



DURHAM DISTRICT SCHOOL BOARD

NOTICE OF MEETING

GOVERNANCE AND POLICY COMMITTEE PUBLIC SESSION

Chairperson: Linda Stone

DATE: Monday, January 31, 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 31, 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 January 24, 2022	1 – 4
6. <u>Recommended Actions</u>	
(a) Election of Vice Chairperson	Verbal
(b) Motion (Trustee Chris Braney)	5
7. <u>Information Items</u>	
(a) Draft Human Rights Policy and Procedures	6 – 252
<u>Other Business</u>	
(a) Date of Next Meeting	Verbal
<u>Adjournment</u>	



Minutes - Governance and Policy Committee Meeting

Monday, January 24, 2022, 6:00 p.m., Virtual

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

Regrets: Trustee Niki Lundquist

Staff present: Director of Education Norah Marsh, Associate Directors Jim Markovski and David Wright, Human Rights and Equity Advisor Devika Mathur, General Counsel Patrick Cotter, Executive System Lead Robert Cerjanec, Superintendents of Equitable Education Stephen Nevills, Jack Nigro, Gary Crossdale, Margaret Lazarus, Georgette Davis, Heather Mundy, Erin Elmhurst, Mohamed Hamid, Andrea McAuley, Policy Analyst Ahmad Khawaja

Recording Secretary: Gillian Venning

1. Call to Order

Director of Education Norah Marsh called the meeting to order at 6:05 p.m.

2. Land Acknowledgment

Director Marsh read out the Land Acknowledgement.

3. Declarations of Interest

There were no Declarations of Interest.

4. Approval of Agenda

CARRIED

5. Approval of Minutes – November 23, 2021

CARRIED

6. Election of Chairperson

Director Marsh opened nominations for the position of Chair of the Governance and Policy Committee.

Trustee Paul Crawford nominated Trustee Linda Stone. Trustee Stone accepted the nomination.

Trustee Scott Templeton self-nominated.

After three calls for additional nominations and seeing none, nominations for Chair were closed and Trustees Stone and Templeton were provided the opportunity to speak to their nomination.

Confidential polling took place. Trustee Stone was elected Chair of the Governance and Policy Committee and took over the remainder of the meeting.

7. Bylaw Review

Counsel Cotter reviewed and summarized revisions included in the updated version of Bylaws as presented in this agenda. The latest changes represent items that were discussed and agreed upon by members at the last Committee meeting.

The Committee reviewed and discussed the following changes:

Section 1.4, reference to *Robert's Rules of Order Newly Revised as may be amended from time to time* to be changed to *Latest Edition of Robert's Rules* \

Section 1.5 amended to remove 'at any time'

Section 3.2.1 amended to remove 'In all other years'

Section 5.3.2 amended to include 'No member of the public or staff...'

Section 5.4 5.4.5 amended to read '.... or the disclosure is to the Integrity Commissioner in relation ~~to~~ the Code of Conduct'

Section 5.5.3 to be amended to include 'Subject to the procedures described below....' at the beginning of the provision

Section 5.5.5 to be amended to correct spelling of 'Chair'

Section 5.58 amended to add an "s" on the end of the word Trustee (second line)

Section 5.12.6 amended to include language to the effect that 'it is expected that members will limit their comments on a motion to no longer than the predetermined amount of time as set at the time the motion is put forth' Suggestion to check TDSB language. Discussion followed, and members agreed that a visible timer, managed by staff, be used in public sessions to ensure speaking time provided to members is transparent, accurate and equal.

Section 5.12.12 amended to insert 'shall' between 'Chair' and 'read'

Following discussion, Chair Stone asked the Committee for a motion to move the Bylaws including amendments as determined at this meeting, to Standing Committee for consideration.

Motion to send Bylaws to Standing Committee put forth by Trustee Barnes.

CARRIED

Trustee Barrett advised the Committee and left the meeting at 6:17 p.m. and rejoined later.

8. Code of Conduct Review

Counsel Cotter reviewed and summarized revisions included in the updated version of the Code of Conduct as presented in this agenda. The latest changes represent items that were discussed and agreed upon by members at the last Committee meeting.

The Committee reviewed and considered additional proposed revisions. Staff responded to questions of clarification asked by trustees.

Proposed changes to be incorporated prior to Standing Committee:

6.7, Integrity and Dignity of Office – Principles, amended to read ‘...., and at all other times, that would discredit or compromise the integrity of the Trustee, **any other Trustee, or the Board**’

6.11, Integrity and Dignity of Office – Principles, amended to include ‘**shall avoid** the improper use...’ instead of ‘to avoiding the improper use’

6.28, Upholding Decisions, amended to read ‘When individual trustees express their opinions in public, **through any medium, including social media**,’ And amended to remove ‘....and must otherwise comply with this Code of Conduct’

6.58, Acting on Advice of Integrity Commissioner, amended to correct missing letter ‘t’ from first word of sentence

Following discussion, Chair Stone asked the Committee for a motion to move the Code of Conduct, including amendments as determined at this meeting, to Standing Committee for consideration.

Motion to send Code of Conduct to Standing Committee put forth by Trustee Templeton.

CARRIED

Trustee Barrett advised the Committee and left the meeting at 8:06 p.m.

9. Draft Human Rights Policy and Procedures

Director Marsh introduced the revised draft policy and procedures package, commending staff for their collaborative work conducting additional consultations

and revisions leading to the revised documents package presented today. Appreciation for the feedback provided by stakeholders was also expressed.

Human Rights and Equity Advisor Mathur summarized phase two of the consultation process, which took place following presentation of the draft policy and procedures package in fall 2021. A variety of stakeholders were consulted in phase two, and opportunities to provide feedback were provided through an open house, survey, dedicated telephone line, email address, direct email outreach from schools and social media and website promotion. Phase two consultations were supported by summarized documents and an explainer video to assist with understanding the purpose, scope and application of the policy and procedures. It was pointed out that no significant changes to content have been made following phase two of consultations, but that minor revisions and rearrangement of sections to streamline the documents and reduce overall volume where possible have been made.

Implementation of the procedures was discussed, including the establishment of an Implementation Committee, whose work will focus on ensuring a robust professional learning component, including access to resources and training opportunities is made available to all staff.

Staff reaffirmed that the intent of the policy and procedures is not to promote censorship or fear of reprisal, but to give voice, safe space and strength to members of the community who have historically been marginalized and negatively impacted by the lack of enforceable human rights policies.

Staff responded to questions from trustees.

The Committee agreed to defer further discussion of the draft policy and procedures to the next meeting.

10. Date of Next Meeting

January 31, 2022, 6:00 p.m.

11. Adjournment

Meeting adjourned at 8:42 p.m.

**GOVERNANCE AND POLICY COMMITTEE
PUBLIC SESSION**

Motion

Moved by: Trustee Chris Braney

That the Draft Human Rights, Anti-Discrimination and Anti-Racism Policy as presented by staff and included in the package be moved to the next Standing Committee meeting scheduled for February 7, 2022.

**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)

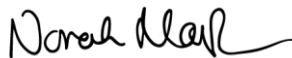
Appendix D – Revised Draft Student/Family Human Rights Issue, Incident and Complaint Resolution Procedure (For Information)

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

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:
- a) 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;
 - 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

- 3.39 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/ 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:
- 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), 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:

- 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.

3.93.10 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:

- 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, ~~where the determination of potential discrimination, harassment or discriminatory structures, barriers, effects or impacts includes critical intersectional analyses~~).

Policy Violations

~~3.11~~3.12 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)~~i) Reprisal or threat of reprisal;
breaching
- ~~j)~~k) Breaching the confidentiality provisions of this policy; and
- ~~k)~~j) 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

~~3.12~~3.13 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

~~3.143.14~~ 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 (HRT) is a public forum. If a DDSB community member files an application (complaint) to the HRT, 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 designate ~~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) g)~~ 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) l)~~ 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 toolsshall, within the scope of their responsibilities, incorporate and resourcesapply 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 considershall, 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 alseshall, 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 develop/consider and enforce/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 ~~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 and supports for managers/supervisors and 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 during as 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
- 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 provide~~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. ~~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.~~

~~3.103~~3.81 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.~~

~~3.104~~3.82 Student or ~~employee~~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 ~~that those~~ offered to ~~other people.~~others.

~~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)~~ Contact emergency services if medical attention is required;
- ~~e)f)~~ Note the names of any witnesses and preserve any pertinent evidence or information; and
- ~~f)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 integrated response team within three days of being notified of the incident; ~~and~~

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;
 - ~~a)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
 - ~~b)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:

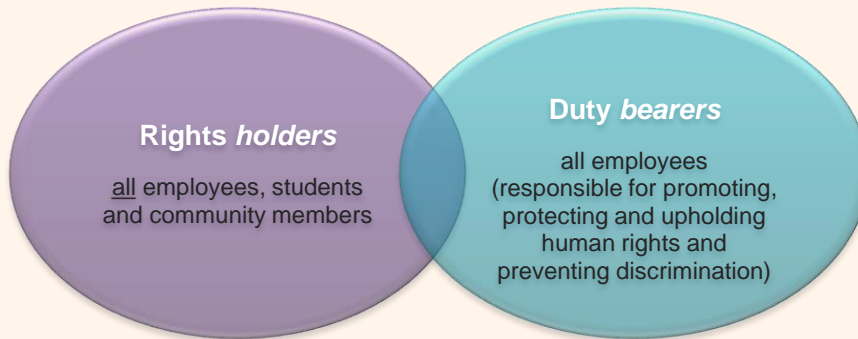
- a) Are key parts of supporting, promoting and protecting human rights and meeting requirements under the Human Rights Policy and procedures; and

- 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 procedurethe 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

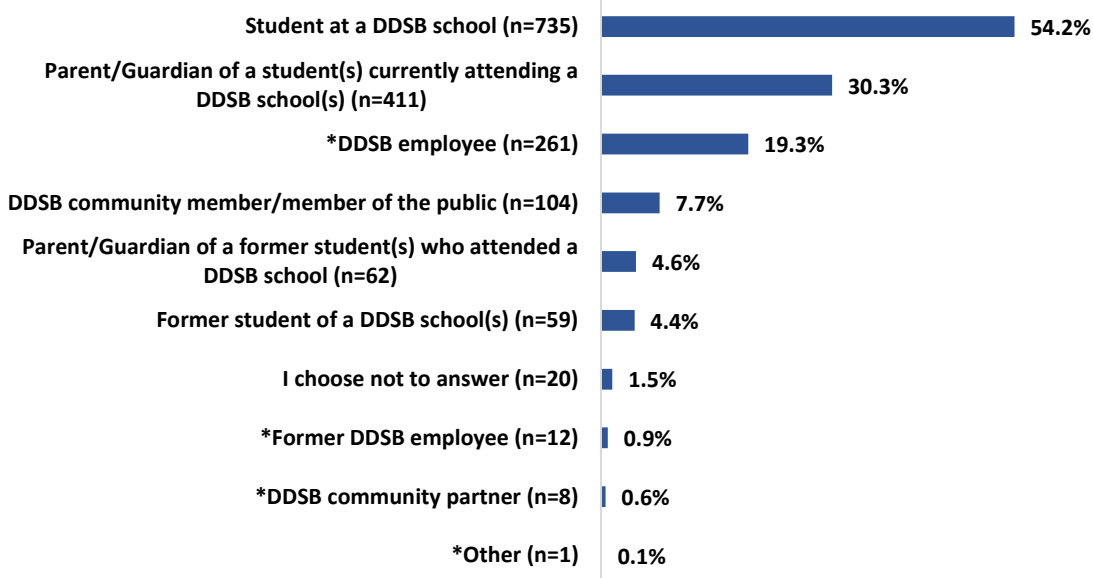
The Durham District School Board (DDSB) is developing a new policy to help everyone understand their human rights, roles and responsibilities in DDSB working and learning spaces (for example, schools, offices and school or work events). Human rights are important so that:

- 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

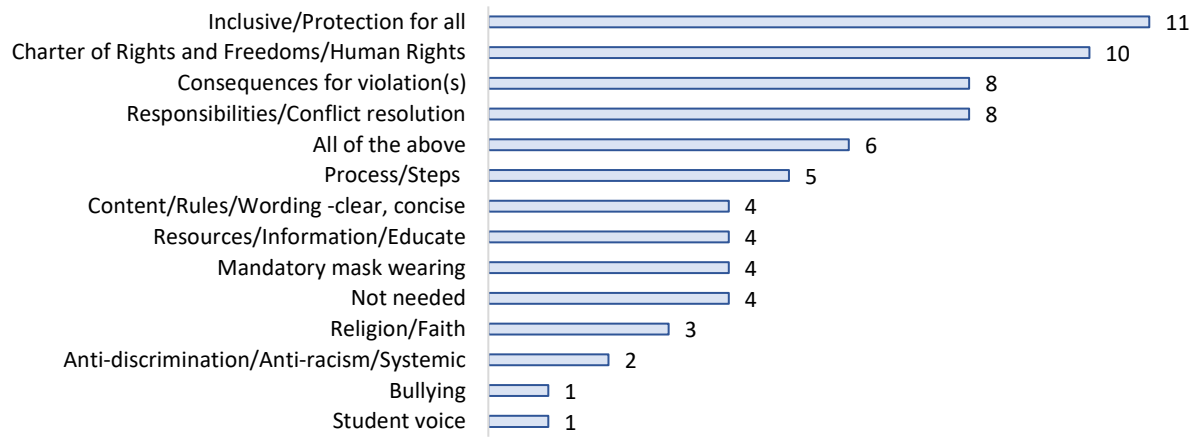


*What the Human Rights Code grounds are (for example, ancestry, race, sex, disability, gender identity and gender expression, sexual orientation, creed/religion, etc.) and what they mean

*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

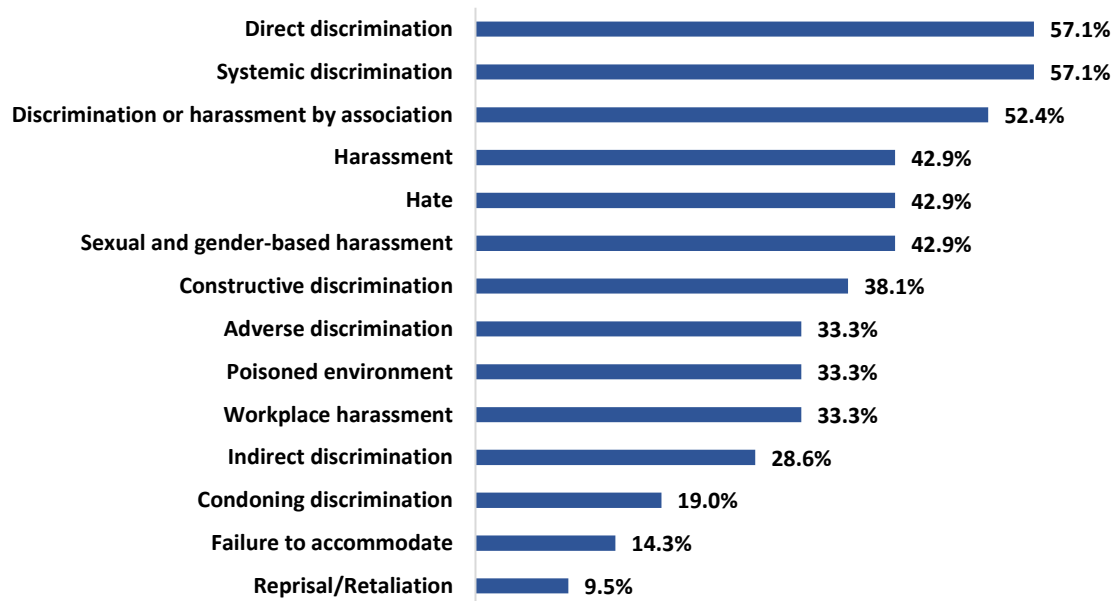
Extension of response option “What discrimination and other human rights words and principles mean” from Question 2. Participants that selected that option were directed to this follow up question.

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

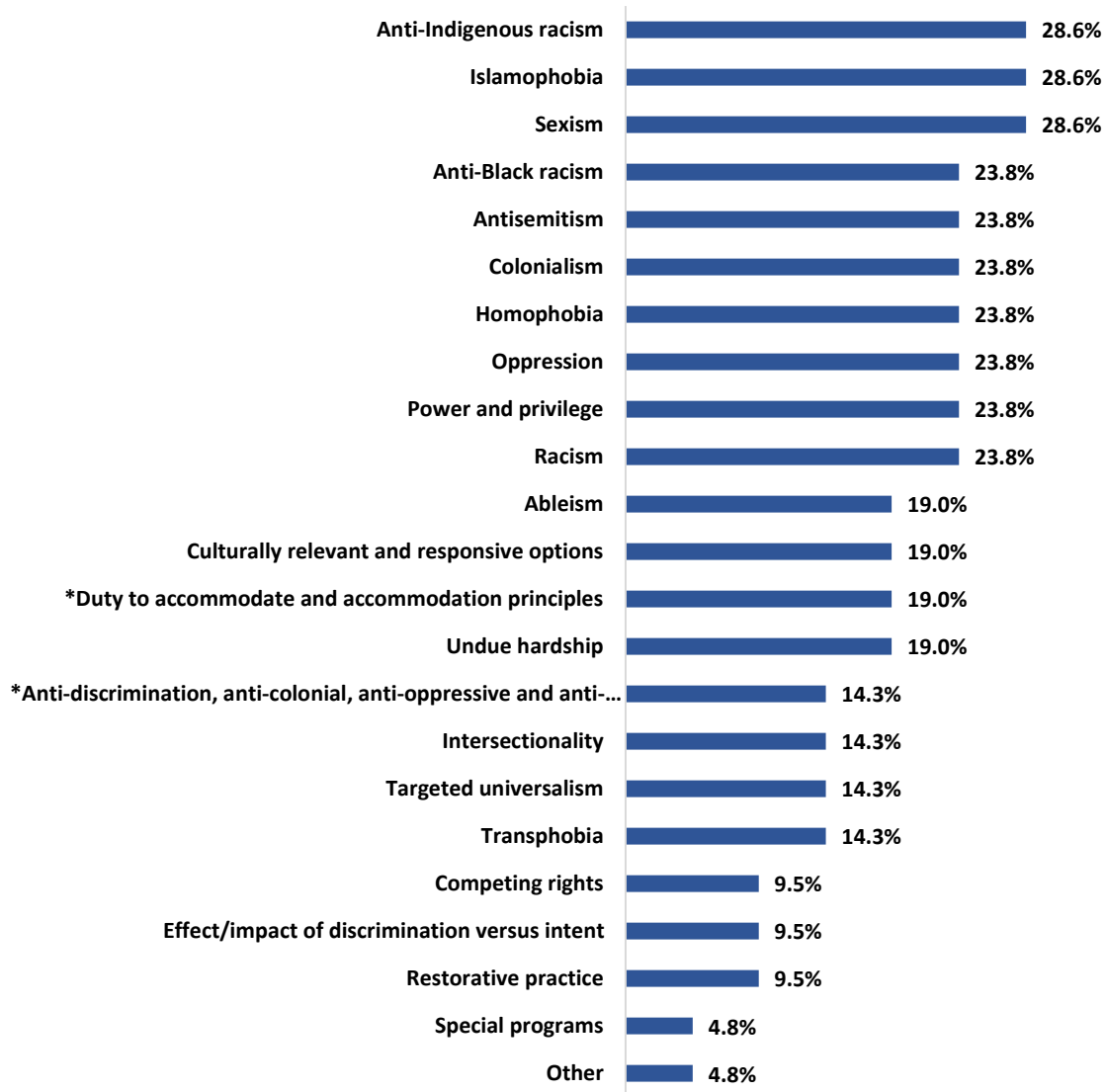
Extension of response option “What discrimination and other human rights words and principles mean” from Question 2. Participants that selected that option were directed to this follow up question.

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



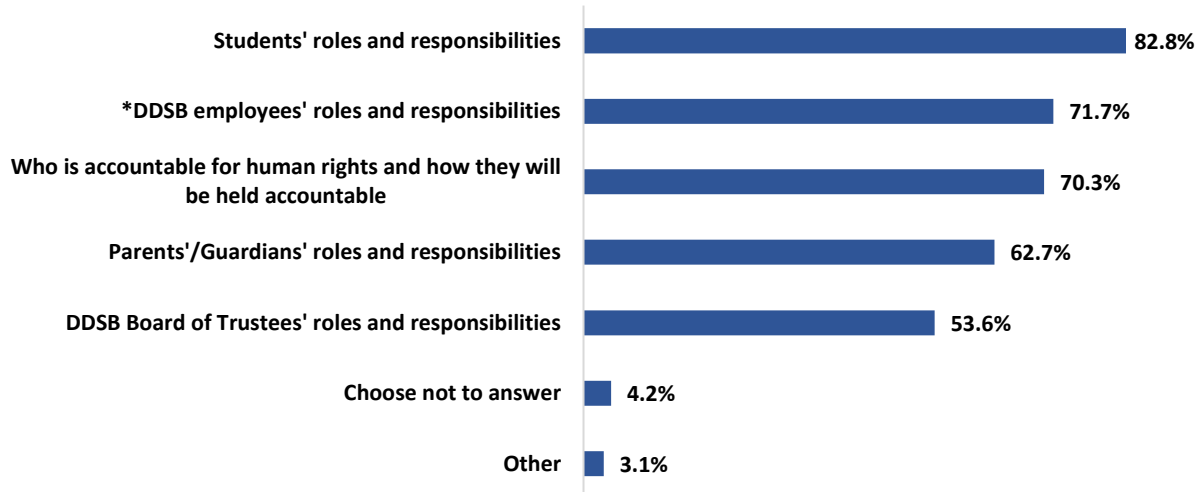
*Duty to accommodate and accommodation principles (for example, individualized, integration, inclusive design, accommodation process)

*Anti-discriminatory, anti-colonial, anti-oppressive and anti-racist actions and approaches

Question 5 Roles, responsibilities and accountabilities

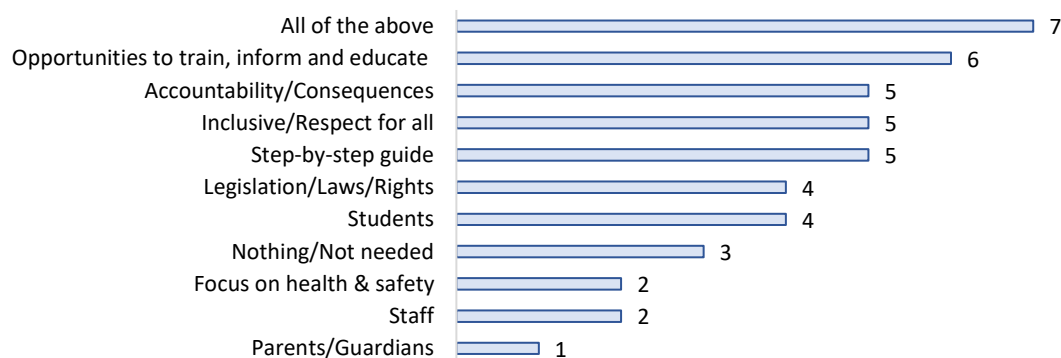
I would like the DDSB human rights policy and procedures to have information about: (Select as many as you would like)

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.)

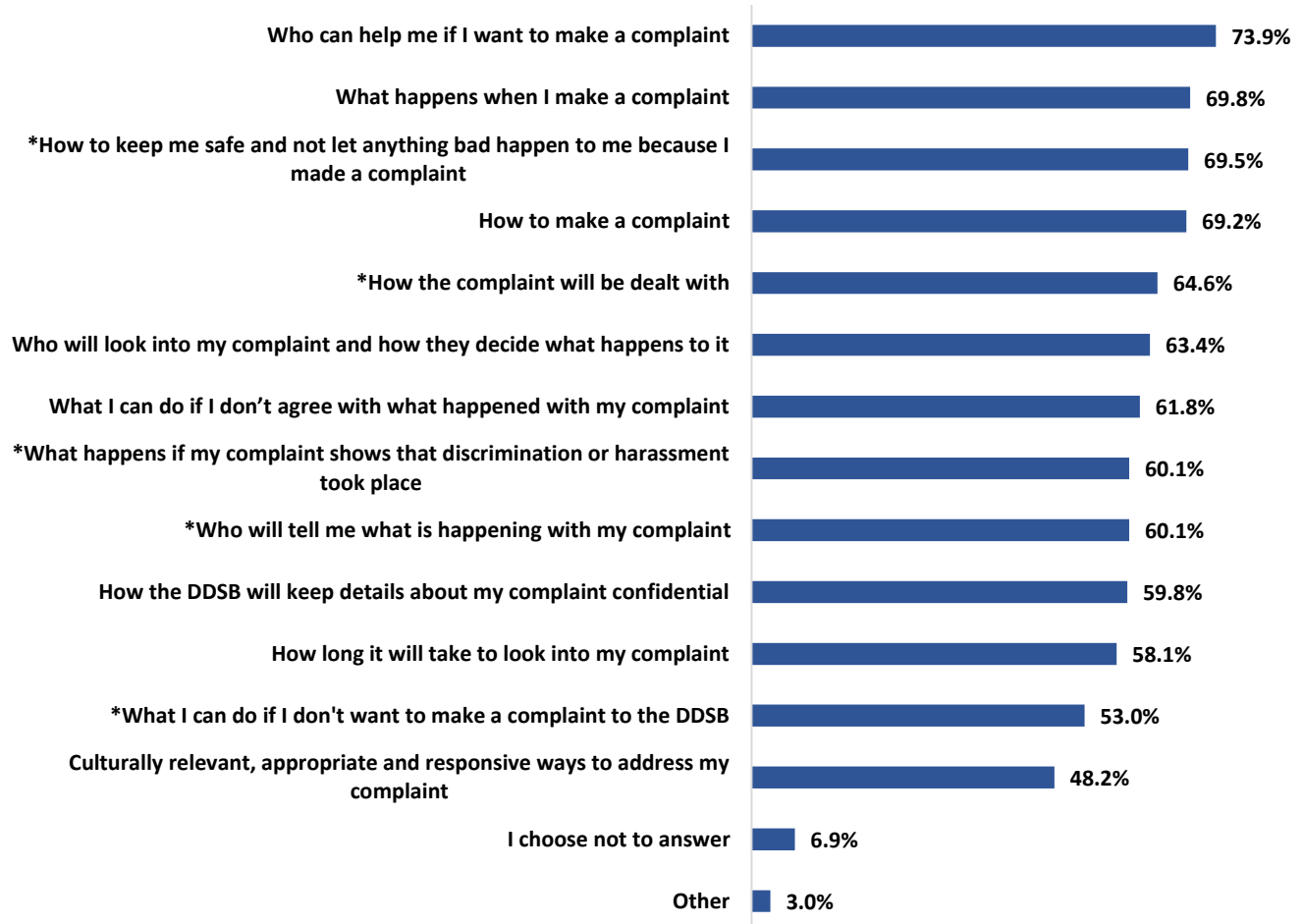
Figure 5a:
Response option 'Other' (3.1%) by theme and number of responses
Responses n=44



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)

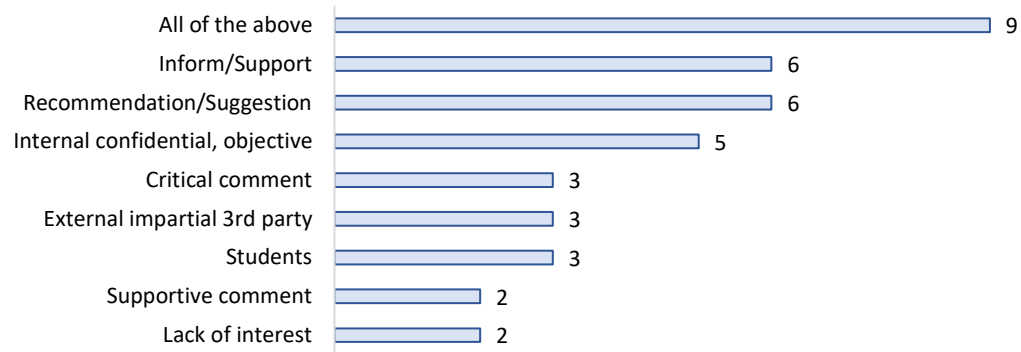
* How the complaint will be dealt with (ways to resolve it, through early resolution, restorative practice, or more formal mediation or investigation)

* 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)

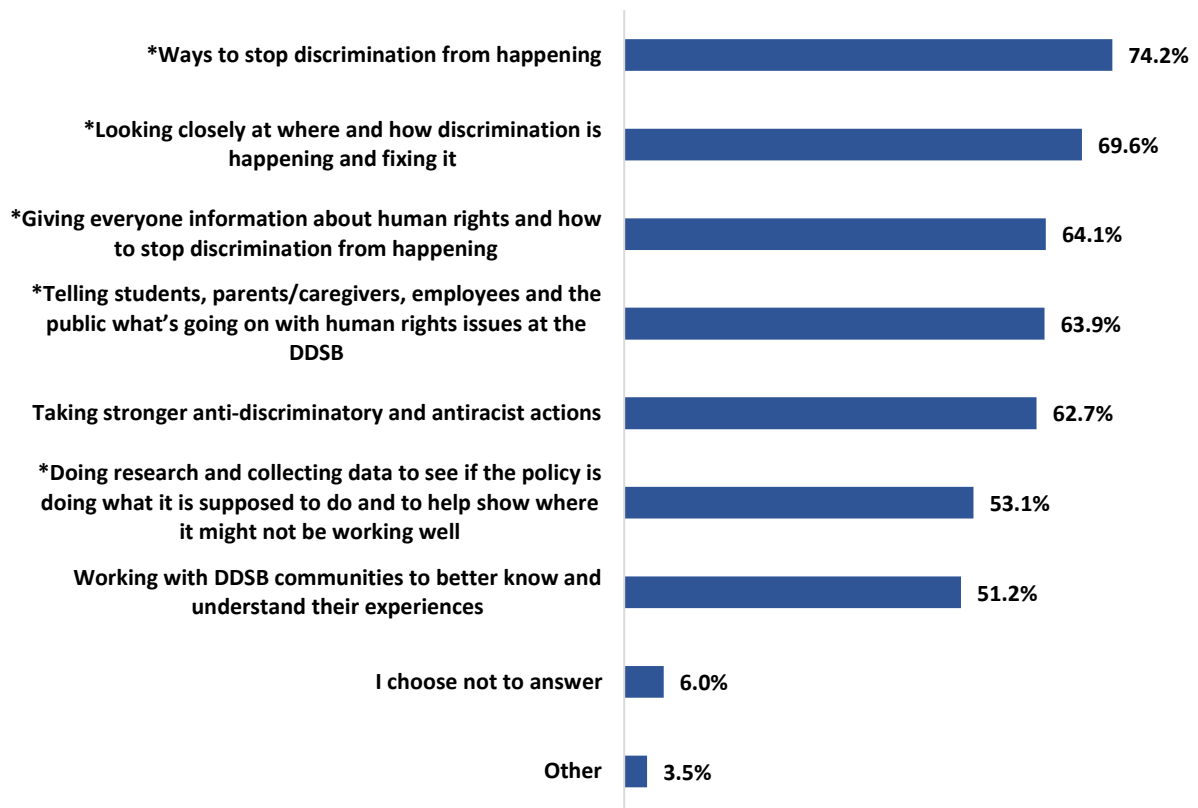
Figure 6a:
Response option 'Other' (3.0%) by theme and number of responses
Responses n=39



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)

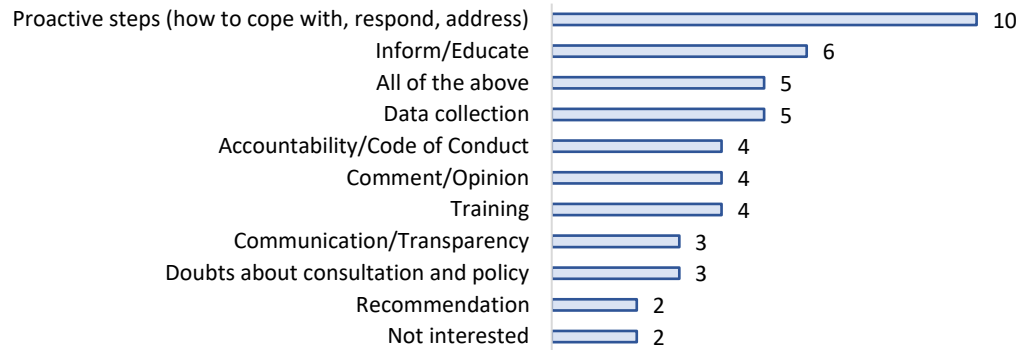
*Telling students, parents/caregivers, employees and the public what's going on with human rights issues at the DDSB – what's working well and what do we need to do differently (how we communicate and report about human rights)

*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



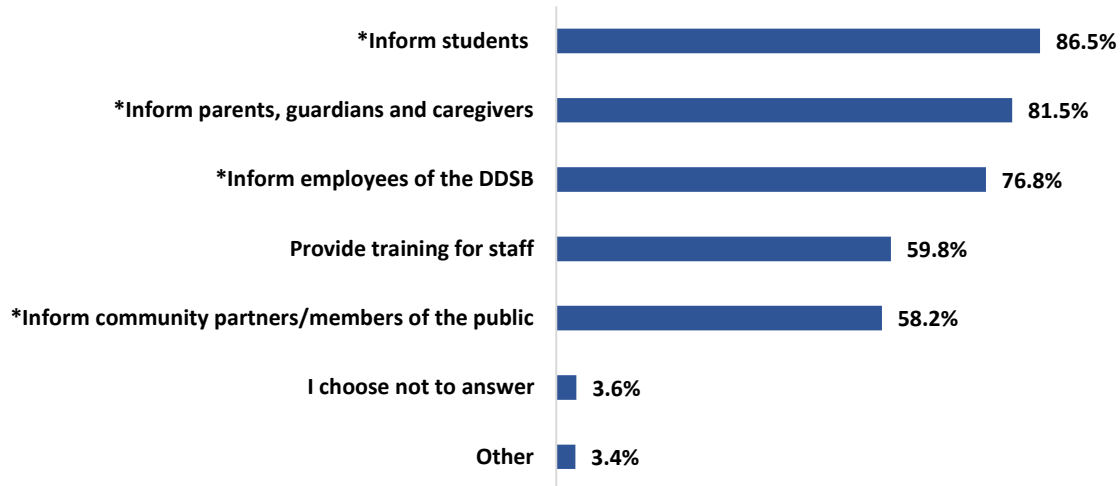
Question 8 Helping everyone know more about their rights, roles and responsibilities, and what to do if they have a complaint

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)

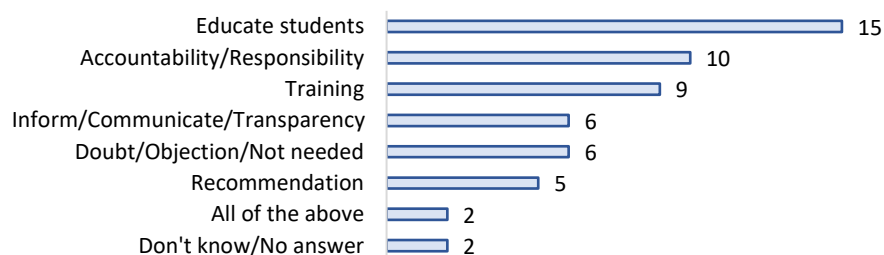
*Inform employees of the DDSB (for example, through a brochure or details on the website that explains human rights and how to make a complaint)

* 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

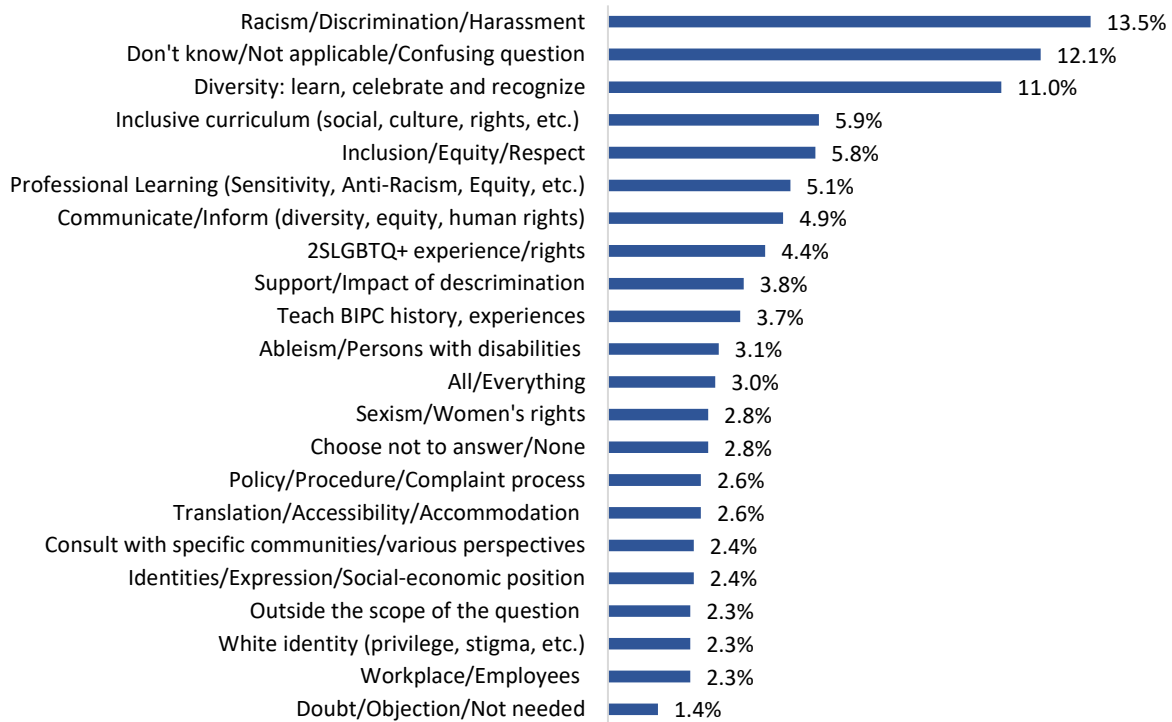


Question 9 *What culturally relevant and responsive options should be looked at?*

Figure 9

Culturally relevant and responsive options that should be looked at

Responses n=573

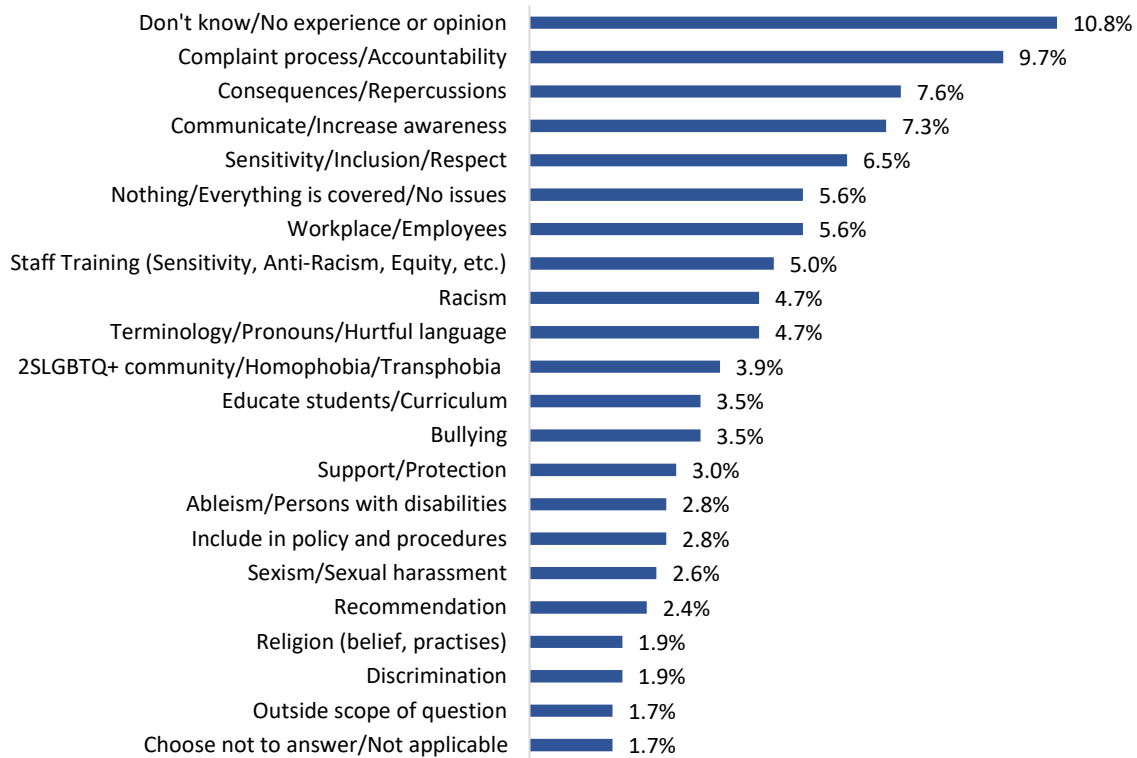


Question 10 *Based on your own experiences with human rights in the DDSB, what else should be covered in policy and procedures?*

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?

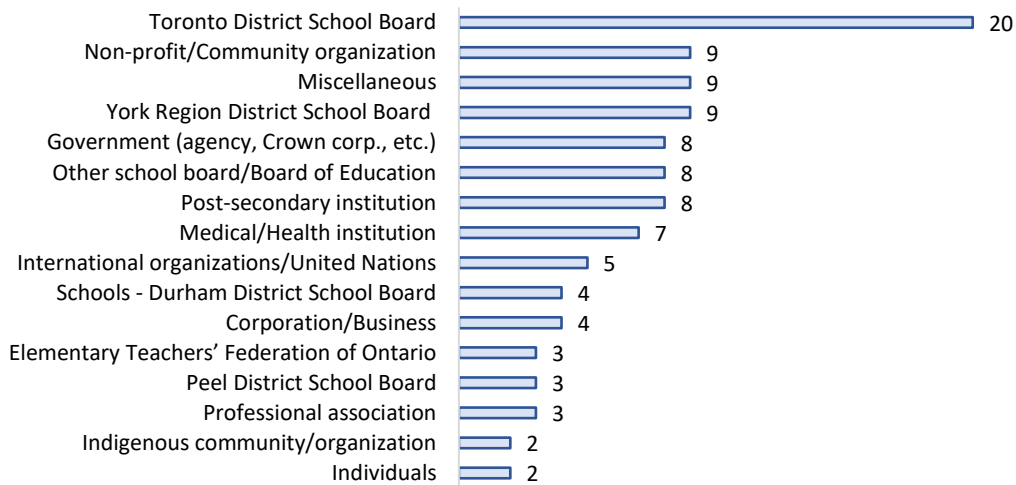
n=1,196



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



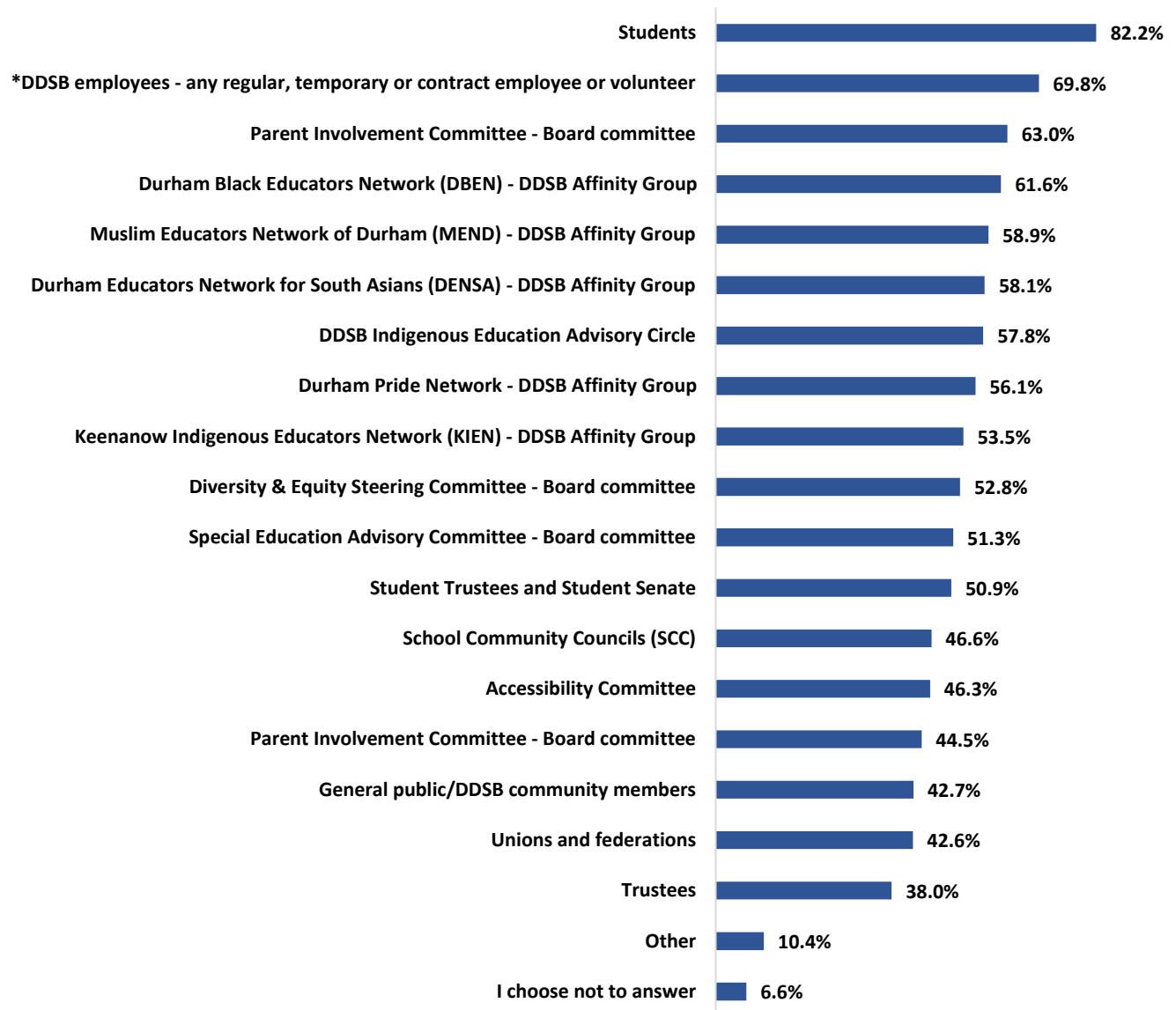
Question 12 Tell us about who we should reach out to so everyone can have their say

*I would like the DDSB to reach out to and hear from:**(Select as many as you would like)*

Figure 12:

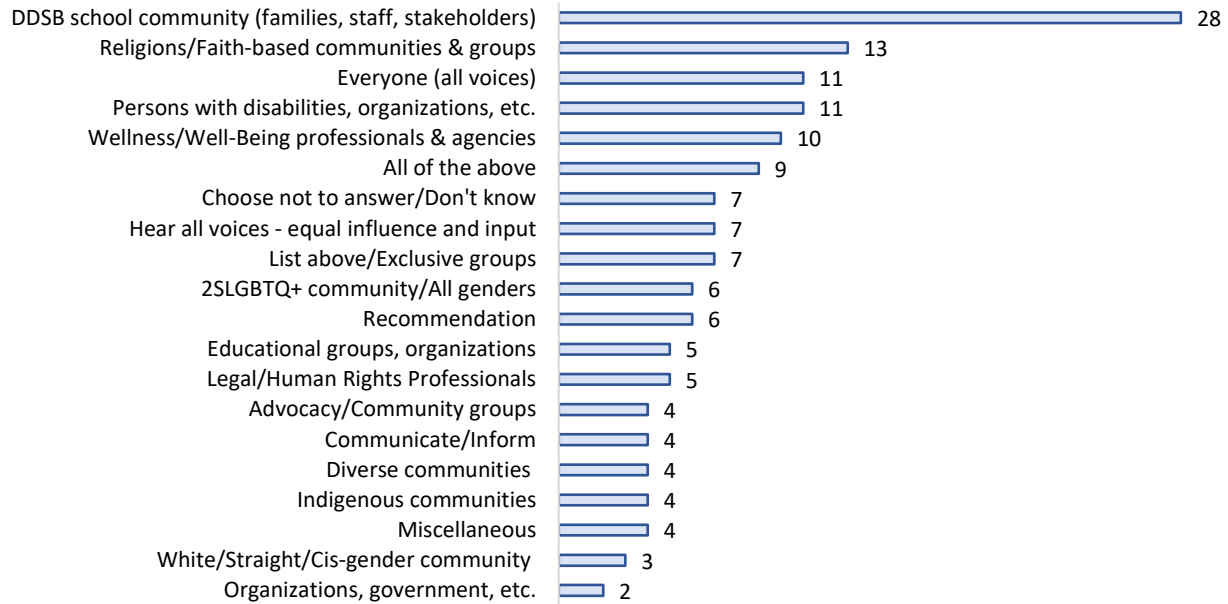
Who should the DDSB reach out to and hear from?

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

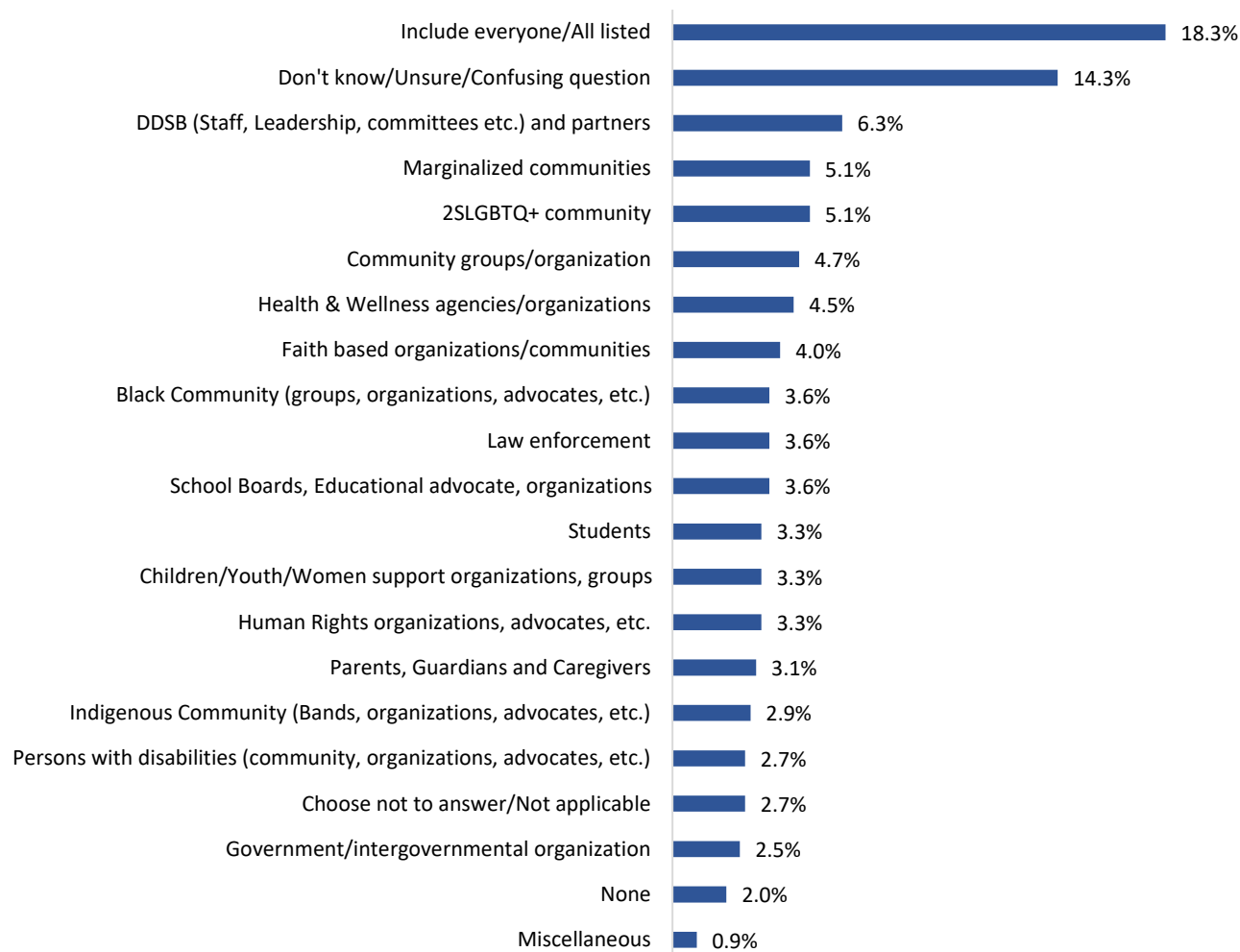


Question 13 Which community groups and agencies should be involved?

Figure 13

Which community groups and agencies should be involved with the DDSB Human Rights Policy Consultations?

Responses n=446

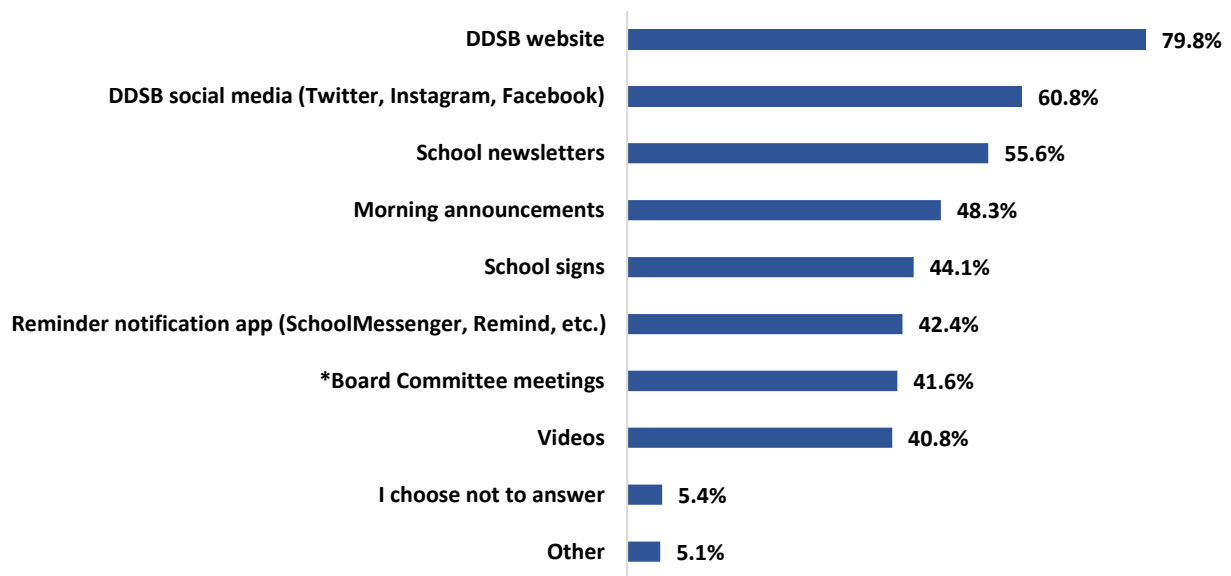


Question 14 How to reach different groups to share information about the human rights policy and consultation

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.

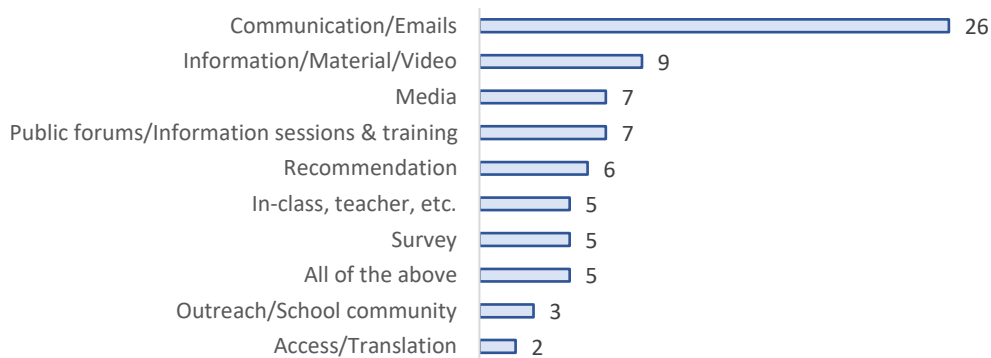
I would like the DDSB to share information about the policy and invite feedback by using: (Select as many as you would like)

Figure 14:
Methods/ways to share information about the policy and invite feedback
n=1,304



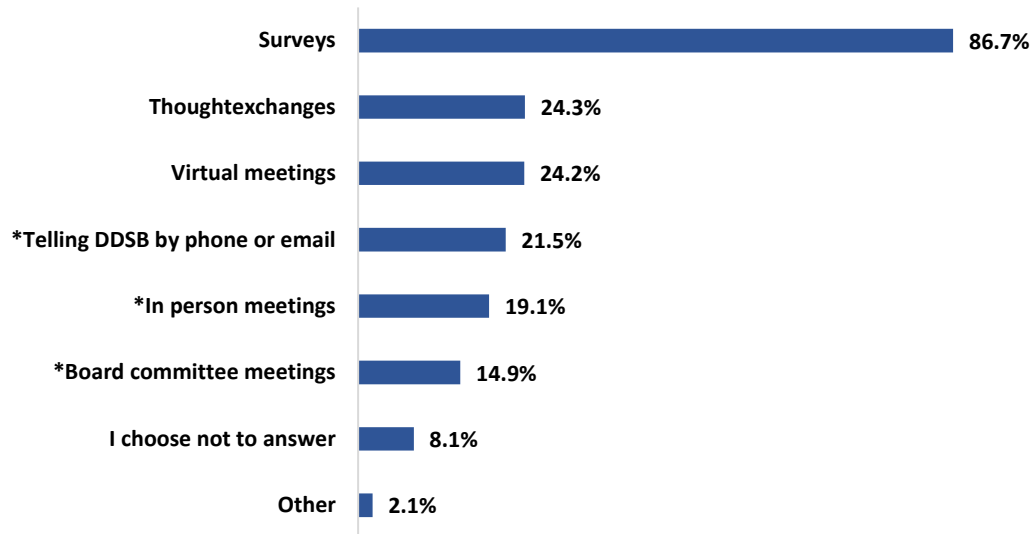
*Board Committee meetings (Special Education Advisory Committee, Parent Involvement Committee, Diversity and Equity Steering Committee)

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

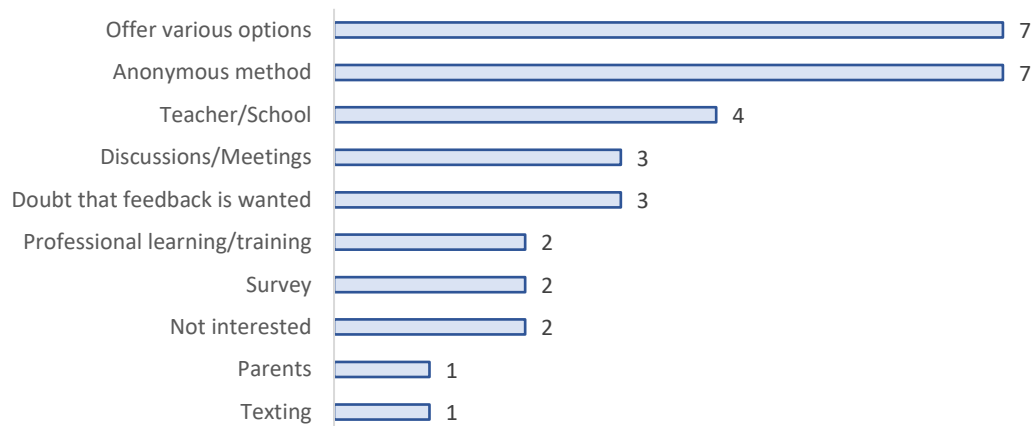


*Board committee meetings (Special Education Advisory Committee, Parent Involvement Committee, Diversity and Equity Steering Committee)

*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



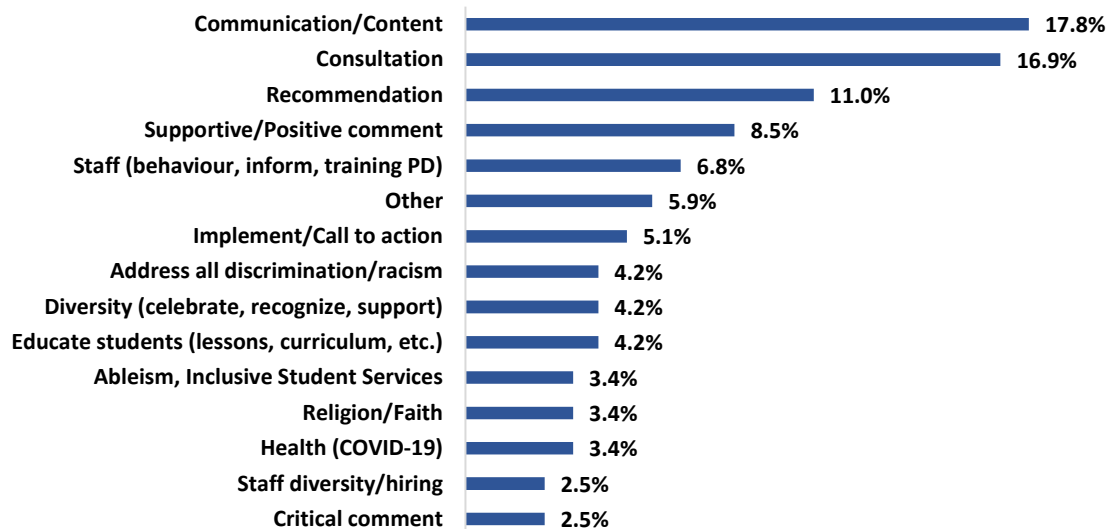
Question 16 We appreciate you sharing your perspectives.

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

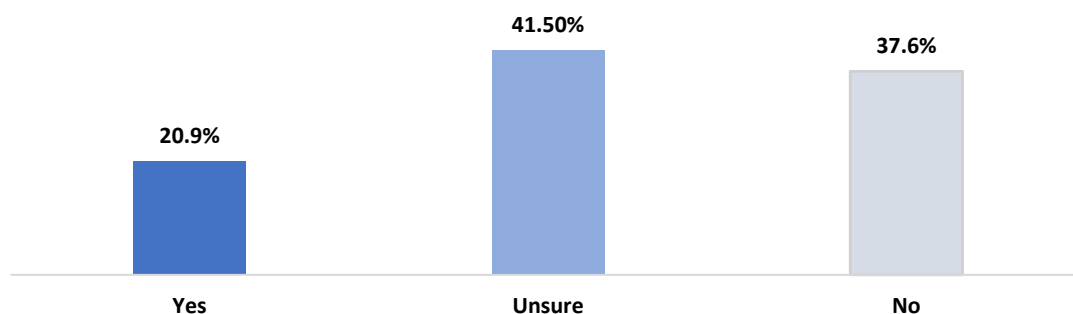


Question 17 *Would you be interested in attending a virtual public consultation meeting to hear more about the policy development and consultation processes and to provide more feedback?*

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%)