



## **DURHAM DISTRICT SCHOOL BOARD**

### **NOTICE OF MEETING**

#### **GOVERNANCE AND POLICY COMMITTEE PUBLIC SESSION**

Chairperson: Michael Barrett  
Vice Chairperson: Niki Lundquist

**DATE:** Thursday, March 3, 2022

**TIME:** 6:00 p.m.

**LOCATION:** Virtual

**ATTACHMENTS:** Agenda

**Copies to:**  
All Trustees  
Director of Education  
All Superintendents

**GOVERNANCE AND POLICY COMMITTEE MEETING**  
**Thursday, March 3, 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 31, 2022	1 – 3
6. <u>Recommended Actions</u>	
(a) Draft Human Rights, Anti-Discrimination and Anti-Racism Policy	4 - 52
7. <u>Other Business</u>	
(a) Date of Next Meeting	Verbal
<u>Adjournment</u>	



## **Minutes - Governance and Policy Committee Meeting**

**Monday, January 31, 2022, 6:00 p.m., Virtual**

Trustees: Linda Stone, Donna Edwards, Carolyn Morton, Christine Thatcher, Michael Barrett, Patrice Barnes, Scott Templeton, Darlene Forbes, Chris Braney, Niki Lundquist

Regrets: Trustee Paul Crawford

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, Andrea McAuley, Policy Analyst Ahmad Khawaja

Recording Secretary: Gillian Venning

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### **1. Call to Order**

Trustee Linda Stone, Committee Chair, called the meeting to order at 6:02 p.m. Before moving to item 2 on the agenda, Chair Stone stepped down from the position of Chair of the Governance and Policy Committee and left the meeting.

Director of Education Norah Marsh Chaired the meeting until the election process for a new Chair could be completed.

### **2. Land Acknowledgment**

Trustee Barnes read out the Land Acknowledgement.

### **3. Declarations of Interest**

There were no Declarations of Interest.

### **4. Approval of Agenda**

Trustee Lundquist put forth a motion to amend the agenda as follows:

That 6(a) Election of Vice Chairperson, under Recommended Actions be moved to 6(b) and that Election of Chairperson be added as 6(a). 6(b) under Recommended Actions becomes 6(c).

The motion to amend was seconded by Trustee Edwards.

AMENDMENT CARRIED

**5. Approval of Minutes – January 24, 2021**

CARRIED

**6. Recommended Actions**

**(a) Election of Chairperson**

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

Trustee Niki Lundquist nominated Trustee Michael Barrett. Trustee Barrett accepted the nomination.

After three calls for additional nominations and seeing none, nominations for Chair were closed.

Trustee Barrett was acclaimed Chair of the Governance and Policy Committee and took over the remainder of the meeting.

**(b) Election of Vice Chairperson**

Chair Barrett opened nominations for the position of Vice Chair of the Governance and Policy Committee.

Trustee Carolyn Morton nominated Trustee Patrice Barnes. Trustee Barnes accepted the nomination.

Trustee Niki Lundquist self-nominated.

After three calls for additional nominations and seeing none, nominations for Vice Chair were closed.

Vice Chair candidates were provided the opportunity to speak to their nomination.

Confidential polling took place. Trustee Lundquist was elected Vice Chair of the Governance and Policy Committee.

**(c) Motion**

Trustee Braney introduced a motion to move the draft Human Rights Policy to the next Standing Committee meeting taking place on February 7, 2022.

Members were provided the opportunity to speak in support of or against the motion before a vote took place.

DEFEATED

**7. Draft Human Rights Policy and Procedures**

Members discussed the most effective and efficient way to allow for further discussion of the draft Policy, while reaffirming the importance of moving the Policy forward for approval in a timely manner.

It was agreed that members should submit any comments on the Policy package in writing to the Committee Recording Secretary by end of day on Monday, February 7, 2022. Comments will be included on the next agenda for the Committee.

It was noted that while all feedback and comments are welcome and will be given fair consideration, all may not be incorporated depending on their nature. It was also noted that following receipt and consideration of all comments received, a meeting of the Committee is to be scheduled to present revised documents with the goal of moving the Policy to the Standing Committee.

Staff to prepare a proposed timeline for moving the policy forward to board approval. The draft timeline is to be presented for consideration at the February 7, 2022 Standing Committee meeting.

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

**8. Date of Next Meeting**

To be determined by email poll.

**9. Adjournment**

Meeting adjourned at 7:18 p.m.

## DURHAM DISTRICT SCHOOL BOARD ADMINISTRATIVE REPORT

**REPORT TO:** Durham District School Board  
Governance and Policy Committee

**DATE:** March 3, 2022

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

**PAGE:** 1 of 4

**ORIGIN:** Norah Marsh, Director of Education and Secretary to the Board  
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”) that reflects Trustee feedback.

### 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.

- 3.3 On October 25 and November 9, 2021, the Governance and Policy Committee received drafts of the Human Rights Policy and related procedures for review, discussion and feedback, following which staff engaged in Phase 2 of community consultations.
- 3.4 On January 24 and January 31, 2022, the Governance and Policy Committee received a report on the results of the consultations, a summary of the changes made to reflect consultation feedback, and a revised draft Human Rights Policy and related procedures. Trustees discussed and provided feedback and suggested changes. As set out below, comments were received and considered.
- 3.5 At the February 7, 2022 Standing Committee meeting, the Director presented proposed options and timelines for moving the policy forward to the Standing Committee and Board Meetings, for information.

#### Trustee Feedback

- 3.6 The feedback received from Trustees may be summarized as follows:
- Ensuring that the policy more clearly indicated that it applies to all Human Rights Code-protected groups and that there is no perception of inequitable application or a hierarchy of rights or types of oppression;
  - Simplifying language to enhance accessibility, readability and usability;
  - Questions about terminology/definitions and concepts (for example, duty bearer responsibilities);
  - Clarifying Trustees' roles and responsibilities;
  - Questions about implementation (for example, timelines, resources, training/professional development);
  - Stipulating/clarifying the procedures for complaints against students and parents/guardians;
  - Referencing legislation; and
  - Spelling/grammar changes.
- 3.7 This feedback has informed the revised policy attached at Appendix A for this committee's consideration prior to the policy moving forward to the Standing Committee. A chart summarizing Trustees' feedback is attached at Appendix C.
- 3.8 Given the changes made to the policy, any required corresponding changes have not yet been made to the accompanying procedures. Following response to the revised policy, staff will then incorporate changes to the procedures so that Trustees are able to view the policy within the context of supporting procedures at the Standing Committee.

#### 4.0 Analysis

The draft policy:

- Aligns with legal requirements under the Ontario Human Rights Code, Anti-Racism Act, Accessibility for Ontarians with Disabilities Act and related legislation;

- Is informed by policy guidance, strategies and resources from the Ontario Human Rights Commission, Anti-Racism Directorate and other school boards; and
- Reflects community input and voice through a broad, two-phased consultation process.

## **5.0 Financial Implications**

- 5.1 As noted in the October 25, 2021 report, operational resources to support policy implementation are already included in the current budget approved by the Board of Trustees. In addition, training costs are integrated with the professional development budget as the District works interdepartmentally within the Operational Plan to place Indigenous rights and human rights at the centre of all learning.

## **6.0 Evidence of impact**

- 6.1 The draft policy is expected to:

- Support the DDSB in meeting its legal obligations to uphold, promote and protect human rights and prevent discrimination in DDSB learning and working environments;
- Contribute to the DDSB's strategic priorities and commitments;
- Enhance equitable experiences, access and opportunities and prevent disproportionate and discriminatory outcomes for students and employees;
- Clarify human rights roles and responsibilities; and
- Contribute to creating an organizational culture of human rights that is accountable to DDSB communities.

- 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 Policy development and approvals process:

<b>Date</b>	<b>Action</b>
Oct 2020	Presented framework for developing a human rights, anti-discrimination, anti-racism and respectful workplace policy and consultation plan to Board of Trustees for approval
Nov 2020	Board of Trustees passed resolution to proceed with consultation on policy development
Nov 2020 to May 2021	Completed Phase 1 of community consultations and drafted proposed policy package
Jun to Oct 2021	Internal review and revisions to the draft policy package



Oct 25 and Nov 9	Presented draft policy package to Board Governance and Policy Committee for review and discussion before engaging in Phase 2 community consultations
Nov 2021 to Jan 2022	Completed Phase 2 community consultations Revised policy package based on community feedback
Jan 24 and 31	Presented revised policy package to Board Governance and Policy Committee
Feb 7	Received written feedback from Trustees
Feb 8 to 18	Revised draft policy based on Trustee feedback
March 3	Present revised policy 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 policy, upon approval.

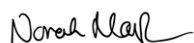
## **8.0 Conclusion and/or Recommendations**

This report is provided to the Governance and Policy Committee for consideration and approval.

## **9.0 Appendices**

Appendix A – Revised Draft Human Rights, Anti-Discrimination and Anti-Racism Policy  
 Appendix B – Tracked changes version of draft policy with revisions from January 24 to date  
 Appendix C – Trustee Feedback on the Draft Human Rights, Anti-Discrimination and Anti-Racism Policy

Report reviewed and submitted by:



Norah Marsh, Director of Education and Secretary to the Board



Patrick Cotter, General Counsel



Devika Mathur, Human Rights and Equity Advisor



# POLICY

## STUDENTS, EMPLOYEES AND COMMUNITY

### **DRAFT** Human Rights, Anti-Discrimination and Anti-Racism Policy

#### 1.0 Rationale

- 1.1 The Durham District School Board (“DDSB”) adopts this policy to protect, uphold and promote human rights and to prevent discrimination and discriminatory barriers in all DDSB learning and working environments. Protecting, upholding and promoting human rights are necessary to meet the mandate of the DDSB and 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 In this policy and related procedures, “discrimination” means all forms of individual, intersectional and systemic discrimination in respect of any of the Prohibited Grounds (as defined in this policy). There is no hierarchy of rights: The policy applies equally to all Prohibited Grounds and combination of grounds and applies to all forms of discrimination, including (and not limited to) racism, ableism, sexism, homophobia, biphobia, transphobia, faithism and classism.
- 1.3 The DDSB adopts this policy to better fulfill its obligations under the Ontario Human Rights Code (the “Code”) and in so doing recognizes that human rights, anti-discrimination (anti-racist, anti-ableist, anti-sexist, anti-homophobic, anti-biphobic, anti-transphobic, anti-faithist and anti-classist) approaches, actions and initiatives are required to address all forms of discrimination.
- 1.4 In addition, this policy addresses the DDSB’s obligations under the Anti-Racism Act and the Accessibility for Ontarians with Disabilities Act (AODA). This in no way diminishes the Board’s commitment to address all forms of discrimination with equal determination as is reflected in the terms of this Policy below and the detailed procedures implementing this policy.
- 1.5 Key human rights and equity terms used in this policy are defined in Appendix A: Glossary of Terms.
- 1.6 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.
- 1.7 Systemic discrimination is pervasive and deeply entrenched and operates in society, institutions, structures, policies and standards, including in educational institutions and the DDSB. This stems from the effects of:
  - a) Discriminatory ideologies and systems and the structural dominance of white supremacy, racism, sexism, ableism, heteronormativity, cisnormativity/cisgenderism, cissexism, faithism and classism; and

- b) Historical and ongoing colonialism, systemic and intersecting discrimination and oppression, including but not limited to the legacies and ongoing intergenerational effects of residential schools, enslavement and unique discriminatory structures, policies and practices against people based on ancestry, race, disability, sex, sexual orientation, gender identity, gender expression, creed, age, other Code prohibited grounds, combination of grounds and socioeconomic status.

1.8 These discriminatory ideologies and structures perpetuate dominant perspectives (including white supremacy and racist, ableist, sexist, gendered, heteronormative, cisnormative, cissexist, faithist and classist assumptions, stereotypes and beliefs) that:

- a) Erase or diminish students' and employees' identities, voices, knowledge and experiences because of inaccurate information, biases, attitudes and stereotypes (for example, deficit ideologies and low expectations); and
- b) Do not consider 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 subjected to discrimination, and other Code-protected groups.

1.9 Discrimination causes harm to students, families, employees and communities and can:

- a) Negatively affect physical, emotional, psychological and spiritual safety, mental health and well-being;
- b) Create barriers to academic and employment-related achievement and success; and
- c) Result in inequitable and disproportionate educational, employment/career and social experiences, opportunities and outcomes.

1.10 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, cisnormativity/cisgenderism, cissexism, biphobia, transphobia, faithism, ageism and classism;
- b) Identify, prevent and address all forms of discrimination 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, oppression and harm.

1.11 The DDSB also recognizes the critical role and responsibilities it, and the education system as a whole, has in creating a climate of understanding and mutual respect for all DDSB community members, and in supporting learning about human rights.

## 2.0 Policy Objectives

2.1 The key objectives of this policy are to:

- a) Establish a 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, 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 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 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; and
- j) Support accessible, safe, fair and effective human rights issue and complaint resolution processes.

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), 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. This policy references the following defined terms:

- *DDSB community members* are employees, students, parents/guardians, families permit holders, vendors, service providers, authorized visitors and any other person authorized to be present 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).
- *DDSB employees* 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 OHSA.

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**

##### 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 (“Prohibited Grounds”):

- 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
- Record of offenses (in employment only)
- Sex (includes pregnancy, chestfeeding and expressing breast milk)
- Sexual orientation
- Socioeconomic status.

- 3.6 The Prohibited Grounds of discrimination under this policy shall be deemed amended to reflect any changes to the Code or expansion of analogous grounds as determined by a court of competent jurisdiction.
- 3.7 Language/language-related needs that are connected to a Code ground(s) may be addressed under this policy.
- 3.8 This policy also prohibits discrimination and harassment based on:
- a) Association or relationship with a person who identifies based on one or more of the Prohibited Grounds;
  - b) The perception that a person identifies based on one or more of the Prohibited Grounds (for example, perceived ancestry, race, creed/religion, disability, sexual orientation, gender identity, etc.); and
  - c) Any combination of two or more Prohibited 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

- 3.9 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 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

- 3.10 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.

### Raising Issues or Complaints about Policy Violations

- 3.11 Any community member may assert a violation of this Policy. The process for doing so is as follows:
- a) A complaint by a DDSB employee against another DDSB employee alleging a breach of this policy would proceed under the complaints process set out in the Safe and Respectful Workplace, Workplace Harassment Prevention and Workplace Sexual Harassment Policy and Procedure;
  - b) A complaint by a student/family against a DDSB employee alleging a breach of this policy would proceed under the Student/Family Human Rights Issue/Incident and Complaint Resolution Procedure adopted under this policy; and
  - c) Issues with respect to other community members failing to comply with the terms of this policy (such as students and parents/guardians) would be addressed with reference to the Code of Conduct and Discipline for Students and in the same manner as any other alleged breach of the Code of Conduct and Discipline for Students.

### Consequences for Policy Violations

- 3.12 The 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 education/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 and 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

- 3.13 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 consistent with the Ontario Human Rights Commission's *Policy on Competing Human Rights* framework, human rights and legal principles (for example, that no rights are absolute and that there is no hierarchy of rights) and relevant case law.

### Right to Pursue Other Avenues

- 3.14 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

- 3.15 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. Responsibilities

- 3.16 All DDSB community members have a responsibility to treat other DDSB community members with dignity and respect and to not violate this policy.

### Board of Trustees

- 3.17 The Board of Trustees, in fulfillment of its policy-making and statutory functions under the Education Act, has responsibilities to:
- a) Consider and apply the objectives and principles of this policy in 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.

### Employees' Responsibilities

- 3.18 As an employer and a service provider, the DDSB has legal obligations and responsibilities under the Code to provide services and employment free from discrimination. Under this policy, all DDSB employees have (or bear) a duty to meet or contribute to these obligations.
- 3.19 As "Duty Bearers", all employees 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. As "Duty Bearers," employees must:
- 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, teaching and learning, services, and operational, corporate and employment related procedures, practices, plans, initiatives and decision making;
  - c) **Respond to** and address human rights barriers, issues and accommodation requests under the 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 To meet these responsibilities, employees as Duty Bearers must:
- 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 Prohibited Grounds and intersections of grounds;
  - b) Contribute to shared organizational roles, responsibilities and accountabilities for upholding human rights and preventing discrimination;



- c) Adopt (and/or strengthen) and apply human rights, anti-oppressive, anti-discriminatory, anti-racist, inclusive and culturally relevant principles and practices to services, service delivery and employment;
- d) Not treat any community member differently because of biases, assumptions, prejudices, stigmatization or stereotypes associated with a Prohibited Ground or combination of grounds; and
- e) 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.

3.21 When making decisions that affect a student's right to education or an employee's right to employment without discrimination, employees must seek to:

- a) 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
- b) 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 and people who identify as members of groups that are discriminated against based on creed/religion and other all Prohibited Grounds.

3.22 The Director of Education shall establish procedures that set out additional responsibilities of employees as Duty Bearers.

### **C. Policy Directives**

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

- a) Focus on intentional anti-discrimination, anti-oppression 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 based on Prohibited 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-oppression, 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;
  - Identify, prevent and address discriminatory structures and barriers for (and related needs of) students and employees based on all Prohibited Grounds and intersecting grounds 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 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) Ensure that learning resources and materials challenge racism, sexism, ableism, homophobia, biphobia, transphobia, faithism and all forms of discrimination and do not contribute to or perpetuate discriminatory biases, assumptions, stereotypes and harm;
- h) Address the unique strengths and needs of, and barriers for, newcomers, undocumented students, English language learners and children and youth in care;
- i) Promote anti-discrimination, anti-racism, anti-ableism, anti-homophobia, anti-biphobia, anti-transphobia, anti-faithism and anti-classism;
- j) Affirm and reflect all identities in DDSB spaces and displays (e.g., posters, visual displays, content, etc.);
- k) Have libraries with books and other resources that reflect diverse identities, authors, perspectives and lived experiences;
- l) Foster the use of inclusive pronouns, language and activities;

- m) Improve transparency and accountability in addressing Code related accommodation requests or needs to the point of undue hardship;
- n) Provide for dispute resolution processes for Code issues, incidents and complaints; and
- o) Establish an accountability framework that further outlines Duty Bearers' roles and responsibilities and system requirements to support an accountable human rights organization;
- p) 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
- q) Evaluate and publicly report to the Board of Trustees on the effectiveness of this policy in achieving this policy's objectives and on organizational compliance with this policy.

3.24 The Director and/or designates:

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

## **D. Communications**

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

3.26 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 early review and potential update of this policy may be triggered by:

- a) Information, trends, data and analysis contained in the regular reports to be delivered to the Board of Trustees by the Director of Education as to the effectiveness of this policy in meeting its objectives;

- b) Input from and evidence of impact on students, employees and DDSB community members; and
- c) Evolving human rights law, policy and/or practices.

## 5.0 Reference Documents

### 5.1 Policies

- Indigenous Education
- Consultative Process
- Equity and Inclusive Education
- Safe and Respectful Workplace, Workplace Harassment Prevention and Workplace Sexual Harassment Policy
- Equitable Recruitment
- Positive School Climates
- Code of Conduct and Discipline for Students

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

- Universal Declaration of Human Rights
- United Nation Declaration on the Rights of Indigenous Peoples
- United Nations Convention on the Rights of the Child
- United Nations Convention on the Elimination of All Forms of Racial Discrimination
- United Nations Convention on the Rights of Persons with Disabilities
- Yogyakarta Principles
- 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
- Child, Youth and Family Services Act (which incorporates many elements of Katelynn's Principle)
- Employment Standards 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 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. Three models of disability are:

- **Medical Model of disability:** disability as a feature of a person that is caused by a disease, health condition or trauma that can disrupt the functioning of a person in a physiological or cognitive way and that requires medical care or treatment. This model views disability as a condition a person has and focuses on preventing, treating or curing the condition to “correct” it.
- **Functional Model of disability:** disability as an impairment or deficit that is caused by physical, medical or cognitive deficits that limits a person’s functioning or the ability to perform functional activities.
- **Social Model of disability:** disabilities as socially created instead of based on impairments or deficits. It focuses on various barriers that people with disabilities face, including physical, architectural, information, communications, attitudinal, and technological barriers and other features of the physical or social environment.

**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 responsibilities:** within the scope of their role, DDSB employees have responsibilities and obligations and contribute to the District's organizational responsibilities as an employer and a service provider to uphold the Human Rights Code and this policy. Employees' duty bearer responsibilities are outlined in this policy and related procedures and include promoting, protecting and upholding human rights and preventing and addressing discrimination in DDSB services, employment and learning and working environments.

**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).

**“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.

**Neurodiversity:** the concept that neurological differences are not “defective” but are the result of natural variations in the human genome.

**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, meaningful and fulfilling 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 based on 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 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:** a term that describes people with diverse gender identities and gender expressions that do not conform to society's stereotypical or binary (male/female) views about gender. "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) and can include people whose gender identity differ from the sex they were assigned at birth, who identify as existing between male and female, or who identify in different ways beyond the male/female binary.

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



# POLICY

## STUDENTS, EMPLOYEES AND COMMUNITY

### **DRAFT** Human Rights, Anti-Discrimination and Anti-Racism Policy

#### 1.0 Rationale

- 1.1 The Durham District School Board (“DDSB”) adopts this policy to protect, uphold and promote human rights and to ~~proactively~~ prevent discrimination and discriminatory barriers in all DDSB learning and working environments. Protecting, upholding and promoting human rights are necessary to meet the mandate of the DDSB and 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 In this policy and related procedures, “discrimination” means all forms of individual, intersectional and systemic discrimination in respect of any of the Prohibited Grounds (as defined in this policy). There is no hierarchy of rights: The policy applies equally to all Prohibited Grounds and combination of grounds and applies to all forms of discrimination, including (and not limited to) racism, ableism, sexism, homophobia, biphobia, transphobia, faithism and classism.
- 1.3 The DDSB adopts this policy to better fulfill its obligations under the Ontario Human Rights Code (the “Code”) and in so doing recognizes that human rights, anti-discrimination (anti-racist, anti-ableist, anti-sexist, anti-homophobic, anti-biphobic, anti-transphobic, anti-faithist and anti-classist) approaches, actions and initiatives are required to address all forms of discrimination.
- 1.4 In addition, this policy addresses the DDSB’s obligations under the Anti-Racism Act and the Accessibility for Ontarians with Disabilities Act (AODA). This in no way diminishes the Board’s commitment to address all forms of discrimination with equal determination as is reflected in the terms of this Policy below and the detailed procedures implementing this policy.
- 4.21.5 Key human rights and equity terms used in this policy are defined in Appendix A: Glossary of Terms.
- 4.31.6 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.
- 4.41.7 Systemic discrimination ~~and racism are~~ pervasive and deeply entrenched and ~~operate~~ operates in society, institutions, structures, policies and standards, including in educational institutions and the DDSB. ~~They stem~~ This stems from the effects of:
- a) Discriminatory ~~and racist~~ ideologies, ~~and~~ systems, ~~cultures~~ and the structural dominance of white supremacy, racism, sexism, ableism, heteronormativity, cisnormativity/cisgenderism, cissexism, faithism and classism; and

- b) Historical and ongoing colonialism, systemic and intersecting discrimination and oppression, including but not limited to the legacies and ongoing intergenerational effects of residential schools, enslavement and unique 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 <sup>8</sup> These 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;~~

~~Inappropriately centering dominant narratives, identities, beliefs and ideologies and structures perpetuate dominant perspectives (including white supremacy and racist, ableist, sexist, gendered, heteronormative, cisnormative, cissexist, faithist and classist assumptions, stereotypes, and beliefs, narratives and language;) that:~~

- ~~c) Upholding Erase or diminish students' and perpetuating:~~
- ~~a) employees' identities, voices, knowledge and experiences because of inaccurate information, biases, attitudes, and stereotypes (for example, deficit ideologies, and low expectations and stigmatization based on identities;); and~~
- ~~b) Negative depictions of Do not consider 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 subjected to discrimination, and other groups Code-protected by the Human Rights Code; groups.~~
- ~~d) Erasing, suppressing or diminishing many students' and employees' identities, voices, knowledge, culture and experiences; and~~

~~Creating, maintaining,~~

~~1.9 Discrimination causes harm to students, families, employees and communities and can:~~

- ~~a) Negatively affect physical, emotional, psychological and spiritual safety, mental health and/or imposing discriminatory structures, well-being;~~
- ~~b) Create barriers, inequities, disparities to academic and employment-related achievement and success; and~~
- ~~a)c) Result in inequitable and disproportionate educational, employment/career, and social and other experiences, opportunities, experiences, processes and outcomes.~~

1.10 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, cisnormativity/cisgenderism, cissexism, biphobia, transphobia, faithism, ageism and classism;

- b) Identify, prevent and address all forms of 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.

1.11 The DDSB also recognizes the critical role and responsibilities it, and the education system as a whole, has in creating a climate of understanding and mutual respect for all DDSB community members, and in supporting learning about human rights.

## 2.0 Policy Objectives

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; and

- 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;~~

~~4.51.1 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~~

- m) ~~i) 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. This policy references the following defined terms:

- *DDSB community members* are employees, students, parents/guardians, families permit holders, vendors, service providers, authorized visitors and any other person ~~while~~ lawfully authorized to be present 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).
- *DDSB employees* 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 OHSA.

- 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~~: ("Prohibited Grounds"):

- 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, chestfeeding and ~~breastfeeding~~/expressing breast milk)
- ~~Sexual orientation~~
- Socioeconomic status.

- 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.

- ~~3.1 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.~~

- ~~3.2 — 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.~~
- ~~3.3 — 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.~~
- ~~3.4 — 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.~~
- 3.7 — Consistent with the Human Rights Code, Language/language-related needs that are connected to a Code ground(s) may be addressed under this policy.

3.7.3.8 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) of the Prohibited Grounds;
- b) The perception that a person identifies based on one or more Human Rights Code ground(s) of the Prohibited Grounds (for example, perceived ancestry, race, creed/religion, disability, sexual orientation, gender identity, etc.); and
- c) Any combination of two or more Prohibited 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

3.8.3.9 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

3.93.10 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.

### Raising Issues or Complaints about Policy Violations

3.11 Any community member may assert a violation of this Policy. The process for doing so is as follows:

- a) A complaint by a DDSB employee against another DDSB employee alleging a breach of this policy would proceed under the complaints process set out in the Safe and Respectful Workplace, Workplace Harassment Prevention and Workplace Sexual Harassment Policy and Procedure;
- b) A complaint by a student/family against a DDSB employee alleging a breach of this policy would proceed under the Student/Family Human Rights Issue/Incident and Complaint Resolution Procedure adopted under this policy; and
- c) Issues with respect to other community members failing to comply with the terms of this policy (such as students and parents/guardians) would be addressed with reference to the Code of Conduct and Discipline for Students and in the same manner as any other alleged breach of the Code of Conduct and Discipline for Students.

### Consequences for Policy Violations

3.103.12 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 education/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 and 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

3.113.13 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 consistent with the Ontario Human Rights Commission's *Policy on Competing Human Rights* framework, human rights and legal principles (for example, that no rights are

absolute and that there is no hierarchy of rights) and relevant case law.

## Right to Pursue Other Avenues

3.123.14 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

3.133.15 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

3.16 All DDSB community members have a responsibility to treat other DDSB community members with dignity and respect and to not violate this policy.

### Board of Trustees

3.17 The Board of Trustees, in fulfillment of its policy-making and statutory functions under the Education Act, has responsibilities to:

- a) Consider and apply the objectives and principles of this policy in 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.

~~3.5 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.~~

### All ~~Duty Bearers~~ Employees' Responsibilities

3.18 As an employer and a service provider, the DDSB has legal obligations and responsibilities under the Code to provide services and employment free from discrimination. Under this policy, all DDSB employees have (or bear) a duty to meet or contribute to these obligations.

3.143.19 As "Duty Bearers", all employees 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: As "Duty Bearers," employees must:

- 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, teaching and in-all learning, services, and operational, corporate 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.

3.153.20 ~~Further,~~ To meet these responsibilities, employees as Duty Bearers ~~shall~~ must:

- 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 Prohibited Grounds and intersections of grounds;
- b) ~~Contribute to shared organizational roles, responsibilities and accountabilities for upholding human rights and preventing discrimination and racism;~~
- b)c) Adopt (and/or strengthen) and apply human rights, anti-oppressive, anti-discriminatory, anti-racist, inclusive and culturally relevant principles and practices to services, service delivery and employment;
- d) Not treat any community member differently because of biases, assumptions, prejudices, stigmatization or stereotypes associated with a Prohibited Ground or combination of grounds; and
- e)e) 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;

~~b) 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~~

3.163.21 When making decisions that affect a student's right to education or an employee's right to employment without discrimination, employees must seek to:

- a) 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



- b) 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, and 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 Prohibited Grounds.

~~3.6~~ The Director of Education ~~may define and clarify~~ shall establish procedures that set out additional Duty Bearer responsibilities ~~in procedures implementing this policy.~~

~~3.173.22~~ Board of Trustees employees as Duty Bearers.

~~3.7~~ 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)a) 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 Directives

~~3.183.23~~ The Director of Education and designates shall implement this policy in procedures, protocols and/or practices ~~that will~~ to:

- a) Focus on intentional anti-discrimination, anti-oppression 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 Prohibited 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~~ oppression, 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, Prohibited Grounds and 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~~ Ensure that learning resources and materials ~~that~~ challenge racism, sexism, ableism, homophobia, biphobia, transphobia, faithism and all forms of discrimination; and do not contribute to or perpetuate discriminatory biases, assumptions, stereotypes and harm;
- ~~h) Remove resources that contribute to or perpetuate discriminatory biases, assumptions, stereotypes and/or harm;~~
- ~~i)h)~~ 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)i)~~ Promote anti-discrimination, anti-racism, anti-ableism, anti-homophobia, anti-biphobia, anti-transphobia, anti-faithism, and anti-classism;
- ~~l)j)~~ Affirm and reflect all identities in DDSB spaces and displays (e.g., posters, visual displays, content, etc.);
- ~~m)k)~~ Have libraries with books and other resources that reflect diverse identities, authors, perspectives and lived experiences;
- ~~n)l)~~ Foster the use of inclusive pronouns, language, and activities;
- ~~o)m)~~ Improve transparency and accountability in addressing Human Rights Code related accommodations requests or needs to the point of undue hardship;



- ~~g)n)~~ Provide for dispute resolution processes for ~~Human Rights~~ Code issues, incidents and complaints; and
- ~~g)o)~~ Establish an accountability framework that further outlines Duty Bearers' roles and responsibilities and system requirements to support an accountable human rights organization;
- ~~g)p)~~ 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
- ~~g)q)~~ Evaluate and publicly report to the Board of Trustees on the effectiveness of this policy in achieving this policy's objectives and on organizational compliance with this policy.

3.24 The Director and/or designates:

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

~~3.8~~ The Director and/or designates shall:

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

## D. Communications

~~3.19~~3.25 This policy and any related procedures shall be posted on the Board's website together with any supporting resources, guidelines or explanatory ~~aides~~aids.

~~3.20~~3.26 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 early review ~~process will~~and potential update of this policy may be triggered by:

a) ~~Reflect qualitative and quantitative data;~~

a) Include Information, trends, data and analysis contained in the regular reports to be delivered to the Board of Trustees by the Director of Education as to the effectiveness of this policy in meeting its objectives;

b) Input from and evidence of impact on students, employees and DDSB ~~communities~~community members; and

c) ~~Reflect~~ Evolving human rights law, policy and/or practices.

## 5.0 Reference Documents

### 5.1 Policies

- Indigenous Education
- Consultative Process
- Equity and Inclusive Education
- Safe and Respectful Workplace, Workplace Harassment Prevention and Workplace Sexual Harassment Policy
- Equitable Recruitment
- Positive School Climates
- ~~Workplace Harassment and Workplace Sexual Harassment~~
- Code of Conduct and Discipline for Students

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

- Universal Declaration of Human Rights
- United Nation Declaration on the Rights of Indigenous Peoples
- United Nations Convention on the Rights of the Child
- United Nations Convention on the Elimination of All Forms of Racial Discrimination
- United Nations Convention on the Rights of Persons with Disabilities
- Yogyakarta Principles
- 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
- Child, Youth and Family Services Act (which incorporates many elements of Katelynn's Principle)
- Employment Standards 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. Three models of disability are:

- **Medical Model of disability:** disability as a feature of a person that is caused by a disease, health condition or trauma that can disrupt the functioning of a person in a physiological or cognitive way and that requires medical care or treatment. This model views disability as a condition a person has and focuses on preventing, treating or curing the condition to “correct” it.
- **Functional Model of disability:** disability as an impairment or deficit that is caused by physical, medical or cognitive deficits that limits a person’s functioning or the ability to perform functional activities.
- **Social Model of disability:** disabilities as socially created instead of based on impairments or deficits. It focuses on various barriers that people with disabilities face, including physical, architectural, information, communications, attitudinal, and technological barriers and other features of the physical or social environment.

**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 responsibilities:** within the scope of their role, DDSB employees who have responsibilities and obligations and contribute to the District's organizational responsibilities as an employer and a service provider to uphold the Human Rights Code and this policy. Employees' duty bearer responsibilities are responsible for outlined in this policy and related procedures and include 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.

**Neurodiversity:** the concept that neurological differences are not “defective” but are the result of natural variations in the human genome.

**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, productivemeaningful and profitablefulfilling 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 based 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 that describes people whose with diverse gender identities differ from the sex they were assigned at birth and gender expressions that do not conform to society's stereotypical or binary (male/female) views about gender. "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-) and can include people whose gender identity differ from the sex they were assigned at birth, who identify as existing between male and female, or who identify in different ways beyond the male/female binary.

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

## Trustee Feedback on the Draft Human Rights, Anti-Discrimination and Anti-Racism Policy

### General themes:

The feedback received from Trustees may be summarized as follows:

1. Ensuring that the policy clearly applies to all Human Rights Code-protected groups and that there is no perception of inequitable application or a hierarchy of rights or types of oppression;
2. Simplifying language to enhance accessibility, readability and usability;
3. Questions about terminology/definitions and concepts (for example, duty bearer responsibilities);
4. Clarifying Trustees' roles and responsibilities;
5. Questions about implementation (for example, timelines, resources, training/professional development);
6. Clarifying the procedures for complaints against students and parents/guardians;
7. Referencing legislation; and
8. Spelling/grammar changes.

	Trustee Feedback	Proposed Change(s)
		Note: Upon approval of proposed changes based on this feedback, corresponding changes will be made to procedures.
1.	Ensuring that the policy clearly applies to all Human Rights Code-protected groups and that there is no perception of inequitable application or a hierarchy of rights or types of oppression	<p>Added sections 1.2 and 1.3 to clarify what the terms “discrimination” and “anti-discrimination” cover and that the policy applies equally to all groups covered by Human Rights Code</p> <p>Added section 1.4 to highlight that the policy also addresses additional responsibilities under the Anti-Racism Act and the Accessibility for Ontarians with Disabilities Act</p> <p>Added socioeconomic status as a prohibited ground of discrimination under this policy (references to classism previously included and remain)</p> <p>Made corresponding adjustments throughout policy to reflect the above additions</p>

2.	Simplifying language to enhance accessibility, readability and usability	Adjusted language and organization of clauses in the Rationale section to simplify language  Made additional revisions throughout based on specific and general suggestions (for example, to revise clause/grammatical structures and remove unnecessary words, phrases and sections)
3.	Questions about terminology, definitions and concepts	Adjusted language within policy (for example, sections 3.18 to 3.21) and in glossary to add, remove or revise terms
4.	Clarifying Trustees' roles and responsibilities	Added section 1.11 re: role of DDSB  Adjusted sections and language to clarify roles and responsibilities (sections 3.17 and 4.1)
5.	Questions about implementation (for example, timelines, resources, training/professional development)	Not addressed in policy  Learning/building capacity is a duty bearer responsibility  System, department and school action plans are referenced in procedures
6.	Clarifying the procedures for complaints against students and parents/guardians	Added section 3.11
7.	Referencing legislation	Moved to references section
8.	Spelling/grammar	Corrected throughout