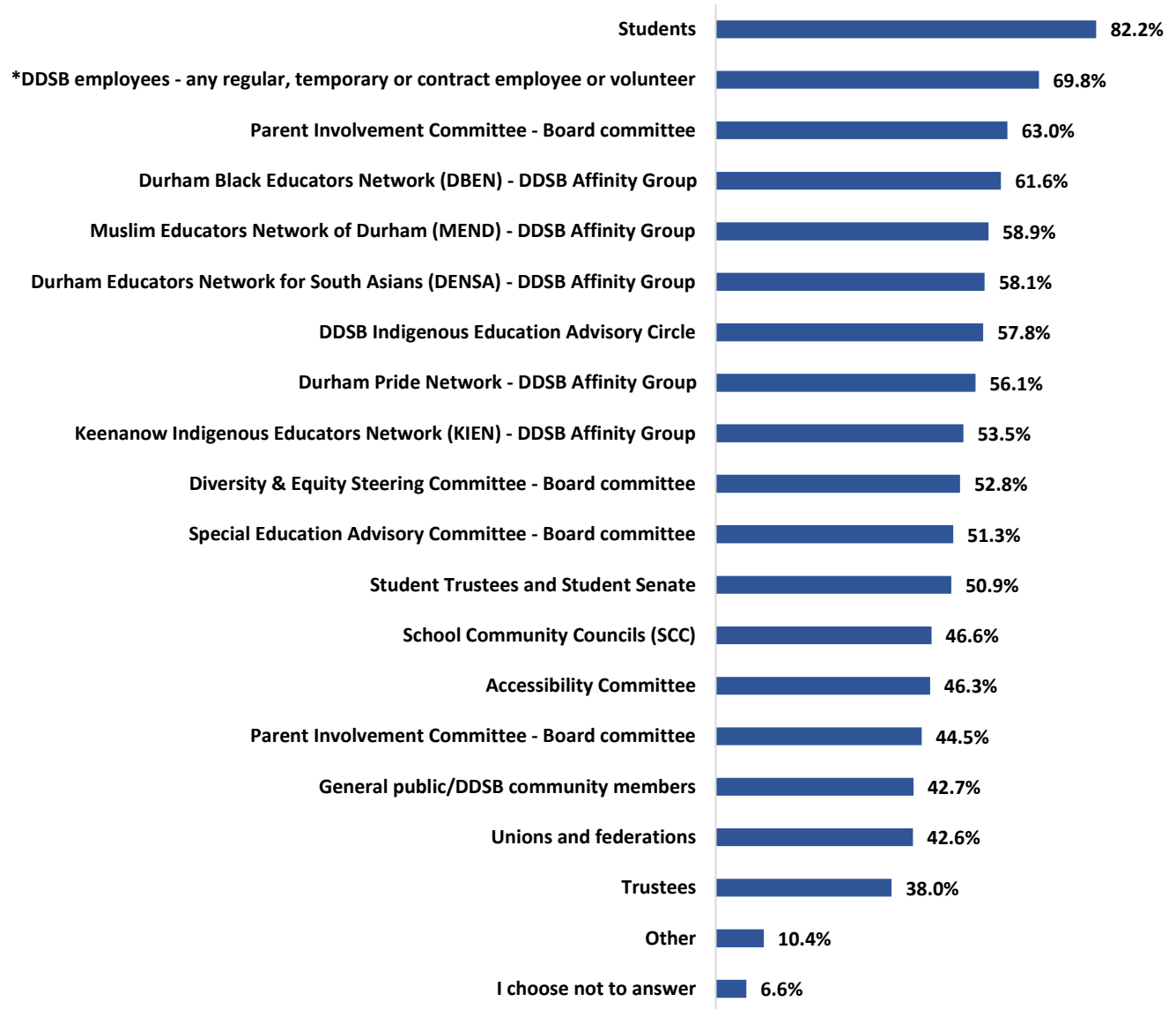
Question 12 Tell us about who we should reach out to so everyone can have their say

*I would like the DDSB to reach out to and hear from:**(Select as many as you would like)*

Figure 12:

Who should the DDSB reach out to and hear from?

n=1,329



* DDSB employees - any regular, temporary or contract employee or volunteer (including, for example: educators, school-based support staff, professional service staff, custodial staff, Education Centre-based staff, supervisors/managers, administrators, superintendents, associate directors, director, etc.)

Figure 12a:
Response option 'Other' (10.4%) by theme and number of responses
 Responses n=152

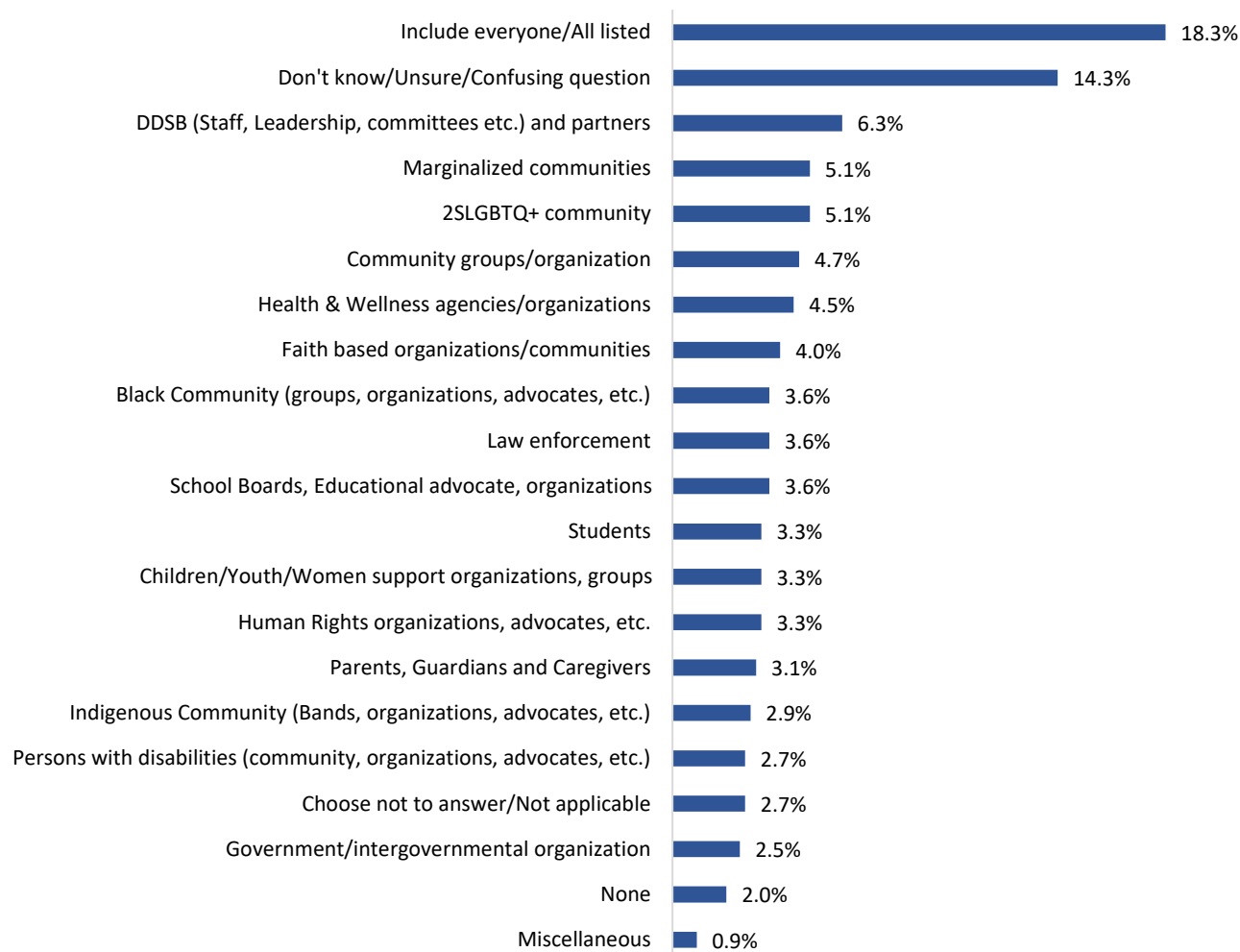


Question 13 Which community groups and agencies should be involved?

Figure 13

Which community groups and agencies should be involved with the DDSB Human Rights Policy Consultations?

Responses n=446

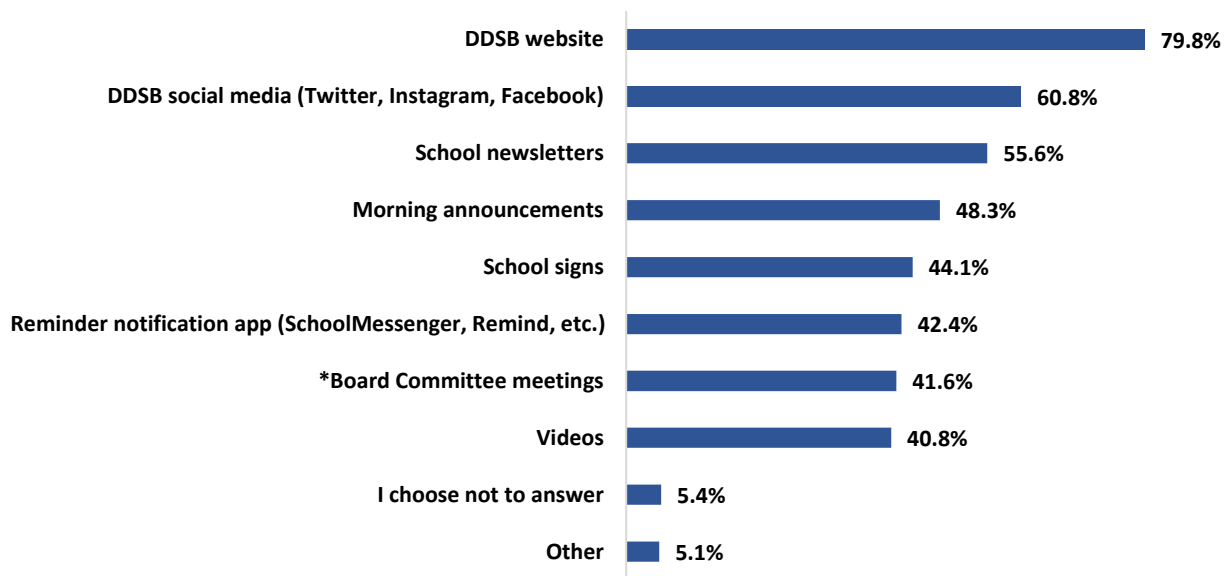


Question 14 How to reach different groups to share information about the human rights policy and consultation

During the COVID-19 pandemic, we do not have a lot of ways to meet with community members directly. We would like as many community members as possible to give their feedback. We know that ways listed here may not be accessible to or work for everyone, especially during the current pandemic.

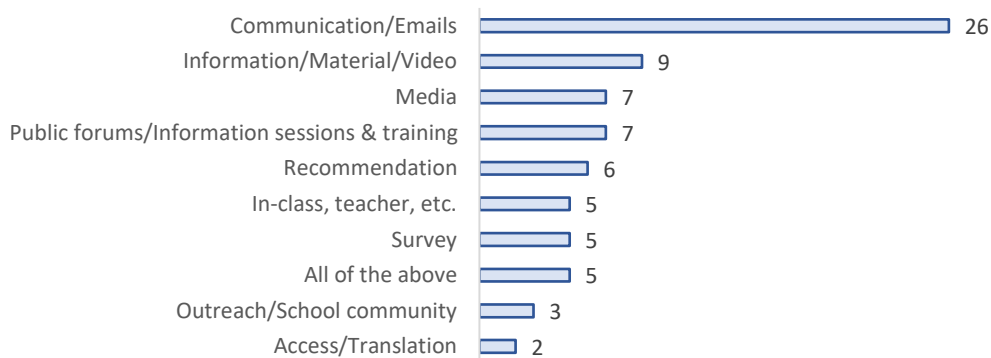
I would like the DDSB to share information about the policy and invite feedback by using: (Select as many as you would like)

Figure 14:
Methods/ways to share information about the policy and invite feedback
n=1,304



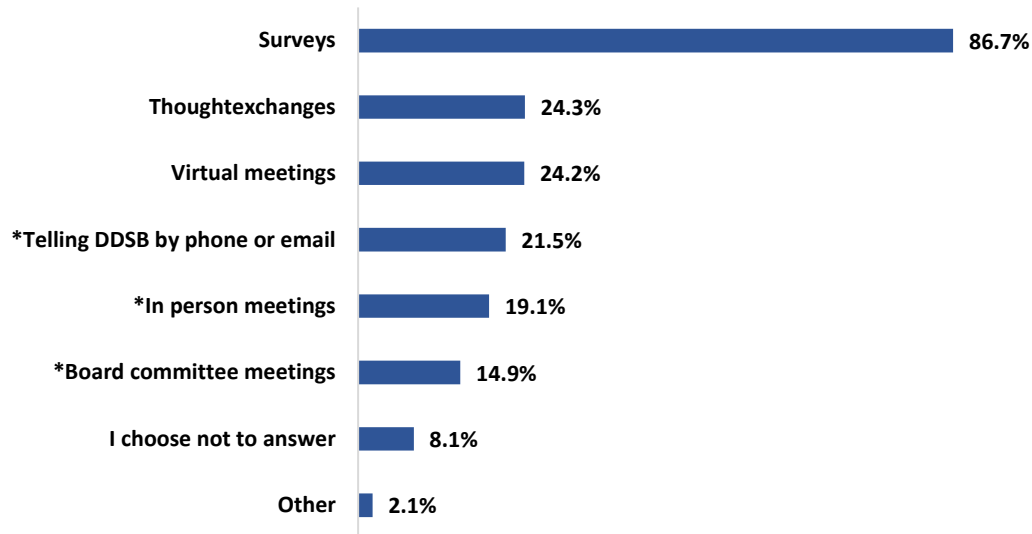
*Board Committee meetings (Special Education Advisory Committee, Parent Involvement Committee, Diversity and Equity Steering Committee)

Figure 14a
Response option 'Other' (5.1%) by theme and number of responses
Responses n=75



Question 15 *I would like to have my say and give my feedback through:*
(Select as many as you would like)

Figure 15:
Methods/ways participants would like to have their say and give feedback
n=1,290

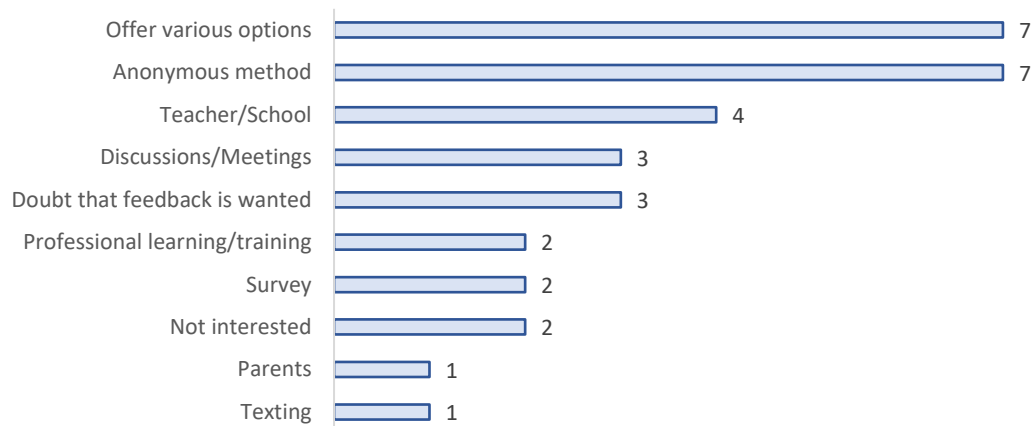


*Board committee meetings (Special Education Advisory Committee, Parent Involvement Committee, Diversity and Equity Steering Committee)

*Telling DDSB by phone or email (giving written, verbal or audio/video feedback)

*In person meetings (when allowed, when COVID-19 restrictions on group gatherings are over)

Figure 15a:
Response option 'Other' (2.1%) - by theme and number
Responses n=32



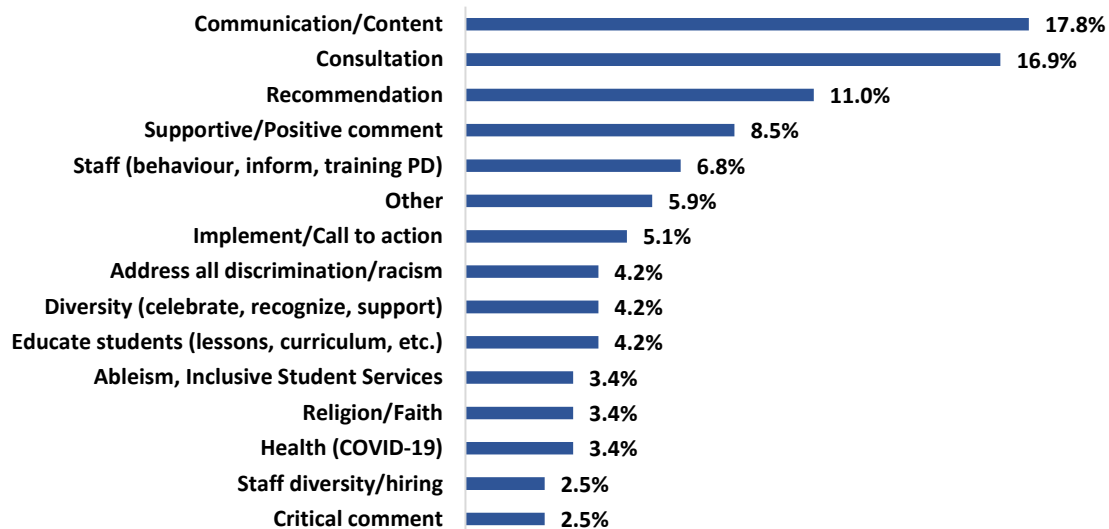
Question 16 We appreciate you sharing your perspectives.

Would you like to add anything else that would help us reach out to or hear from DDSB communities on the policy and procedures?

Figure 16

Things participants would like to add regarding the policy, procedures, community outreach and consultation

Responses n=118

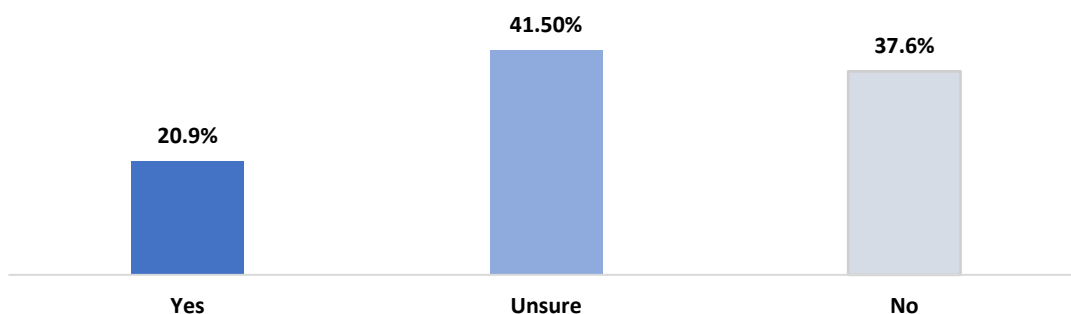


Question 17 *Would you be interested in attending a virtual public consultation meeting to hear more about the policy development and consultation processes and to provide more feedback?*

Figure 17:

Interest in attending a virtual public consultation meeting - policy development, consultation processes and provide more feedback

n=1,283





Human Rights Policy Consultation

Phase 2

2021

As part of the Durham District School Board's Human Rights Policy Consultation – Phase 2, students, families, employees and members of the community were invited to provide feedback on the proposed DDSB Human Rights Policy and Procedures using an online electronic survey tool.

The survey contained seven sections – one for each of the main documents in the draft policy package and two information sheets. To assist participants, each section also had a short summary of the document and a few questions. Participants could provide feedback on any or all of the sections based on their interest. Participants were able to exit and return as many times as they wished to view additional sections and provide input.

The survey was voluntary and anonymous. There was no tracking or collecting any personal data, nor was URL information or email addresses collected. The survey ran from November 23rd, 2021 until December 17th, 2021. Participants were notified that the feedback provided will be shared with the policy development team, and a summary of all survey responses may also be shared with DDSB's senior leadership.

Due to the low response rates, it is important to use this as illustrative feedback rather than as exhaustive or comprehensive feedback. In keeping with the minimum required response, results with less than 10 responses have been identified with a notation.

Participants (Total n=36):

- Student – elementary level (K-Grade 8)
- Parents/Guardians of an elementary student (K-Grade 8)
- Parents/Guardians of a secondary student (Grades 9 – 12)
- DDSBs employee or worker
- Members of the public

Top 3 sections visited by participants:

1. Students' Rights and Responsibilities – Information Sheet (DRAFT)
2. Human Rights Inclusive Design and Accommodation Procedure (DRAFT)
3. Human Rights, Anti-Discrimination and Anti-Racism Policy (DRAFT)

Suggestion on what is missing from the policy/procedures:

Participants indicated the need for examples to accompany content, inclusion of flow charts to illustrate the processes/procedures and that the language used could be clearer or simplified.

Additional comments:

Participants requested more detailed information related to implementation (for example, additional information to better understand how to carry out responsibilities and what the policy and procedures will look like in practice).

Section: Human Rights, Anti-Discrimination and Anti-Racism Policy (DRAFT)

Table 1 Responses below the minimum required n=10 (see page 1 for explanation)

The full draft policy helps me understand:	Number of Responses	Completely	Mostly	Somewhat	Slightly	Not at all
My rights under the Human Rights Code and this policy.	n=12	3 (25.0%)	5 (41.4%)	2 (16.7%)	1 (8.3%)	1 (8.3%)
My responsibilities for human rights in DDSB schools.	n=12	3 (25.0%)	5 (41.4%)	1 (8.3%)	0 (0.0%)	3 (25.0%)
My responsibilities for human rights in DDSB workplaces. (Employees ONLY)	n=8	1 (12.5%)	5 (62.5%)	1 (12.5%)	0 (0.0%)	0 (0.0%)
How DDSB will meet these responsibilities.	n=12	4 (33.3%)	2 (16.5%)	2 (16.5%)	1 (8.3%)	3 (25.0%)
What behaviours are not allowed under the policy (policy violations).	n=12	3 (25.0%)	4 (33.3%)	2 (16.5%)	0 (0.0%)	3 (25.0%)
The consequences for policy violations.	n=11	2 (18.2%)	3 (27.3%)	2 (18.2%)	1 (9.1%)	3 (27.3%)
DDSB's responsibilities for human rights, anti-discrimination and anti-racism (what the DDSB is doing to protect everyone's human rights).	n=12	3 (25.0%)	5 (41.4%)	1 (8.3%)	2 (16.5%)	1 (8.3%)

Section: Human Rights, Anti-Discrimination and Anti-Racism Procedure (DRAFT)

Table 2 Responses below the minimum required n=10 (see page 1 for explanation)

The full draft procedure helps me understand the steps the DDSB will take to:	Number of Responses	Completely	Mostly	Somewhat	Slightly	Not at all
Support human rights, anti-discrimination and anti-racism in its classroom.	n=9	3 (33.3%)	3 (33.3%)	1 (11.1%)	1 (11.1%)	1 (11.1%)
Support human rights, anti-discrimination and anti-racism in its academic services.	n=9	1 (11.1%)	4 (44.4%)	2 (22.2%)	1 (11.1%)	1 (11.1%)
Support human rights, anti-discrimination and anti-racism in corporate services (e.g., human resources, business services, IT Facilities, etc.)	n=9	1 (12.5%)	5 (62.5%)	1 (12.5%)	0 (0.0%)	0 (0.0%)
Measure and evaluate what's working and what's not working.	n=9	3 (33.3%)	3 (33.3%)	1 (11.1%)	1 (11.1%)	1 (11.1%)

Section: Human Rights Roles, Responsibilities and Accountability Framework (DRAFT)

Table 3 Responses below the minimum required n=10 (see page 1 for explanation)

The full draft framework helps me understand what DDSB's employees will do to:	Number of Responses	Completely	Mostly	Somewhat	Slightly	Not at all
Uphold human rights.	n=8	3 (37.3%)	4 (50.0%)	0 (0.0%)	0 (0.0%)	1 (12.5%)
Prevent discrimination and racism.	n=8	2 (25.0%)	4 (50.0%)	0 (0.0%)	1 (12.5%)	1 (12.5%)

Table 4 Responses below the minimum required n=10 (see page 1 for explanation)

The full draft framework helps me understand how the DDSB will:	Number of Responses	Completely	Mostly	Somewhat	Slightly	Not at all
Demonstrate accountability for meeting its responsibilities.	n=8	3 (37.3%)	4 (50.0%)	0 (0.0%)	0 (0.0%)	1 (12.5%)
Measure and evaluate what is working and what is not working.	n=8	2 (25.0%)	3 (37.3%)	1 (12.5%)	1 (12.5%)	0 (0.0%)
Share information and communicate the results.	n=8	3 (37.3%)	1 (12.5%)	2 (25.0%)	0 (0.0%)	1 (12.5%)

Section: Human Rights Inclusive Design and Accommodation Procedures (DRAFT)

Table 5

The full draft procedure helps me understand:	Number of Responses	Completely	Mostly	Somewhat	Slightly	Not at all
What accommodation is.	n=13	4 (30.8%)	7 (53.8%)	2 (15.4%)	0 (0.0%)	0 (0.0%)
How to make an accommodation request.	n=13	4 (30.8%)	6 (46.2%)	3 (23.1%)	1 (12.5%)	0 (0.0%)
The accommodation process.	n=13	4 (30.8%)	6 (46.2%)	3 (23.1%)	0 (0.0%)	0 (0.0%)
My role and responsibilities in the accommodation process.	n=13	4 (30.8%)	5 (38.5%)	4 (30.8%)	0 (0.0%)	0 (0.0%)
DDSB's role and responsibilities in the accommodation process.	n=12	3 (25.0%)	3 (25.0%)	6 (50.0%)	0 (0.0%)	0 (0.0%)
How personal information will be kept confidential throughout the process.	n=13	4 (30.8%)	4 (30.8%)	4 (30.8%)	1 (7.7%)	0 (0.0%)
How to make our schools more inclusive for people based on disability, gender identity, gender expression and creed/religion.	n=13	4 (30.8%)	3 (23.1%)	5 (38.5%)	1 (7.7%)	0 (0.0%)
How to make our workplaces more inclusive for people based on disability, gender identity, gender expression and creed/religion.	n=13	4 (30.8%)	4 (30.8%)	4 (30.8%)	1 (7.7%)	0 (0.0%)

Section: Student/Family Human Rights Issue, Incident and Complaint Resolution Procedure (DRAFT)

Table 6

The full draft procedure helps me understand:	Number of Responses	Completely	Mostly	Somewhat	Slightly	Not at all
Options for students/families to raise human rights issues or complaints.	n=10	3 (30.0%)	5 (50.0%)	1 (10.0%)	1 (10.0%)	0 (0.0%)
How human rights issues or complaints will be addressed.	n=10	2 (20.0%)	4 (40.0%)	3 (30.0%)	1 (10.0%)	0 (0.0%)
How students/families are supported throughout the process.	n=10	1 (10.0%)	5 (50.0%)	3 (30.0%)	1 (10.0%)	0 (0.0%)
What employees are required to do when a student raises an issue or complaint.	n=10	2 (20.0%)	4 (20.0%)	4 (40.0%)	0 (0.0%)	0 (0.0%)
What reprisal means.	n=10	5 (50.0%)	2 (20.0%)	3 (30.0%)	0 (0.0%)	0 (0.0%)
The consequences for policy violations and what happens after that.	n=10	1 (10.0%)	4 (40.0%)	4 (40.0%)	1 (10.0%)	0 (0.0%)
How the DDSB will demonstrate accountability for human rights violations.	n=10	2 (20.0%)	3 (30.0%)	3 (30.0%)	1 (10.0%)	1 (10.0%)
How personal information will be kept confidential throughout the process.	n=10	3 (30.0%)	6 (60.0%)	1 (10.0%)	0 (0.0%)	0 (0.0%)

Section: Students' Rights and Responsibilities – Information Sheet (DRAFT)

Table 7

This draft information sheet helps me understand:	Number of Responses	Completely	Mostly	Somewhat	Slightly	Not at all
Students' human rights in DDSB schools and learning environment.	n=14	4 (28.6%)	6 (42.9%)	4 (28.6%)	0 (0.0%)	0 (0.0%)
Students' responsibilities in DDSB schools and learning environment.	n=14	2 (14.3%)	7 (50.0%)	4 (28.6%)	0 (0.0%)	1 (7.1%)

Section: How Do I Raise a Human Rights Issue or Complaint? – Information Sheet for Students and Families (DRAFT)

Table 8 Responses below the minimum required n=10 (see page 1 for explanation)

This draft information sheet helps me understand:	Number of Responses	Completely	Mostly	Somewhat	Slightly	Not at all
Options for students/families to raise human rights issues or complaints.	n=6	4 (66.7%)	2 (33.3%)	0 (0.0%)	0 (0.0%)	0 (0.0%)
How human rights issues or complaints will be addressed.	n=6	4 (66.7%)	1 (16.7%)	0 (0.0%)	1 (16.7%)	0 (0.0%)
Confidentiality in the process.	n=6	1 (16.7%)	3 (50.0%)	1 (16.7%)	1 (16.7%)	0 (0.0%)
What reprisal means.	n=6	4 (66.7%)	2 (33.3%)	0 (0.0%)	0 (0.0%)	0 (0.0%)
The consequences for policy violations and what happens after.	n=6	1 (16.7%)	4 (66.7%)	0 (0.0%)	1 (16.7%)	0 (0.0%)
How the DDSB will demonstrate accountability for human rights violations.	n=6	2 (33.3%)	2 (33.3%)	1 (16.7%)	1 (16.7%)	0 (0.0%)
How personal information will be kept confidential throughout the process.	n=6	1 (16.7%)	4 (66.7%)	0 (0.0%)	1 (16.7%)	0 (0.0%)

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

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

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

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

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

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

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

1.0 PURPOSE AND APPLICATION

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

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

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

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

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

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

1.0 Regular Meetings

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

2.0 Public Attendance at Board Meetings

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

2.1 Excerpts from the Education Act, 1998:

a) Section 207 (1):

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

b) Section 207 (2):

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

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

3.1 Special Meetings

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

4.0 Board Quorum

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

5.0 Election of Chairperson and Vice-Chairperson

- 5.1 In accordance with the Education Act, 1998, Section 208, the election of the Board Chairperson shall take place at the first meeting of the Board in December of each year, designated as the Inaugural Meeting.
- 5.2 Written or oral nominations shall be received by the Secretary of the Board who is acting as Chairperson.
- 5.3 When two or more trustees are nominated and have agreed to stand, voting shall then begin by secret ballot.
- 5.4 When an election is held, the Secretary of the Board and other scrutineers so designated by the Secretary of the Board shall count the ballots.
- 5.5 The member receiving a clear majority (which shall mean at least 50% plus 1 of the total votes cast) shall be declared elected.
- 5.6 Should no member receive a clear majority of the votes cast, the name of the member receiving the smallest number of votes shall be dropped and the members shall proceed to vote anew and so continue until the Chairperson is elected.

- 5.7 The Secretary presiding shall announce the result of the ballot by declaring the name of the member who has received a clear majority of the votes cast.
- 5.8 In the event of an equality of votes, there shall be another ballot and, should there be another equality of votes, the candidates shall draw lots to fill the position.
- 5.9 The same procedure as outlined in subsections 5.1 through 5.7 shall apply to the election of the Board Vice- Chairperson, except that the Board Chairperson shall preside over the election, in place of the Secretary of the Board.
- 5.10 Nominees for the position of Chairperson and Vice-Chairperson shall be present at the meeting in which the election is held or, if absent, shall have declared in writing to the Secretary of the Board their intention to stand as candidates for the positions.
- 5.11 The Chairperson shall then take the Chair and continue to serve until the next Inaugural Meeting. Resignation of the chairperson may take place upon one week's written notice or upon being removed from office on a two- thirds clear majority of the trustees voting at a meeting of the Board.
- 5.12 In the event that the Chairperson resigns the office or is removed from office, the Board Vice- Chairperson shall assume the role of chairperson until the next regularly scheduled meeting. At that meeting, the election of a new Chairperson shall be held and, if necessary, the election of a new Vice- Chairperson shall be held.

By – Law #2 Rules of Procedure - Board

1.0 Parliamentary Authority

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

1.1 Notice of Motion

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

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

1.2 Rules of Debate

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

1.3 Chairs Ruling and Appealing the Decision of the Chair

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

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

SECTION 3: ORGANIZATIONAL MEETING

3.1 Purpose of Organizational Meeting

3.1.1 An inaugural meeting of the Board shall take place at the first meeting of the Board in December of each year (the "Organizational Meeting") during which the Board shall:

- (a) Elect the Chair and Vice-Chair of the Board;
- (b) Establish and review Committees of the Board;
- (c) Appoint members to Committees of the Board;
- (d) Elect the Chair and Vice-Chair of the Committee of Whole - Standing of the Board;
- (e) Appoint members to represent the Board on external organizations; and
- (f) Adopt an annual schedule of meetings (including meeting times) of the Board and its Committee of Whole - Standings.

3.2 Scheduling of Organizational Meeting

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

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

3.3 Presiding Officer

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

3.4 Election of Chair and Vice-Chair

3.4.1 Written or oral nominations, including any self-nominations, shall be received by the presiding officer. When two or more members are nominated and have agreed to stand, voting shall be by secret ballot.

3.4.2 Nominees for the position of Chair and Vice-Chair shall be present at the Organizational Meeting or, if absent, shall have declared in writing to the Secretary of the Board their intention to stand as candidates for the positions.

3.4.3 The presiding officer or designate and other scrutineers so designated by the presiding officer shall count the ballots.

3.4.4 The member receiving a majority vote of the members present shall be declared the Chair.

3.4.5 Should no member receive such a majority, the name of the member receiving the smallest number of votes shall be dropped and the members shall proceed to vote anew and so continue until the Chair is elected.

3.4.6 In the event of an equality of votes, there shall be another ballot and, should there be

another equality of votes, the candidates shall draw lots to fill the position.

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

SECTION 5: BOARD AND COMMITTEE MEETINGS - RULES AND PROCEDURES

5.1 Purpose

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

5.2 Quorum

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

5.3 Public Sessions

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

5.4 Closed Sessions

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

5.5 Scheduling and Agendas

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

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

the regulations thereunder.

5.5.10 The Director or designate shall deliver an e-mail notice of a special meeting to the members, accompanied by the agenda and any supporting materials for the meeting no later than 24 hours prior to the meeting. At the discretion of the Chair, the 24-hour notice period may be waived based on urgency or exceptional circumstances but notice, the agenda and any supporting materials should be delivered as early as possible prior to the commencement of the meeting.

5.5.11 A matter that is not on the agenda for a special meeting cannot be considered at the special meeting, unless all members are present and consent to amend the agenda to consider the matter.

5.6 Record of Decisions

5.6.1 At all Board and Committee meetings, the Director or designate (typically the recording secretary) shall maintain the minutes of the meeting to make a record of the recommendations made to, and resolutions passed by the Board or Committee, as the case may be, including any recorded votes and any declarations of a conflict of interest.

5.6.2 At each regular Board meeting, draft minutes from the prior regular Board meeting, together with any special Board meeting that may have occurred since the prior Board meeting, shall be presented to the Board for approval.

5.7 Attendance at Meetings

5.7.1 Trustee attendance at regular Board meetings is governed by the *Education Act* and the regulations thereunder.

5.7.2 A Trustee who cannot attend a Board Meeting should notify the Secretary of the Board or designate as soon as possible. If it appears that there will be no quorum for a meeting, the Secretary shall notify the Chair and, at the Chair's discretion, the meeting may be postponed or cancelled and notice therefore shall be delivered to the Trustees as soon as possible.

5.7.3 In accordance with section 228 (1) of the *Education Act*, a Trustee vacates their seat if they are absent (electronically or physically), as recorded in the minutes, from three (3) consecutive regular Board meetings, unless authorized by resolution of the Board or if one of the exemptions in the *Education Act* is engaged.

5.7.4 Subject to statutory or regulatory exemptions due to the current pandemic or otherwise, and subject to any accommodation as to attendance provided under the Board's *Attendance Accommodation Policy*, Trustees must be physically present for at least three (3) regular Board meeting annually.

5.7.5 When a seat becomes vacant, the provisions of the *Education Act*, and any relevant provision(s) of these Bylaws, shall govern the filling of the vacancy.

5.7.6 At the Organization Meeting each year, the Chair will deliver to the Board an annual report of Trustee attendance at meetings of the Board and Committee of the Whole - Standing since the last Organizational Meeting.

5.8 Electronic Participation

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

5.9 Presiding Officer

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

5.10 Quorum

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

5.11 Acknowledgement of Traditional Lands

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

5.12 Debate/Voting

- 5.12.1 Members and participants in a meeting will address their comments through the Chair of the meeting.
- 5.12.2 Members shall not interrupt another member who has the floor, except as permitted hereunder or under Robert's Rules of Order (for example, to raise a point of order of question of personal privilege).
- 5.12.3 Members shall confine their comments to the merits of the motion being considered.
- 5.12.4 The Chair is entitled to move or second a motion, but only once they have passed the role of presiding officer to another member for the duration of the matter under consideration. The Chair will resume the role of presiding officer once the motion has been dealt with.

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

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

~~5.12.75.12.6~~ A member who has not spoken to a motion may move that debate on the motion be closed and that the pending motion be put to a vote. Such a motion is not debatable. Before putting a motion to end debate to a vote, the Chair shall provide any member who has not spoken to the main motion with an opportunity to do so.

~~5.12.85.12.7~~ ~~If a~~ A motion to end debate will only pass on a two-thirds (2/3) majority of the members present and voting is supported by majority. ~~If the motion to end debate carries,~~ no further debate can take place on the main motion and the Chair shall put the pending motion to a vote.

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

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

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

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

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

~~5.12.12~~

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

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

5.12.15 A tie vote means the motion is defeated.

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

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

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

- 5.12.19 A student trustee is entitled to require that a matter before the board or one of its committees on which the student trustee sits be put to a recorded vote, and in that case, there shall be a recorded non-binding vote that includes the student trustee's vote and a recorded binding vote that does not include the student trustee's vote.
- 5.12.20 Subject to the notice requirements as to a new Policy or an amendment to an existing Policy or to these Bylaws, any member present at a Board meeting, or at a Committee meeting on which the member sits, may move or second a motion related to an item on the Agenda, unless disqualified from participating due to a conflict of interest.
- 5.12.21 A motion that has been moved and seconded is considered to be on the floor and will be decided by a vote, unless withdrawn. A motion need not be seconded during a committee meeting, except during meetings of Committee of the Whole and Committee of the Whole – Standing.
- 5.12.22 A member who moved a motion may only withdraw it from consideration before the vote is taken on the motion if no other member present objects to the withdrawal.

Motions - Order of Precedence

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

Chair Ruling on Motion

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

Amendments to a Motion

- 5.12.29 A motion on the floor may be amended, except those motions that are not debatable or motions that are not amendable. Motions that are not amendable include:
- (a) Appeal the ruling of Chair or presiding officer;
 - (b) End debate;
 - (c) Postpone consideration of a motion indefinitely;
 - (d) Reconsider a previous decision of the Board;
 - (e) Temporarily suspend a provision of the Bylaws;
 - (f) Lay a motion on the table;
 - (g) Take a motion from the table; or

(h) Withdraw a motion.

5.12.30 To be in order, an amendment must:

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

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

Motion to Refer

5.12.32 A matter may be referred to:

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

Extending Meeting Time

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

Motion to Reconsider

5.12.34 Subject to the limits prescribed in RONR:

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

Point of Order

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

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

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

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

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

5.12.40 A member may interrupt the meeting to introduce a motion to appeal the ruling of a Chair. A majority of members present and voting will overturn a ruling of the Chair.

5.12.41 If the appeal from the decision of the Chair results in a tie vote, the Chair's decision on the point of order will be upheld.

Questions of Privilege

5.12.42 Any member may raise a question of privilege, either a question of privilege affecting the Board, or a question of personal privilege.

5.12.43 Questions of privilege affecting Board include matters such as noise, comfort or safety. Questions of personal privilege affecting a member include the reputation or treatment of the member or staff, as well as any member of the public and the member's ability to exercise rights and privileges.

5.12.44 A question of privilege must be stated clearly and should include the remedy or resolution requested by the member.

5.12.45 A question of privilege will not be in order if the remedy or resolution requested exceeds the power or ability of the Chair, Committee or Board.

5.12.46 The Chair will decide on the question of privilege without debate.

5.12.47 The Chair may consult with the General Counsel and may declare a recess in order to consider a question of privilege in order to make a decision.

5.12.48 A member may appeal the ruling of a Chair on a point of privilege. A majority vote of members present and voting will overturn a decision of the Chair.

5.12.49 If the appeal from the Chair's decision results in a tie vote, the Chair's decision on the question of privilege will be upheld.

Parliamentary Inquiry

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

5.12.51 The answer provided by the Chair is an opinion and is not subject to appeal. The member may act contrary to opinion and may then appeal any adverse ruling by the Chair.

Point of Information

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

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

1.0 Introduction

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

1.2 The following procedure shall apply in all cases:

2.0 Approval to Present

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

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

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

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

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

3.0 Submission

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

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

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

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

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

4.0 Presentations

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

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

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

5.0 Decisions

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

5.2 If a presentation raises one or more issues that require decision, the Standing Committee shall deal with the issue(s) at the Board Meeting following the presentation. Any exceptions to this rule shall be at the majority vote of the Standing Committee.

5.3 When a decision is required on the topic raised by a presentation, presenters shall be notified in writing of the meeting at which the decision is to be made or a staff report is to be considered.

5.4 If a presentation is approved by the Chairperson of the Board and placed on a Board Meeting agenda, issues raised by the presenters that require decision may be referred to a committee or placed on a future Board agenda.

5.5 If items are referred by the Board, the Standing Committee shall deal with each item as soon as possible after such referral.

6.0 Public Question Period

6.1 In addition to appearing before the Board as a delegation, members of the public are invited to pose questions of a general nature or regarding Board processes to the Board at all Regular Meetings.

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

6.3 Questions shall not be entertained if they relate to a matter which is under consideration by the Board and for which another public input and questioning process is available (e.g. school boundaries, accommodation reviews, school naming).

6.4 The following procedure applies to public question period:

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

5.13 Public Participation in Meetings

5.13.1 In keeping with Board's Policy on Public Consultation, the Board welcomes presentations by individuals and groups. Presentations shall be made in the first instance to the Committee of Whole - Standing.

5.13.2 In Order to obtain permission to make a presentation to the Committee of Whole - Standing, a person shall email the Director at least eight working days before the next scheduled meeting of the Committee of Whole - Standing. A presenter to the Committee of Whole - Standing may also be invited to present at a Board Meeting, at the discretion of the Chair of the Board.

- 5.13.3 Any application submitted to the Director shall be forward to the Chair of the Committee of Whole - Standing.
- 5.13.4 An email requesting permission to present to the Committee of Whole - Standing shall:
- State the matter to be discussed;
 - Include materials intended to be distributed to trustees;
 - Provide the name of any organization or interested party to be represented;
 - Confirm the authority of the spokesperson.
- 5.13.5 Any application to present to the Committee of Whole - Standing may be approved at the discretion of the Chair of the Committee of Whole - Standing who shall:
- determine if an opportunity for presentation is available through any other public consultation process, which shall be utilized prior to approval being given;
 - determine the date on which any approved presentation shall take place;
 - limit the number of presentations at any meeting to allow the Committee of Whole - Standing sufficient time to conduct its business;
- 5.13.6 The Chair may waive the eight working days' notice period.
- 5.13.7 Presenters should use the appropriate format and protocol for presentations, available from the Director's office.
- 5.13.8 Anyone wishing to make a presentation shall be informed if the issue to be addressed will be discussed at any meeting of the Board or Committee of Whole - Standing of the Board prior to their opportunity to present.
- 5.13.9 Presenters shall be limited to speaking not more than 15 minutes including time for questions. At the discretion of the Chair of the Committee of Whole - Standing, this may be extended for a specific amount of time or deferred to a later point in the meeting.
- 5.13.10 Presenters shall be restricted to topics outlined in the application.
- 5.13.11 One or more presentations on a topic do not necessarily lead to a Committee of Whole - Standing or Board decision. The topic of a presentation should not be debated by Trustees unless and until it is on an agenda.
- 5.13.12 Members of the public may also pose questions of a general nature or regarding Board processes to the Board at any regular Board meeting.
- 5.13.13 The Board encourages questions on a wide variety of topics, while making sure that adequate time is available for regular business. The Chair shall establish time limitations as necessary to achieve these objectives and may group together questions of a similar nature.
- 5.13.14 Subject to the discretion of the Chair, qQuestions ~~will -shall~~ not be entertained if they relate to a matter which is under consideration by the Board and for which another public input and questioning process is available (e.g. school boundaries, accommodation reviews, school naming).
- 5.13.15 The following procedure applies to public question period:
- Each person shall be allowed to ask one question and one supplementary question.
 - Before the beginning of the Board meeting, the Questioner shall submit the question in writing to the Executive Officer of Communications;
 - The Questioner shall be called to the podium;

- The Questioner or, if the Questioner prefers, the Chair, shall read the question;
- The question shall be addressed by the Chair who may direct staff to answer;
- The Questioner may ask a supplementary question for clarification;
- Questions to individual trustees will not be addressed at public question period;
- Individual Trustees will not respond or comment on questions posed.

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

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

2.0 Terms of Reference – Standing Committee

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

3.0 Responsibilities of Standing Committee

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

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

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

2.0 Special Education Advisory Committee

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

3.0 Supervised Alternative Learning Committee

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

4.0 Accommodation Review Committees

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

5.0 Parent Involvement Committee

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

6.0 Audit Committee

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

By-Law #6 - Non-Statutory Committees

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

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

2.0 Education Finance

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

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

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

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

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

2.6 Considers and recommends to the Board the annual Budget.

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

- 2.8 Consider the annual transportation budget.

By-Law #7 - Ad Hoc Committees

1.0 Name and Origin

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

2.0 Chairperson of Committee

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

3.0 Membership, Structure, and Tenure

3.1 Membership

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

3.2 Tenure

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

4.0 Mandate

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

5.0 Reporting on Ad Hoc Committees

5.1 Reporting Relationship

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

5.2 Board Agenda

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

SECTION 4: COMMITTEE STRUCTURE AND COMPOSITION

4.1 Approval of Committees

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

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

- 4.2.1 The Committee of the Whole will be composed of all Trustees with full participation and voting privileges.

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

4.3 Statutory Committees

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

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

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

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

4.4 Additional Standing Committees

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

Education Finance Standing Committee:

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

Governance and Policy Standing Committee:

- To ensure all of the Board's policies are up-to-date, accurate and consistent with the current legislation and government requirements;
- To ensure that the Board of Trustees review policies at least once every five years or when required by a new legislative act or regulation, new government policy, resolution of the Board or as recommended by staff;
- To develop policies that are developed with evidence-based data, equitable and reflect the board's vision, values and strategic plan;
- Monitor the effectiveness of board policies through consultation and evidence based data;
- Monitor the effectiveness of Board policies in addressing human rights and equity in consultation with the Human Rights and Equity Advisor, through the Director of Education;
- Report and make recommendations to the Board of Trustees on governance and board policies;

- Review Bylaw/Policies for ad-hoc committees and develop/review/document procedures (document mandate, clearly identify quorum, membership);
- The committee shall meet at least twice annually;
- All trustees are eligible to sit on the committee. The Chairperson and Vice-Chairperson shall be elected annually at the Organizational Meeting.

Director's Performance Review Standing Committee:

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

4.5 Advisory Committees

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

4.6 Additional Committees

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

4.7 Committee Structure

- 4.7.1 The members of standing committees and ad hoc committees shall be Trustees. The members of a statutory committee are as stipulated by legislation or regulation.
- 4.7.2 The members of an advisory committee may include Trustees, Student Trustees, staff members and members of the community, but shall include at least one trustee or staff member.
- 4.7.3 The chair of an ad hoc committee or standing committee may be determined by the Chair of the Board, the Board or, failing which, by the committee. The chair of an advisory committee shall be determined by the committee.
- 4.7.4 The Director shall assign one (non-member/non-voting) senior staff person to every ad hoc and standing committee and any other (non-member/non-voting) staff person(s) that the Director, in consultations with the Chair of committee, may deem appropriate.
- 4.7.5 If there is no staff person on an advisory committee, the Director shall assign one (non-member/non-voting) senior staff person and any other (non-member/non-voting) staff person(s) that the Director, in consultation with the Chair of the committee, may deem appropriate.

- 4.7.6 Except for any committee established under these Bylaws or Board Policy, the Board may dissolve any standing or ad hoc Committee at the Organizational Meeting or by resolution at any time as the Board may deem necessary or appropriate, subject to applicable legislation. Committees constituted under these Bylaws or Board Policy may only be dissolved by an amendment or revocation of the applicable provisions in these Bylaws or Board Policy, as the case may be. The terms of reference of any standing committee or ad hoc committee not established in these Bylaws or in a Board policy may be amended by ordinary resolution.
- 4.7.7 Committees are not decision-making bodies and may only make recommendations ~~to the Board. Ad Hoc committees report to, which they shall typically do through~~ the Committee of Whole - Standing. Standing committees report to the Board of Trustees.
- 4.7.8 A Trustee who is not a member of a Statutory Committee, Standing Committee or Ad hoc committee cannot move a motion, vote or be counted towards quorum, but may attend any such committee meeting.
- 4.7.9 Once an ad hoc committee has satisfied the terms of reference, it shall report to the Committee of Whole – Standing confirming that it has satisfied the terms of reference at which point it shall be automatically dissolved.

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

a) Background

b) The Education Act, 1998, allows a Board to fill a trustee vacancy by either of two means:

- i. require the municipality to hold a by-election, or
- ii. appoint a qualified person to the position.

c) A by-election may not be held after March 31 in an election year (i.e., within approximately 8 months of a regularly scheduled municipal election). All costs for a by-election are borne by the Board (subsection 7(3) Municipal Elections Act, 1996).

d) The method of appointment is not specified in the Act (Section 221(1)(a)).

e) The Following Steps/Decisions Need to be Considered:

f) By-Election or Appointment:

- a) If by-election, the matter is virtually out of the hands of the Board and is the responsibility of the municipality. The process for filling a vacancy in this manner takes approximately 2-1/2 months. Information regarding the implications of holding a by-election, including previous election results and estimated costs, will be provided to the Board.
- b) If appointment, the Education Act requires the vacancy to be filled within ninety days after the office becomes vacant. The Board, will by special motion, establish an Appointment Committee with the authority to interview and appoint. The Committee must have quorum of the Board.

g) Qualifications:

- a) The Education Act, 1998, Section 219(1) specifies the qualifications necessary to be elected as a member of a Board (and, presumably, to be appointed):
 - qualified to vote for members of the Board
 - a resident in the area of jurisdiction of the Board

- disqualifications are outlined in the Education Act, 1998 Section 219(4)(5)(7).

h) The Board may choose to appoint one of the unsuccessful trustee candidates from the last municipal election in the vacated electoral area providing the candidate remains a qualified person. IF the Board chooses to offer the position to a broader range of electors, the following actions will occur:

a) Advertising

The vacancy shall be advertised in all the local papers.

b) Applications

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

c) Information Required

Applicants shall be asked to provide the following information:

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

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

d) Information Provided

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

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

e) Interviews

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

f) Voting

- Only trustees present for all interviews are eligible to vote.
- Voting shall be by secret written ballot

- iii. The Director and Superintendent of Education/Business and Finance shall count the ballots.
 - iv. On the first ballot, trustees shall vote for three (3) candidates. (Any ballot without three names shall be considered a spoiled ballot)
 - v. The ten (10) candidates achieving the greatest number of votes shall proceed to the second ballot. Their names shall be posted in the Board Room. Any candidate who does not receive any votes will be dropped from subsequent voting.
 - vi. On the second and subsequent ballots, trustees shall vote for only one (1) candidate.
 - vii. Voting shall continue, and on each subsequent vote the candidate(s) receiving the lowest number of votes shall be dropped from the ballot until one (1) candidate receives at least a simple majority of votes cast., except on the first ballot.
 - viii. Any candidate who does not receive any votes will be dropped from subsequent voting. This shall also apply to all subsequent ballots.
 - ix. In the event of a tie, a second ballot shall be cast. If a tie remains, the decision shall be determined by lot.
 - x. Following the swearing in of the successful candidate, all ballots shall be destroyed.
- g) A recommendation shall be brought forward to the Board in Committee of the Whole to approve the appointed candidate. All trustees are eligible to vote on the recommendation. of the selection committee. The person shall be advised by telephone of the Board's decision.
- h) The appointed candidate shall attend the next Board meeting at the beginning of the public session to be sworn in.

SECTION 6: FILLING TRUSTEE VACANCIES

6.1 The Education Act

6.1.1 Section 221 of the Education Act provides for the Board to fill a trustee vacancy by either:

- i. requiring the municipality to hold a by-election, or
- ii. appointing a qualified person (as defined in the *Education Act*) to the position, within 90 days of the office becoming vacant. The method of appointment is not specified in the *Education Act*.

6.1.2 A by-election may not be held after March 31 in an election year (i.e., within approximately 8 months of a regularly scheduled municipal election). All costs for a by-election are borne by the Board (subsection 7(3) Municipal Elections Act, 1996).

6.2 Vacancy Committee

6.2.1 In the event of a vacancy, the Board shall establish a Vacancy Committee to consider and determine the means of filling the vacancy.

6.2.2 All members of the Board are eligible to sit on the Vacancy Committee which shall be made up of at least half of the members of the Board. The Vacancy Committee shall obtain and consider information regarding the implications of holding a by-election, including previous election results and estimated costs.

6.2.3 For an appointment, there are two options: (i) appoint one of the unsuccessful trustee candidates from the last municipal election in the vacated electoral area provided that the candidate remains a qualified person as defined under the Education Act; or (ii) consider a broader range of electors for the appointment in which case the following actions will occur:

(a) Advertising

The vacancy shall be advertised in all the local papers.

(b) Applications

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

(c) Information Required

Applicants shall be asked to provide the following information:

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

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

(d) Information Provided

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

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

(e) Interviews

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

(f) Voting

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

- v. The ten (10) candidates achieving the greatest number of votes shall proceed to the second ballot. Their names shall be posted in the Board Room. Any candidate who does not receive any votes will be dropped from subsequent voting.
 - vi. On the second and subsequent ballots, trustees shall vote for only one (1) candidate.
 - vii. Voting shall continue, and on each subsequent vote the candidate(s) receiving the lowest number of votes shall be dropped from the ballot until one (1) candidate receives at least a simple majority of votes cast., except on the first ballot.
 - viii. Any candidate who does not receive any votes will be dropped from subsequent voting. This shall also apply to all subsequent ballots.
 - ix. In the event of a tie, a second ballot shall be cast. If a tie remains, the decision shall be determined by lot.
 - x. Following the swearing in of the successful candidate, all ballots shall be destroyed.
- (g) A recommendation shall be brought forward the Committee of the Whole (closed session) to approve the appointment. All trustees are eligible to vote on the recommendation. The person shall be advised by telephone of the Board's decision.
- (h) The appointed candidate shall attend the next Board meeting at the beginning of the public session to be sworn in.

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

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

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

SECTION 7: TRUSTEE DETERMINATION AND DISTRIBUTION

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

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

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

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

1.0 Accountability for Student Achievement and Well Being in the District

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

2.0 Accountability to the Provincial Government

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

3.0 Accountability to the Community

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

4.0 Policy Development, Implementation and Review

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

5.0 Director/ Board Relations

- 5.1 Select the Director of Education.
- 5.2 Provide the Director with a clear job description and corporate direction.
- 5.3 Delegate through policy, administrative authority and responsibility subject to the provisions and restrictions of the *Education Act* and Regulations.
- 5.4 Evaluate the Director in the first year of service and annually thereafter. Use the Director's job description

and Durham Directions as the basis for the evaluation.

5.5 At the Director's request provide the Director with the opportunity to meet alone with the board in closed session.

5.6 To establish and review the contract of the Director and in consultation with the Director, the senior staff.

6.0 Board Development

6.1 Conduct an annual Board self assessment.

6.2 Develop and support an annual development plan for trustees with the ability to utilize professional resources where applicable.

7.0 Strategic Planning

7.1 Establish and/or confirm overall direction for the Durham District School Board by establishing the mission, vision and belief statements. (Durham Directions).

7.2 Annually set priorities and develop a process for communicating this with the system.

7.3 Annually use the established priorities to drive the budget process.

8.0 Fiscal Responsibility

8.1 Ensure a budget review process is in place to help determine annual resource allocations. (Use the system priorities and other provincial and local directions.)

8.2 Annually approve the budget to ensure that the financial resources are allocated to achieve the system priorities and comply with provincial requirements.

8.3 Approve as per legislation all capital plans and other planning documents that will drive budget decisions.

8.4 To ensure compliance with the provincial regulations.

8.5 Ratify applicable Memoranda of Agreements with all bargaining units.

8.6 To monitor significant financial expenditures and fiscal variances.

9.0 Political Advocacy

9.1 Articulate the role of Trustees as advocates for public education

9.2 Annually develop a plan, including the focus, key messages, mechanisms, and relationships for district advocacy.

9.3 Develop and maintain partnerships to strengthen the advocacy role.

9.4 Meet on an on-going basis with elected municipal, provincial and federal officials.

10.0 Recognition

10.1 Ensure that Durham District School Board recognizes students and student achievements.

10.2 Ensure that the contributions of all staff are recognized and appreciated.

10.3 Ensure that Durham District School Board recognizes community members and volunteers.

The board also has the following responsibilities:

1. Approval of school year calendars
2. Naming of educational facilities
3. Approval of tender selection for major building construction and modernization
4. Approval of disposition of land and buildings
5. Approval of educational development charges
6. Approval for the issuance of debentures
7. Designation of the “lead” for Freedom of Information and Protection of Privacy
8. Involvement in Superintendent interviews as per succession plan model.

SECTION 2: ROLES AND RESPONSIBILITIES

2.1 Board of Trustees

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

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

1.0 Areas of Responsibility

Trustee Responsibilities

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

Principles of Policy Governance

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

1.1 Trustees

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

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

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

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

Trustees shall be expected to model ethical practices which include:

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

1.2 Chairpersons of the Board shall be expected to:

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

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

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

1.4 Chairperson of the Standing Committee:

A Chairperson shall be expected to:

- a) Be knowledgeable about Robert's Rules of Order and Parliamentary Procedure;
- b) Chair public meetings of the Standing Committee, encouraging participation while maintaining control;
- c) Consult regularly with appropriate Liaison Trustees, Superintendents and staff members to prepare the agenda for each meeting and to stay informed on relevant issues;
- d) Approve the minutes of the meeting before they go to Board;
- e) Represent the Standing Committee at Board Meetings, presenting motions passed by the Standing Committee and answering questions;
- f) Be knowledgeable about Board Policy and Ministry Regulations;
- g) Inform all trustees and appropriate staff members of meeting dates, times, and locations; distribute agenda and back-up material;
- h) Represent the Standing Committee to employee and community groups and at public functions;
- i) Participate in conferences and workshops related to the Standing Committee's work;
- j) Follow up on items sent to the Standing Committee from the Board, as well as staff and community requests;
- k) Prepare an Items Pending List;
- l) Represent the Board at the provincial level if required;
- m) Be knowledgeable about topics within the Standing Committee's terms of reference and speak with the press and public when required;
- n) Establish ad hoc committees when appropriate;
- o) Assume other duties as assigned by the Board or Chairperson of the Board.

1.5 Vice-Chairperson of the Standing Committee

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

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

1.6 Chairperson of the Education Finance Committee:

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

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

2.0 Code of Conduct

2.1 Trustees shall exercise their power to govern only as trustees of the corporate body, not as individuals.

2.2 Trustees shall abide by existing legislation, the by-laws, policies, regulations and procedures of the Board, and their declarations of office.

- 2.3** Trustees shall maintain confidentiality regarding matters discussed at in-camera sessions of meetings and all other confidential information which is entrusted to them.

3.0 Criminal Reference Check

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

2.2 Chair/Vice-Chair

- 2.2.1** The Chair of the Board of Trustees, as an individual member, has no greater rights or powers than any other member of the Board but does have a unique role as expressly set out in the *Education Act*.
- 2.2.2** ~~Consistent with the terms of s. 218.4 of the *Education Act*, the~~ The role of the Chair of the Board of Trustees (or Vice-Chair in the Chair's absence) is as set out in the *Education Act* and is to:
- (a) Preside over meetings of the Board in an impartial and fair manner;
 - (b) Conduct meetings in accordance with these Bylaws;
 - (c) Establish draft agendas for Board meetings, in consultation with the Director;
 - (d) Ensure that members of the Board have the information needed for informed discussion of the agenda items;
 - (e) Act as spokesperson to the public on behalf of the Board, unless otherwise determined by the Board;
 - (f) Convey the decisions of the Board to the Director; ~~and~~
 - (g) Provide leadership to the Board in maintaining the Board's focus on the Multi-Year Strategic Plan and the Board's mission and vision; and
 - ~~(g)(h)~~ Assume such other responsibilities as may be assigned by the Board of Trustees.

2.3 Committee Chair or Vice-Chair

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

By-Law #12 – Code of Conduct – See Appendix “A”

By-Law #13 - Execution of Documents and Corporate Seal [no substantial changes]

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

2.0 Deeds, transfers, assignments, contracts, obligations, and similar and related documents, on behalf of the Board, shall be signed by the following with the corporate seal of the Board to be affixed by the Director of Education:

- a) The Chairperson of the Board or, in her/his absence, the Vice-Chairperson of the Board;
- b) The Director of Education or, in her/his absence, the Treasurer of the Board.

3.0 SIGNING AUTHORITY

3.1 The Chairperson or the Vice-Chairperson of the Board and the Treasurer shall be authorized to sign cheques and orders for payment of money on behalf of, and in the name of, the Board.

3.2 The Treasurer shall be authorized to endorse bills of exchange, cheques, drafts, and orders for payment of money, for deposit to the credit of the Board, and to receive all paid cheques and vouchers, and any documents the bank may have from time to time, belonging to the Board, and to sign the bank's form of settlement and release.

3.3 The Treasurer shall be authorized to sign cheques by means of a cheque signing machine and a facsimile of the signatures of the Chairperson of the Board and the Treasurer.

3.4 The Chairperson of the Board and the Treasurer shall be authorized to sign all necessary bank forms or documents required by the bank in respect to parts 3.1, 3.2, and 3.3 of this resolution.

3.5 The Treasurer shall be authorized to have printed all the necessary forms required for the banking business of the Board.

SECTION 8: EXECUTION OF DOCUMENTS AND CORPORATE SEAL

8.1 Corporate Seal of the Board

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

8.2 Signing Authority

8.2.1 The Chairperson or the Vice-Chairperson of the Board and the Treasurer shall be authorized to sign cheques and orders for payment of money on behalf of, and in the name of, the Board.

8.2.2 The Treasurer shall be authorized to endorse bills of exchange, cheques, drafts, and orders for payment of money, for deposit to the credit of the Board, and to receive all paid cheques and vouchers, and any documents the bank may have from time to time, belonging to the Board, and to sign the bank's form of settlement and release.

8.2.3 The Treasurer shall be authorized to sign cheques by means of a cheque signing machine and a facsimile of the signatures of the Chairperson of the Board and the Treasurer.

8.2.4 The Chairperson of the Board and the Treasurer shall be authorized to sign all necessary bank forms or documents required by the bank to implement the authority granted to them under these Bylaws.

8.2.5 The Treasurer shall be authorized to have printed all the necessary forms required for the banking business of the Board.

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

1.0 Student Trustees

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

2.0 Election of Student Trustees

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

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

- 2.2** Stage 1: Municipal Election of Candidates

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

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

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

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

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

- 2.3** Stage II: Electoral College Process

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

Each municipality in the electoral college will receive 40 votes for the election. The votes shall be divided equally among the number of schools in an area. If the division of votes is such that a whole number of votes per school is not determined, additional votes shall be apportioned by lottery through the

Director's office. The secondary school student council or parliament shall elect the assigned number of electors for the electoral college. Any school which declares that it will not send delegates to the electoral college will have its votes divided among the remaining schools for the municipality according to this process.

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

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

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

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

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

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

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

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

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

3.0 Disqualification of a Student Trustee

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

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

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

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

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

4.0 Vacancies

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

5.0 The Type and Extent of Participation of Student Trustees

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

6.0 Reimbursement of Expenses

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

7.0 Mentor/Advisor

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

8.0 Co-Operative Education Credit

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

9.0 Roles and Responsibilities

- 9.1** Student Trustees shall be expected to:
 - a) Attend regular Board meetings;
 - b) Notify the Secretary of the Board when unable to attend a meeting;
 - c) Be prepared for, and actively participate in decision and decision-making;
 - d) Ensure, when making public statements, that it is clear whether she/he speaks on behalf of the Board or as an individual Student Trustee;
 - e) To participate in the Student Senate and report student matters to the Board.
 - f) Provide a Student Trustee report for Standing Committee meetings.
- 9.2** Student Trustees may be expected to:
 - a) Serve on statutory, regulatory and ad-hoc committees of the Board as required;
 - b) Act as a representative of the Board at official functions;
 - c) Be involved in provincial trustee organizations and committees;
 - d) Attend conferences, workshops, etc. in order to be kept informed of current educational issues;
 - e) Reflect community attitudes while also providing leadership in decision-making;
 - f) Student Trustees may become a member of the Ontario Student Trustees' Association - l'Association des élèves conseillers et conseillers de l'Ontario (OSTA - AECO) and attend OSTA-AECO conferences, including the FGM and the AMG, to further develop their skills as a Student Trustee and to be kept

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

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

10.0 Student Senate

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

10.2 Student Trustees share the Chairpersonship of the Student Senate.

11.0 Honorarium

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

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

12.0 Term of Office

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

2.4 Student Trustees

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

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

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

- 2.4.11 The amount of the honorarium for Student Trustees as referenced in subsection 5.5 (8) of the Act is:
- (a) \$2,500, if the Student Trustee holds office for a complete term of office;
 - (b) \$2,500 prorated according to the proportion of a term for which the Student Trustee holds office, if the Student Trustee holds office for less than a complete term of office
- 2.4.12 The term of office of a Student Trustee starts on August 1 of the year in which he or she is elected, and ends on July 31 of the following year.

SECTION 9: ELECTION OF STUDENT TRUSTEES

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

Stage I: Municipal Election of Candidates

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

Stage II: Electoral College Process

- 9.1.8 The Director of Education or designate shall cause three electoral colleges to take place in a secondary school in Ajax-Pickering, Oshawa-Whitby, and Brock-Scugog-Uxbridge. The three electoral colleges will meet before April 30 in each school year. The Board will pay for any transportation or other expenses such as food or the printing of ballots.
- 9.1.9 Each municipality in the electoral college will receive 40 votes for the election. The votes shall be divided equally among the number of schools in an area. If the division of votes is

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

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

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

Introduction

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

1.0 Attendance

- 1.1 At every meeting of the Board or committee of the whole Board, the following persons shall be physically present in the meeting room of the Board.
 - a) The Chair of the Board or her or his designate
 - b) At least one additional member of the Board
 - c) The Director of Education of the Board or her or his designate.

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

2.0 Participation of Board Members and Pupil Representatives

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

3.0 Public Participation

- 3.1** Section 3.0 applies to meetings of the Board or of a committee of the Board, including a committee of the whole Board, that are open to the public.
- 3.2** The Board may provide, at one or more locations within its jurisdiction, electronic means to permit participation in meetings by members of the public.
- 3.3** Where such locations are provided, members of the public shall participate only in those parts of the Board meeting or committee of the Board meeting where the public would normally participate. The extent and manner of participation shall be determined by the Board Chairperson based on the electronic means available.
- 3.4** Members of the public participating through electronic means shall not participate in any proceedings that are closed to the public.

SECTION 10: ELECTRONIC MEETINGS

10.1 Introduction

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

10.1.2 Attendance

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

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

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

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

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

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

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

10.2 Participation of Board Members and Student Trustees

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

10.2.3 The electronic means shall be provided in such a way that the rules governing conflict of interest of members are complied with.

10.3.1 The Board may provide, at one or more locations within its jurisdiction, electronic means to permit participation in Board or Committee meetings by members of the public. Electronic meetings shall be made available for public viewing.

10.3.2 The extent and manner of public participation shall be determined by the Chair based on the electronic means available.

10.3.3 Members of the public participating through electronic means shall not participate in any proceedings that are closed to the public.

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

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

~~1.1~~

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

~~1.2~~

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

~~1.3~~
~~1.4~~

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

~~1.4~~

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

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

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

2.0 **Objective**

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

3.0 **Responsibility**

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

4.0 **Application and Scope**

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

5.0 **Definitions**

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

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

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

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

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

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

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

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

6.0 Code of Conduct

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

6.2 This Board Member Code of Conduct (“Code of Conduct”) represents the Board’s commitment to meeting high standards of conduct.

Integrity and Dignity of Office - Principles

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

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

6.5 Trustees, as leaders of the Board, must uphold the dignity of the office and conduct themselves in a professional manner at all times, and especially when attending Board events, or while on Board property.

6.6 Trustees shall ensure that their comments are issue-based and not personal, demeaning or disparaging with regard to any person, including Board staff or fellow Board members.

6.7 No Trustee shall engage in conduct during meetings of the Board or committees of the Board, and at all other times that would discredit or compromise the integrity of the Trustee or Board;

6.8 A Trustee shall not advance allegations of misconduct and/or a breach of this Code of Conduct that are trivial, frivolous, vexatious, made in bad faith or vindictive in nature against another Trustee of the Board;

6.9 Trustees shall serve and be seen to serve ~~their school communities~~ in a constructive, respectful, conscientious and diligent manner;

6.10 ~~Trustees shall recognize the public trust in the expenditure of DDSB funds efficiently and in the best interests of students;~~

6.11 Trustees shall be committed to performing their functions with integrity and to avoiding the improper use of the influence of their office, and conflicts of interest, both apparent and real;

6.12 Trustees are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence;

6.13 Trustees shall seek to serve the public interest by upholding both the letter and the spirit

of the laws of the Federal Parliament and Ontario Legislature, and the ~~B~~by-~~L~~aws and policies ~~adopted by of~~ the Board;

6.14 Trustees agree to the common understanding that individual trustees will not participate in activities that grant, or appear to grant, any special consideration, treatment, or advantage to an individual Trustee which is not available to every other individual. Allowable activities include those activities that are reasonably related to a Trustee's Office, taking into consideration the different interests and the diverse profiles of their wards/communities;

6.15 Trustees recognize that their Oath of Office binds them to the provisions of the *Municipal Conflict of Interest Act* (MCIA); ~~and,~~

6.16 ~~The following provincial and federal legislation also applies to Trustees:~~

~~(a) — Criminal Code of Canada.~~

~~(b) — Education Act~~

~~(c) — Municipal Conflict of Interest Act~~

~~(d) — Municipal Elections Act, 1996~~

~~(e) — Municipal Freedom of Information and Protection of Privacy Act~~

~~(f) — Occupational Health and Safety Act~~

~~(g) — Ombudsman Act~~

~~(h) — Ontario Human Rights Code.~~

Confidential Information

6.17 Confidential Information includes,

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

6.18 No Trustee shall disclose or release, to anyone, by any means, ~~to any member of the public~~, any confidential information acquired by virtue of their office, in either oral or

written form, except when required by law or authorized by the Board to do so. This is a continuous obligation that extends beyond the Trustee's term of office.

- 6.19 No Trustee shall use confidential information for either personal gain or to the detriment of the Board.
- 6.20 Trustees should not access or attempt to gain access to confidential information in the custody of the Board unless it is necessary for the performance of their duties and not prohibited by Board policy. It is understood that any staff providing access to any such confidential information may share it with other Trustees, as may be appropriate in the circumstances.
- 6.21 Under the ~~DDSB Bylaws~~ Board's Consolidated By-Laws, a matter that has been discussed by any committee of the Board, of Trustees including a committee of the whole board, in closed session in accordance with section 207(2) or 207(2.1) of the *Education Act* is confidential. Trustees shall not disclose the content of any such matter, or the substance of deliberations, of the closed session unless and until, and only to the extent that, meeting until the Board of Trustees discusses the information at a meeting that is open to the public or releases the information to the public or the Board of Trustees otherwise gives prior authorization for the disclosure.
- 6.22 ~~Individual m~~Members of the Board are only entitled to information in the possession of the DDSB that is relevant to matters before the Board of Trustees or a committee of the Board. Otherwise, ~~an individual Trustee members~~ enjoys the same level of access rights to information as any other member of the community.
- 6.23 If there is uncertainty about whether information is confidential, ~~the a~~ Trustee may should check with the appropriate staff member, consult with the Director of Education or seek guidance from the Board's General Counsel. the advice of the Integrity Commissioner.

Upholding Decisions

- 6.24 All Trustees of the Board shall accept that authority rests with the Board of Trustees, and that a Trustee has no individual authority other than that delegated by the Board of Trustees. Trustees shall be mindful of this in all of their interactions with others and will not commit the Board, any Board committee or staff to any particular course of action.
- 6.25 Each Trustee shall uphold the implementation of any Board resolution after it is passed by the Board. A proper motion for reconsideration or rescission, or the like, if permitted by the Consolidated By-Laws Board's Rules of Order, can be brought by a Trustee and Robert's Rules of Order, if applicable, may be brought forward by a Trustee.
- 6.26 A Trustee should be able to explain the rationale for a resolution passed by the Board. A Trustee may respectfully state his or her position on a resolution provided it does not in any way undermine the implementation of the resolution.
- 6.27 Each Trustee shall endeavor in good faith to comply with ~~Board~~ the Board's Consolidated By-Laws. The Board of Trustees as a whole, and not individual trustees, implements and monitors compliance with Board policies. There are a few instances where policies

and procedures apply to individual trustees (eg. Trustee expense policy and procedure) and Trustees shall comply with all such policies and procedures. ,—Policies and applicable Procedures. policies, procedures, By-Laws, and Rules of Order.

- 6.28 The Chair of the Board is the spokesperson to the public on behalf of the Board, unless otherwise determined by the Board. No other Trustee shall speak on behalf of the Board unless expressly authorized by the Chair of the Board or the Board of Trustees to do so. When individual Trustees express their opinions in public, they must make it clear that they are not speaking on behalf of the Board and must otherwise comply with this Code of Conduct.

Gifts, Benefits and Hospitality

- 6.29 Trustees are expected to carry out their duties with impartiality and objectivity. Trustees shall not accept a gift, benefit or hospitality in order to avoid the risk that this will compromise their objectivity or lead to an appearance of lack of objectivity, bias or influence ~~on the part of the Trustee.~~

- 6.30 For these purposes, a gift, benefit or hospitality provided with the Trustee's knowledge to a Trustee's spouse, child, or parent, or to a Trustee's staff that is connected directly or indirectly to the performance of the Trustee's duties is deemed to be a gift to that Trustee. ~~of the Board.~~

- 6.31 There are circumstances in which the acceptance of a gift, benefit or hospitality occurs as part of the social protocol or community events linked to the duties of an elected official and his/her role in representing the Board. The exceptions do not apply in the case of vendors of goods and services, or those expecting to be vendors to the DDSB. The following is a list of recognized exceptions:

- (a) compensation authorized by law;
- (b) gifts of a nominal value (eg. gift card, hat, t-shirt, mug, not exceeding approximately \$100.00).
- (a)(c) such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;
- ~~(b) such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;~~
- (e)(d) a political contribution otherwise reported by law, in the case of members running for office;
- (d)(e) services provided without compensation by persons volunteering their time;
- (e)(f) a suitable memento of a function honouring the member;
- (f)(g) food, lodging, transportation and entertainment provided by provincial, regional and local governments or political subdivisions of them, by the federal government or by a foreign government within a foreign country, or by a conference, seminar or event organizer where the member is either speaking or attending in an official capacity. For the purposes of this exception, "official capacity" refers to attendance in a ceremonial, presentational or representational role on behalf of the Board or where the DDSB has authorized

the member to attend on behalf of the organization;

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

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

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

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

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

Conflict of Interest

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

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

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

Use of Board Property, Services and Other Resources

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

Election Campaign Work

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

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

Improper Use of Influence

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

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

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

Conduct Regarding Current and Prospective Employment

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

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

Conduct at Board and Committee Meetings

6.426.43 Trustees shall respect procedural rulings at Board and committee meetings and

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

Conduct Respecting Staff Members

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

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

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

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

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

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

6.48 By way of example and for greater certainty, Trustees shall not falsely or maliciously injure the professional or other reputation of staff members; compel staff members to engage in partisan political activities or subject staff to threats or other maltreatment for refusing to engage in such activities; or use or attempt to use their authority or influence to intimidate, threaten, coerce, command or influence staff members or interfere with staff members' duties, including to disclose improper activities.

Discreditable Conduct

6.49 All Trustees have a duty to treat members of the public, one another, and staff members respectfully and ~~without abuse, bullying or intimidation, and to ensure that the work~~

~~environment at the Board is~~ free from discrimination and harassment. This ~~provision~~ applies to all forms of written and oral communications, including via social media.

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

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

- 6.51 Trustees are required to observe the terms of all policies and procedures established by the Board that apply to members of the Board.
- 6.52 ~~Trustees shall comply with the provisions of the Employee and Trustee Expenses Policy and Regulation #4135 and corresponding procedures, as amended from time to time.~~

Reprisals ~~a~~And Obstruction

- 6.53 Trustees should respect the integrity of this Code of Conduct and are obliged to cooperate with inquiries conducted in accordance with the Complaints Protocol and any other procedures set by the Board for addressing complaints of a breach of this Code of Conduct. Any reprisal or threat of reprisal against a complainant or anyone else for providing relevant information to the Integrity Commissioner is prohibited. It is a violation of this Code of Conduct to obstruct the Integrity Commissioner in the carrying out ~~of her or his the duties of that office. responsibilities, for example, by destroying documents or erasing electronic communications.~~
- 6.54 Trustees ~~shall be respectful of the role of the office of the Integrity Commissioner. of the Board have a duty to respond to and comply with all requests of the Integrity Commissioner and failure to do so is a violation of this Code of Conduct.~~

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

- 6.55 If ~~a Trustee is there is~~ uncertainty about whether ~~a proposed an~~ action or activity ~~by that Trustee refers to conduct is~~ prohibited by the Code of Conduct, ~~the a~~ Trustee may directly seek the advice of the Integrity Commissioner ~~prior to engaging in the proposed action or activity.~~ This shall not constitute an inquiry or investigation by the Integrity Commissioner pursuant to the Complaint Protocol. ~~The advice is not binding on the member nor on the Board, but must be considered by the Integrity Commissioner in~~

any subsequent investigation involving the member and the same or related conduct. Where a member of the Board has received written ~~Any~~ advice from ~~by~~ the Integrity Commissioner to a Trustee under this provision shall be in writing or, if oral, confirmed in writing by the Integrity Commissioner. The fact that a member did not seek advice under this section shall not be considered by the Integrity Commissioner or the Board in any subsequent investigation or determination. on a particular matter, the advice is binding on the Board in any subsequent consideration of the conduct of the Trustee in the same matter as long as the Trustee disclosed all relevant facts to the Integrity Commissioner before the advice was provided.

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

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

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

7.0 — Chair/Presiding Officer

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

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

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

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

7.57.0 The Chair of the Board or Presiding Officer shall follow the special rules of order of

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

8.0 **Sanctions**

~~8.1 — If the Board Integrity Commissioner determines that the Trustee has breached the Board's this Code of Conduct, the Board Integrity Commissioner shall report to the Board of Trustees reciting the findings of the Integrity Commissioner. The Board of Trustees shall consider the report of the Integrity Commissioner and the Board of Trustees shall make its own assessment and determination of whether there has been a breach of the Code of Conduct and, if so, may impose one or more sanctions as provided for in section 218.3 of the Education Act, as may be amended from time to time. The Board has no power to declare the Trustee's seat vacant. may impose one or more of the following sanctions:~~

~~(a) — Censure of the Trustee.~~

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

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

~~8.2 — The Board shall not impose a sanction which is more onerous than the above but may impose one that is less onerous such as a warning or a requirement that the Trustee successfully complete specified professional development courses at the expense of the Board. The Board has no power to declare the Trustee's seat vacant.~~

~~8.3 — A Trustee who is barred from attending all or part of a meeting of the Board or a meeting of a committee of the Board is not entitled to receive any materials that relate to that meeting or that part of the meeting and that are not available to members of the public.~~

~~8.4 — The imposition of a sanction barring a Trustee from attending all or part of a meeting of the Board shall be deemed to be authorization for the Trustee to be absent from the meeting and therefore, not in violation of the Education Act regarding absences from meetings.~~

9.0 **Specific Directives**

~~9.19.0 The Board of Trustees has authority to issue operational procedures to implement this policy.~~

10.0 **Evaluation**

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

11.0 Appendices

N/A

12.0 Reference Documents

Policies:

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

By-laws

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

Procedures:

- ~~Workplace Violence Management Procedure #4146~~

Legislation:

- ~~Criminal Code of Canada~~
- ~~Education Act~~
- ~~Municipal Conflict of Interest Act~~
- ~~Municipal Elections Act, 1996~~
- ~~Municipal Freedom of Information and Protection of Privacy Act~~
- ~~Occupational Health and Safety Act~~
- ~~Ombudsman Act~~
- ~~Ontario Human Rights Code~~

Appendix:

1-~~32~~

Document Links:

Effective Date

2012-06-18

Amended/Reviewed

2015-11-16

2018-11-19

2019-03-14

Legislative References

Approved by

Appendix 1 – Appointment, Selection and Jurisdiction of the Integrity Commissioner

1.0 Appointment of the Integrity Commissioner

- 1.1 The Board of Trustees shall appoint an Integrity Commissioner by 2/3 vote. The Integrity Commissioner may be an individual or a firm/corporation. In the latter case, an individual in that firm/corporation may be referenced as the Board's Integrity Commissioner, with the consent of the Board and the firm/corporation.
- 1.2 The term of the Integrity Commissioner shall be five (5) years. The term may be extended by the Board of Trustees by 2/3 vote.
- 1.3 The Integrity Commissioner may be ~~removed or~~ terminated by the Board of Trustees for cause by 2/3 vote.
- 1.4 ~~The Integrity Commissioner may resign from his or her position with 90 days written notice to the Board of Trustees.~~

2.0 Selection of the Integrity Commissioner

- 2.1 The Integrity Commissioner shall be selected using the Board's hiring practices, overseen by a selection committee appointed by the Board and chaired by the Chair or designate. The selection committee shall make a recommendation to the Board.

3.0 Role of the Integrity Commissioner

- 3.1 The Integrity Commissioner has the following responsibilities:
 - ~~a.~~ providing advice to Trustees about the application of the Code of Conduct, Board policies and procedures, Complaint Protocol fulfilling his or her responsibilities as set out in the Code of Conduct;
 - ~~a.b.~~ providing general instruction to Trustees about the Code of Conduct and Complaint Protocol;
 - ~~b.c.~~ providing general information to Trustees about their duties and obligations under the *Municipal Conflict of Interest Act*;
 - ~~e.d.~~ reviewing and making inquiries related to complaints made about Trustees in relation to the Code of Conduct and the Complaint Protocol, pursuant to the Complaint Protocol;
 - ~~d.e.~~ providing educational programs to Trustees on issues of ethics and integrity;
 - ~~e.f.~~ maintaining custody and control of their complaint and inquiry files and, on completion of their term, transfer any open files related to ongoing matters to the incoming Integrity Commissioner or as the Board may direct; and
 - ~~f.g.~~ providing such other duties respecting ethical and conduct matters as assigned by the Board.
- 3.2 The Integrity Commissioner does not have jurisdiction over complaints about Board staff.
- 3.3 The Integrity Commissioner shall act in an independent and objective manner. ~~shall carry~~

~~out his/her duties independently.~~

3.4 The Integrity Commissioner is accountable to and reports to the Board of Trustees.

3.5 ~~The Integrity Commissioner does not have jurisdiction to investigate or make inquiries in respect of complaints that are related to the Criminal Code, the Municipal Conflict of Interest Act, the Municipal Elections Act, or the Municipal Freedom of Information and Protection of Privacy Act.~~

The Director of Education, for the sole purpose of an inquiry or investigation undertaken by the Integrity Commissioner pursuant to the Complaint Protocol, provide information to the Integrity Commissioner, and facilitate access to all documents including, but not limited to books, accounts, financial records, electronic records and communications, files, papers, things or property in the possession or control of the DDSB that the Integrity Commissioner believes are necessary for an investigation of a complaint ~~or property belonging to or used by the Board of Trustees that the Commissioner believes are necessary for an investigation of a complaint~~ made in accordance with the Complaint Protocol, provided first that the Board's General Counsel has vetted the proposed access to confirm that same will not breach the Board's legal obligations.

3.6 —.

Appendix 2 – Complaints Protocol – Integrity Commissioner

1.0 RATIONALE

The Board has established a Board Member Code of Conduct (“Code of Conduct or “Code””) to govern the conduct of Trustees and to provide transparency, accountability, and public confidence in its governance. This Protocol supports the implementation of the Code of Conduct Board Member Code of Conduct, particularly as related to the complaints process, including the reporting, investigation and resolution of complaints.

2.0 OBJECTIVE

To outline the processes for making, investigating, resolving and reporting on the outcomes of complaints made under the Code of Conduct.

3.0 DEFINITIONS

Terms are as defined in the Code of Conduct.

~~*Board* refers to the Durham District School Board, which is also referred to as the DDSB.~~

~~*Discrimination* means discriminatory behavior as defined by the DDSB Workplace Violence and Harassment Prevention policy and the *Ontario Human Rights Code*. [NTD add in other policies/procedures at the board addressing this]~~

~~*Harassment* means harassing behavior as indicated by the DDSB Workplace Violence and Harassment Prevention policies and the *Ontario Human Rights Code*.~~

~~*Inquiry* includes an investigation.~~

~~*Integrity Commissioner* means the Integrity Commissioner appointed by the Board of Trustees in accordance with the DDSB Bylaws.~~

~~*Members of the Board* (also referred to as Trustees) means Trustees of the Board of Trustees.~~

~~*Official Business* means duties and responsibilities of trustees as prescribed by the Education Act and By-Law #11, Trustee Responsibilities, and directly related to operations of the Durham District School Board.~~

~~*Staff members* means staff members of the Durham District School Board.~~

~~4.0 RESPONSIBILITY~~

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

~~5.0 APPLICATION AND SCOPE~~

~~This procedure applies to all members of the Board.~~

6.0 COMPLAINT PROTOCOL

This Complaint Protocol describes informal and formal ways for members of the public, staff members and members of the Board of Trustees to address complaints concerning the Code of Conduct and members of the Board. The Complaint Protocol provides a number of ways to resolve complaints in addition to the process described in section 218.3(2) of the *Education Act*, ~~which permits a member to bring an alleged breach directly to the attention of the Board of Trustees~~ Nothing in this Code of Conduct impacts the ability of a member to elect to bring a complaint directly to the Board of Trustees under section 218.3 of the *Education Act*, rather than to the Integrity Commissioner.

~~The Integrity Commissioner may provide advice to members of the Board, information to staff members, and members of the public as well as options for resolving complaints as described in this Complaint Protocol. All of these processes are~~ The Complaint Protocol is intended to ensure that there is an opportunity to resolve complaints as fairly, expeditiously and meaningfully as possible.

6.1 Informal Complaint Process

Individuals (including staff members of the Board, members of the public, or members of the Board) ~~are encouraged~~ may elect to use ~~pursue an informal process means first~~ to address conduct prohibited by the Code of Conduct. With the consent of the complain~~ant~~ing individual and the Trustee, the Integrity Commissioner may be a part of any informal process.

Individuals (including staff members of the Board, members of the public, or Trustees) who have identified or witnessed conduct by a Trustee that they believe is in contravention of the Code of Conduct may ~~address~~ wish to consider addressing the conduct in an informal way including one or more of the following the prohibited conduct as follows:

- (a) advise the Trustee that the conduct contravenes the Code of Conduct with an explanation as to why;

- (b) encourage the Trustee to stop the prohibited conduct;
- (c) keep a written record of the incidents including dates, times, locations, other persons present, and any other relevant information; ~~advise tell someone else (for example, the Integrity Commissioner, a senior staff member or an officer of the organization)~~ about the concerns related to the Trustee and any response of the Trustee;
- ~~(e) if applicable, confirm to the Trustee the satisfaction with the response of the Trustee; or, if applicable, advise the Trustee of the dissatisfaction with the response;~~
- (d) ~~if applicable, confirm to the Trustee the satisfaction with the response of the Trustee; or, if applicable, advise the Trustee of the dissatisfaction with the responsespeak to the Chair of the Board to see if the matter can be resolved;~~
- (e) if the parties agree, the Integrity Commissioner can participate in resolving or attempting to resolve the issues ~~relating to the~~; and
- (f) consider the need to pursue a formal complaint as described in section 6.2.

~~An informal complaint must be made within six (6) months of the alleged violation or no action will be taken on the complaint Delay in making a formal or informal complaint to the Integrity Commissioner and any prejudice to the Trustee against whom the complaint is made as a result of such delay, shall be considered by the Integrity Commissioner and may, at the discretion of the Integrity Commission, be a sufficient basis for not proceeding with an investigation. In no case, shall a complaint be investigated if it is not made within 1 year of the events at issue.~~

The informal complaint process is encouraged; however, it is not required prior to beginning the formal complaint process.

Anonymous complaints will not be considered by the Integrity Commissioner, but the Integrity Commissioner has the discretion to hide the identity of a complainant where the safety of the complainant is an issue or where the disclosure could have a material impact on the functioning of the Board and/or professional working relationships within the Board.

If an informal complaint is brought to the attention of the Integrity Commissioner during the pre-election period described in subsection 6.2(e), the Integrity Commissioner shall not participate in the informal process until after a new Board is deemed organized

under section 6 of the *Municipal Elections Act*.

6.2 Formal Complaint ~~and Request for Inquiry Process~~

Requests for Inquiries

- (a) A request for an inquiry into a complaint that a Trustee has contravened the Code of Conduct (the “Formal eComplaint”) may be made to the Integrity Commissioner and if so, shall be made in writing on the prescribed form (~~sworn affidavit~~).
- (b) All written complaints shall be signed by an identifiable individual.
- ~~(c)~~ A written complaint shall set out reasonable and probable grounds for the allegation that the Trustee has contravened the Code of Conduct. The complaint should include the name of the alleged violator, the provision allegedly contravened, the facts constituting the alleged contravention, the names and contact information of witnesses, and contact information for the complainant during regular business hours. The Integrity Commissioner shall know the identity of the complainant, but where the safety of the complainant is an issue, or the identity of the complainant can impact the functioning of the Board and/or professional working relationships, the Integrity Commissioner can maintain the anonymity of the complainant, provided that the Integrity Commissioner is satisfied that the failure to identify the complainant does not and will not have a material impact on the fairness of the process to the member(s) against whom the allegations are made. Further, where the identity of the complainant is not disclosed to the Board of Trustees, the Board of Trustees may consider the fairness of the process to the member(s) against whom the allegations are made in considering the alleged breach and any sanction.
- ~~(d)~~ A Formal Complaint shall set out reasonable and probable grounds for the allegation(s) that a Trustee has contravened the Code of Conduct. The complaint should include the name of the alleged violator, the provision allegedly contravened, the facts constituting the alleged contravention, the names and contact information of witnesses, and contact information for the complainant during regular business hours.
- ~~(d)(e)~~ Where a complaint is brought forward by way of a Board decision under s. 218.3(a) of the *Education Act*, it may be referred to the Integrity Commissioner and, in that case, the Board shall direct whether the Integrity Commissioner is to treat the matter as a Formal Complaint or pursue informal inquiry and potential resolution. In any such matter where the Board has directed the Integrity Commissioner to pursue an informal inquiry and potential resolution, the Integrity Commissioner shall advise the

Board in the event that the Integrity Commissioner has determined that the informal process is not likely to resolve the matter. Upon receipt of such advice, the Board may then direct that the Integrity Commissioner to treat the matter as if it were a Formal Complaint; otherwise, the Board shall make inquiries into the matter and shall, based on the results of the inquiries, determine whether the member has breached this Code of Conduct and, if so, it shall consider whether to sanction the member under section 218.3(3) of the *Education Act*. 6.2(a) will not apply.

~~(e)f~~ In a municipal election year, a Code of Conduct complaint respecting a Trustee who is seeking re-election will not be received by the Integrity Commissioner and any open complaint investigation shall be suspended during the period starting on Civic Monday and ending when a new Board is deemed organized under section 6 of the *Municipal Elections Act*.

~~(f)g~~ A formal complaint must be made within six (6) months of the alleged violation or no action will be taken on the complaint.

6.3 Classification of Complaints by the Integrity Commissioner

(a) ~~The An~~ original written Formal eComplaint shall be filed with the Integrity Commissioner for initial classification to determine if the matter is a complaint with respect to non-compliance with the Code of Conduct ~~and not whether is it~~ covered by other legislation or other policies.

(b) If the complaint is not a complaint with respect to non-compliance with the Code of Conduct or the complaint is covered by other legislation or ~~a the~~ complaint is covered by other legislation procedure under another Board policy, the Integrity Commissioner shall advise the complainant in writing as follows:

- i. if the complaint is an allegation of a criminal nature consistent with the *Criminal Code of Canada*, the complainant shall be advised that if the complainant wishes to pursue any such allegation, the complainant must pursue it with the appropriate police force;
- ii. if the complaint is with respect to non-compliance with the *Municipal Conflict of Interest Act*, the complainant shall be advised to review the matter with the complainant's own legal counsel;
- iii. if the complaint is with respect to non-compliance with the *Municipal Freedom of Information and Protection of Privacy Act*, the complainant shall be referred to the appropriate Board's General Counsel department;

~~iv. if the complaint is with respect to non-compliance with a specific Board policy with a separate complaint procedure, the complainant shall be advised to pursue the complaint under that procedure; and~~

~~iv.~~ in other cases, the complainant shall be advised that the matter, or part of the matter, is not within the jurisdiction of the Integrity Commissioner to consider, with any additional reasons and referrals as the Integrity Commissioner considers appropriate.

(c) If the Integrity Commissioner shall undertake a threshold assessment of any is of the opinion that the fFormal eComplaint and shall determine whether the complaint is outside the timelines stipulated herein or request for an inquiry is frivolous, vexatious, or not made in good faith, or that there are no grounds or insufficient grounds for an investigation, in which case the Integrity Commissioner shall not initiate an investigation, or, where that becomes apparent in the course of an investigation the Integrity Commissioner shall terminate the investigation. The complainant and Trustee, as appropriate, shall be advised of the decision with a rationale. Where the complainant breaches the integrity of an investigation by sharing the details on social media, or in the public arena, the Integrity Commissioner may terminate the investigation. No report shall be presented to the Board of Trustees except as provided for in section 6.4(a).

~~(e)~~ In assessing whether a complaint is frivolous, vexatious, or not made in good faith, the Integrity Commissioner shall consider whether the complainant is advancing a concern, issue or complaint that is consistent with the purpose of the Code of Conduct and also whether the complaint is, in essence, in the nature of a private interest.

6.4 Reports from the Integrity Commissioner: No Jurisdiction or Inquiry

- (a) The Integrity Commissioner may report to the Board of Trustees that a specific complaint is not within the jurisdiction of the Integrity Commissioner, but shall not disclose information that could identify the complainant.
- (b) The Integrity Commissioner shall report annually to the Board of Trustees on complaints not within the jurisdiction of the Integrity Commissioner, but shall not disclose information that could identify a person concerned.
- (c) Other than in exceptional circumstances, the Integrity Commissioner will not report to the Board of Trustees on any complaint described in subsection 6.3 except as part of an annual ~~or other periodic~~ report.

6.5 Formal Complaint Inquiries by the Integrity Commissioner

- (a) If a complaint has been classified as being within the Integrity Commissioner's jurisdiction, the Integrity Commissioner shall proceed with an investigation as follows;
- i. Serve provide the complaint and supporting material ~~upon to~~ the Trustee whose conduct is in question with a request that a written response to the allegation be provided within ten days; and
 - iii. Provide a copy of the response to the complainant with a request for a written reply within ten days.
- ~~(b) Provide a copy of the response provided upon the complainant with a request for a written reply within ten days.~~
- ~~(e)(b)~~ If necessary, after reviewing the written materials, delivered under subsection 6.5 (a) the Integrity Commissioner may speak to anyone he or she deems relevant to the complaint, access and examine any of the information, documents or electronic materials and may enter any Board work location relevant to the complaint for the purposes of investigation and/or settlement, provided that the Board's General Counsel has pre-approved the release of any information, documents or materials to the Integrity Commission in accord with the Board's legal obligations.
- (c) The inquiry will be conducted in private and will remain confidential, save and except as may be disclosed in any report by the Integrity Commissioner to the Board of Trustees or as necessary for the conduct of the investigation.
- (d) The Formal Inquiry may involve both written and/or oral statements by any witnesses, persons with relevant information to the complaint, the complainant or the Trustee alleged to have breached the Code
- ~~(e)~~ The Statutory Powers Procedure Act does not apply.
- ~~(f)~~ Subject to the provisions of 5.4(g), at any time following receipt and review of a Formal Complaint or at any time during the Formal Inquiry, where the Integrity Commissioner believes there is an opportunity to successfully resolve the matter without a formal investigation, and both the complainant and the Trustee alleged to have breached the Code agree, an informal resolution may be pursued. If this process leads to a result that is satisfactory to the Complainant and the Trustee alleged to have breached the Code, then the complaint shall be deemed withdrawn.
- ~~(g)~~ Section 5.4(f) shall not be engaged unless the parties consent and unless the Integrity Commissioner is of the view that it is unlikely, on a balance of probabilities, that there would be a finding of a breach of the Code of Conduct.
- ~~(e)(h)~~ A Formal Complaint may be withdrawn by the Complainant at any time prior to the Board making a determination on the alleged breach(es) under

6.6 Reports to the Board of Trustees

- (a) The Integrity Commissioner shall report to the complainant and the Trustee generally no later than 90 days after the receipt of the Formal Complaint Form/Affidavit of the complaint unless the Integrity Commissioner determines that a longer period of time is required to complete the final report and the reason is explained in the final report. The Board of Trustees and the complainant shall be advised of the need for the extension of time with an expected date of delivery of the report. If the investigation process takes more than 90 days, the Integrity Commissioner shall provide an interim report to the Board and will advise the parties of the anticipated date that the report will be available.
- ~~(b) The Integrity Commissioner shall not issue a final report to the Board in which there is a finding of a violation of the Code of Conduct on the part of any member of the Board unless the member has had reasonable notice of the basis for the proposed finding and any recommended sanction and an opportunity either in person or in writing to comment on the proposed finding and any recommended sanction, that the Integrity Commissioner may take into consideration in the final report submitted to the Board.~~
- ~~(b)~~ (e) The Integrity Commissioner may make interim reports to the Board of Trustees where necessary and to report on as required to address any instances of interference, obstruction or retaliation encountered during the investigation.
- ~~(c)~~ (c) Where ~~the Formal Complaint~~ the Formal Complaint is sustained in whole or in part, the Integrity Commissioner shall ~~also~~ report to the Board of Trustees outlining the findings of the investigation. The report shall make recommendations as to sanction with reference to section 218.3 of the Education Act together with any relevant decisions of other Boards that the Integrity Commissioner believes may be of assistance to the Board in considering sanction, the terms of any settlement, or recommended corrective action or sanction.
- (d) ~~(e)~~ A report following an investigation into of a Formal Complaint will be delivered to the Board of Trustees for consideration in accordance with the provisions of sections 218.3 and 207 of the Education Act. Where the Integrity Commissioner's investigation into a Formal Complaint concludes that there has been no breach of the Code of Conduct, the Integrity Commissioner's investigative report shall not be delivered to the Board of Trustees, but a

summary of the investigation shall be provided to the Board of Trustees. Report of a formal complaint investigation by the Integrity Commissioner will be considered by the Board of Trustees in a public meeting, subject to the following exceptions:

~~In accordance with section 207(2) of the *Education Act*, a report of a formal complaint investigation may be considered in a meeting closed to the public when the subject matter under consideration involves:~~

- ~~○ the security of the property of the board;~~
- ~~○ the disclosure of intimate, personal or financial information in respect of a member of the board or Committee, an employee or prospective employee of the board or a pupil or his or her parent or guardian;~~
- ~~○ the acquisition or disposal of a school site;~~
- ~~○ decisions in respect of negotiations with employees of the board; or~~
- ~~○ litigation or any potential litigation affecting the Board.~~

~~(f)(e) Where the complaint is dismissed, the Integrity Commissioner shall not report to the Board of Trustees other than in an annual or periodic report or in exceptional circumstances. Where the Integrity Commissioner determines that a contravention of Code of Conduct occurred although the Trustee took all reasonable measures to prevent it, or that a contravention occurred through inadvertence or an error of judgment made in good faith, the Integrity Commissioner shall so state in the report.~~

~~(g) Any recommended corrective action must be permitted in law, by law or policy and shall be designed to ensure that the inappropriate conduct does not continue.~~

~~(h) Where the Integrity Commissioner determines that a contravention of the Code of Conduct occurred although the Trustee took all reasonable measures to prevent it, or that a contravention occurred that was trivial or committed through inadvertence or an error of judgment made in good faith, the Integrity Commissioner shall so state in the report and shall recommend that no penalty be imposed.~~

~~(+)(f) The Integrity Commissioner shall give a copy of the report to the complainant and the Trustee whose conduct is concerned.~~

~~(g) The Integrity Commissioner shall bring the report before the next available meeting of the Board of Trustees.~~

~~(h) The Board of Trustees shall consider and make a decision in response to the Integrity Commissioner's report in a timely~~

manner, and shall comply with the provisions of section 218.3 of the *Education Act* in considering and making a determination as to whether a breach has occurred and, if so, any sanction.

- (i) The Board of Trustees shall consider the report of the Integrity Commissioner and the Board of Trustees shall make its own assessment and determination of whether there has been a breach of the Code of Conduct and, if so, may accept, reject or amend the Integrity Commissioner's recommendation, if any, as to sanction.
- (j) The Integrity Commissioner may attend at the meeting at which the Board of Trustees will be considering the final report to answer questions of members of the Board of Trustees.
- ~~(j)~~(k) Where a matter is being handled by the Integrity Commissioner, Individual Trustees shall not undertake their own investigation of any matter, including questioning a complainant, the Trustee who is alleged to have breached the Code or any witnesses or persons participating in any investigation.

~~6.7~~ — Duty of the Board of Trustees

- ~~(a) — The Board of Trustees shall consider and make a decision in response to the Integrity Commissioner's report within 60 days after the day the report is considered at a Public Board Meeting.~~
- ~~(b) — In responding to a report from the Integrity Commissioner, the Board of Trustees may accept, reject or amend the Integrity Commissioner's recommendation to impose a sanction or it may refer the recommendation back to the Integrity Commissioner.~~

~~6.8~~ 6.7 Payment of Costs

- (a) Subject to subsection ~~6.7~~8(e), a member of the Board who is a respondent to a formal complaint under this procedure shall be reimbursed by the Board for actual and reasonable legal and related expenses up to a maximum of \$5,000.
- (b) Subject to subsection 6.7(e), in the case of an application under the *Judicial Review Procedure Act* for judicial review of actions taken on a complaint against a member of the Board by the Integrity Commissioner,
 - i. where a member of the Board made the judicial review application, the member is eligible for reimbursement of legal costs, including additional legal costs in a successful application, that are not recovered by any ~~the~~ costs awarded by the court, up to a maximum of \$20,000.

- ii. a member of the Board ~~is entitled to may apply for~~ reimbursement of the legal costs of intervention in a judicial review application where the member's interests are at stake, up to a maximum of \$20,000.
- (c) ~~Subject to subsection 6.7(e), the Board of Trustees may consider The Board may consider~~ the reimbursement of costs above the limit in subsections 6.~~78~~(b)i. and 6.~~78~~(b)ii. on a case by case basis.
- (d) The Board may consider an advance payment to a Trustee for legal expenses prior ~~to completion of an investigation for a maximum amount of \$5,000. While the Trustee must return to the Board all unused funds upon completion of an investigation, the Trustee will not be required to reimburse the spent funds if, upon completion of the investigation, either subsection 6.8(e)i or ii, apply. Otherwise, all advanced funds must be returned to the Board immediately upon conclusion of the investigation.~~
~~to completion of an investigation for a maximum amount of \$5,000. While the Trustee must return to the Board all unused funds upon completion of an investigation, the Trustee will not be required to reimburse the spent funds if, upon completion of the investigation, either subsection 6.8(e)i or 6.8(e)ii below applies. Otherwise, all advanced funds must be returned to the Board immediately upon conclusion of the investigation~~
- (e) Costs shall only be reimbursed under this section to the member of the Board:
 - i. if the Integrity Commissioner concludes that there has been no contravention of the Code of Conduct by the member or that the member is not blameworthy, and the Integrity Commissioner's conclusion is not overturned on judicial review; or
 - ii. ~~where the Board of Trustees receives the Integrity Commissioner's report on a violation and determines that it should not take any action if the member is successful, in whole or in part, on any judicial review application either as an applicant or intervenor.~~
- (f) Any ~~request award for~~ of costs under subsection 6.~~78~~(e) shall be ~~contingent made in writing to the General Counsel who shall report to the Board of Trustees. on a report to the Board of Trustees from the General Counsel~~

6.96.8 Confidentiality and Formal Complaints

A ~~F~~ormal ~~C~~omplaint will be processed as follows:

a) _____ The Integrity Commissioner and every person acting under the Integrity Commissioner's ~~her or his~~ instructions shall preserve confidentiality with respect to all Code of Conduct matters ~~that come to his or her knowledge in the course of any investigation~~ except as required by law ~~in a criminal proceeding~~ or in accordance with the provisions of the Code of Conduct ~~and the Education Act. The following persons involved in any aspect of a Code of Conduct complaint, including any investigation, shall preserve confidentiality; and this related procedure concerning reporting to the Board of Trustees.~~

i. _____ the complainant;

ii. _____ individual Trustees;

iii. _____ witnesses;

iv. _____ the Integrity Commissioner, and

v. _____ staff.

Except that the Integrity Commissioner may disclose relevant information in a public report but only to the extent that the Integrity Commissioner deems it appropriate to do so and provided same has been pre-approved by the Board's General Counsel as being in accord with Board's legal obligations.

~~(a)~~ _____

~~(b)~~ All reports from the Integrity Commissioner to the Board of Trustees will be made available to the public. The report may be redacted appropriately to reflect the requirements of section 207(2) of the Education Act.

(c) Any references by the Integrity Commissioner in an annual or other periodic report shall not disclose confidential information that could identify the trustee concerned, except where the trustee's name has been disclosed in the public sphere, or the Integrity Commissioner deems it necessary to identify the person concerned. ~~to a complaint or an investigation shall not disclose confidential information that could identify a person concerned.~~

(d) The Integrity Commissioner in a report to the Board of Trustees on whether a member of the Board has violated the Code of Conduct shall only disclose such matters as in the Integrity Commissioner's opinion are necessary appropriate for the purposes of the report.

7.06.9 EVALUATION

This Code of Conduct procedure is to be reviewed and updated

as required but at a minimum every four (4) years.

80 **7.0 APPENDICES**

Appendix A: Complaint Form (~~Form 708A~~)

~~Legislative Acts and Regulations:~~

- ~~• *Judicial Review Procedure Act*~~
- ~~• *Municipal Elections Act*~~
- ~~• *Ontario Human Rights Code*~~

Appendix A

Durham District School Board
Code of Conduct - Formal Complaint Form

COMPLAINT OF

I, _____ (full name), of
 the _____
 (City, Town, etc.) _____ (municipality of
 residence) in the Province of Ontario.

STATE THE FOLLOWING:

1. I have personal knowledge of the facts as outlined in this affidavit, because

 (insert reasons e.g. I work for . . . I attended a meeting at which . . . etc.)

2. I have reasonable and probable grounds to believe that:

_____ (specify name of Trustee) a member of the
 Durham District School Board, has contravened Section (s) _____
 _____ (specify section(s) of
 the Trustee Code of Conduct. The particulars of which are as follows:

(Set out the statements of fact in consecutively numbered paragraphs in the space below, with each paragraph being confined as far as possible to a particular statement of fact. If you require more space, please use the attached Schedule A form and check the appropriate box below. If you wish to include exhibits to support this complaint, please refer to the exhibits as Exhibit A, B, etc. and attach them to this form.)

*Where a complainant chooses to litigate this matter in the court of public opinion and/or social media platforms, the Integrity Commissioner reserves the right to dismiss this complaint.

Please see the attached Schedule "A"



DATED THIS _____ DAY OF _____, 20____ at the City/Town of _____
 In the Province of Ontario.

 (Signature of person making the complaint)

Page _____ of _____

Appendix 3: ACKNOWLEDGEMENT AND UNDERTAKING

I confirm that I have read, understand and agree to abide by the Board's Code of Conduct and that I understand the Complaints Protocol for complaints made to the Integrity Commissioner.

DATE: _____ SIGNATURE: _____

Please Print Name: _____