



DURHAM DISTRICT SCHOOL BOARD

NOTICE OF MEETING

GOVERNANCE AND POLICY COMMITTEE PUBLIC SESSION

Chairperson: Michael Barrett
Vice Chairperson: Niki Lundquist

DATE: Thursday, March 24, 2022
TIME: 6:00 p.m.
LOCATION: Virtual
ATTACHMENTS: Agenda

Copies to:
All Trustees
Director of Education
All Superintendents

GOVERNANCE AND POLICY COMMITTEE MEETING
Thursday, March 24, 2022
6:00 p.m.

	PAGE
1. <u>Call to Order</u>	Verbal
2. <u>Land Acknowledgement</u>	Verbal
<p>The Durham District School Board acknowledges that many Indigenous Nations have longstanding relationships, both historic and modern, with the territories upon which our school board and schools are located. Today, this area is home to many Indigenous peoples from across Turtle Island. We acknowledge that the Durham Region forms a part of the traditional and treaty territory of the Mississaugas of Scugog Island First Nation, the Mississauga Peoples and the treaty territory of the Chippewas of Georgina Island First Nation. It is on these ancestral and treaty lands that we teach, learn and live.</p>	
3. <u>Declarations of Interest</u>	Verbal
4. <u>Motion to Approve Agenda</u>	Verbal
5. <u>Minutes</u>	
(a) DRAFT minutes of the Governance and Policy Committee meeting of March 3, 2022	1 – 2
6. <u>Recommended Actions</u>	
(a) Draft Safe and Respectful Workplace and Harassment Prevention Policy	3 – 27
(b) Draft Human Rights, Anti-Discrimination and Anti-Racism Policy	28 - 72
<u>Other Business</u>	
(a) Date of Next Meeting	Verbal
<u>Adjournment</u>	



Minutes - Governance and Policy Committee Meeting

Thursday, March 3, 2022, 6:00 p.m., Virtual

Trustees: Michael Barrett, Niki Lundquist, Paul Crawford, Linda Stone, Donna Edwards, Carolyn Morton, Christine Thatcher, Scott Templeton, Darlene Forbes joined the meeting at 6:20 p.m.

Regrets: Trustees Patrice Barnes and Chris Braney

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

Recording Secretary: Gillian Venning

1. Call to Order

Trustee Michael Barrett, Committee Chair, called the meeting to order at 6:01 p.m.

2. Land Acknowledgment

Trustee Barrett read out the Land Acknowledgement.

3. Declarations of Interest

There were no Declarations of Interest.

4. Approval of Agenda

Trustee Edwards put forth a motion to approve the agenda.

CARRIED

5. Approval of Minutes – January 31, 2021

Trustee Lundquist put forth a motion to approve the minutes.

CARRIED

6. Recommended Actions

(a) Draft Human Rights, Anti-Discrimination and Anti-Racism Policy

Chair Barrett summarized trustee feedback received following the last meeting of the Committee as presented in Appendix C of the report.

Director Marsh noted that the procedures accompanying the Human Rights, Anti-Discrimination and Anti-Racism Policy are not being presented as part of the agenda at this meeting in an effort to ensure the main focus of discussion is the Policy, and that once it is finalized, related procedures will be updated to ensure alignment before being presented at Standing Committee.

Human Rights and Equity Advisor Mathur led the Committee through a review and discussion of the revised Policy, referencing all tracked changes as presented in Appendix B of the report. Trustee questions were answered throughout the discussion.

It was agreed that Section B, Responsibilities, requires further clarification and possible revision by staff before members are prepared to move the draft Policy forward to Standing Committee. The Policy would be revised and considered by the Committee at the next meeting.

Committee members expressed their appreciation to staff for their work in developing this policy and for seeking trustee feedback throughout the process.

7. Date of Next Meeting

It was suggested that the next meeting be scheduled following March Break with a proposed date being circulated to Committee members via email.

8. Adjournment

Meeting adjourned at 7:04 p.m.

DURHAM DISTRICT SCHOOL BOARD ADMINISTRATIVE REPORT

REPORT TO:	Durham District School Board Governance and Policy Committee	DATE: March 24, 2022
SUBJECT:	Draft Safe and Respectful Workplace, Workplace Harassment Prevention and Workplace Sexual Harassment Prevention Policy and Procedure	PAGE: 1 of 3
ORIGIN:	Norah Marsh, Director of Education and Secretary to the Board Patrick Cotter, General Counsel Heather Mundy, Superintendent of People and Culture Devika Mathur, Human Rights and Equity Advisor	

1.0 **Purpose**

The purpose of this report is to provide the Governance and Policy Committee with the Draft *Safe and Respectful Workplace and Harassment Prevention Policy* (the “Safe and Respectful Workplace Policy”) and Procedure.

2.0 **Ignite Learning Strategic Priority/Operational Goals**

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**

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.

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.

At the November 9, 2021 Governance and Policy Committee meeting, Trustees received a report along with the draft Safe and Respectful Workplace Policy and Procedure as additional information to support the draft Human Rights, Anti-Racism and Anti-Discrimination Policy (the “Human Rights Policy”).

Feedback during consultation for the Human Rights Policy indicated that staff also felt the workplace policy and procedures needed to be updated. To address that feedback, and to ensure that staff are aware that their working conditions and complaints process have been considered, the draft Safe and Respectful Workplace Policy and Procedure required a simultaneous update.

The draft policy and procedure focus on fair, transparent, safe, accessible and confidential processes to support safe and inclusive working environments and to raise and effectively address employee complaints of disrespectful conduct, harassment and discrimination in the workplace.

4.0 Analysis

The draft Safe and Respectful Workplace Policy and Procedure were shared with a number of stakeholders for feedback, including federation and union partners (CUPE, ETFO, and OSSTF), professional associations (DESA, DSSA and OPC), System Leadership Council and Affinity Groups.

The clean and tracked changes version of the policy are attached. An updated clean copy of the procedure is also attached.

5.0 Financial Implications

Not applicable.

6.0 Evidence of impact

The Safe and Respectful Workplace Policy and Procedure will:

- Support the DDSB in meeting its legal obligations under the Occupational Health and Safety Act (OHSA) and the Ontario Human Rights Code;
- Contribute to DDSB's strategic priorities and commitments; and
- Enhance positive workplace experiences for all employees.

7.0 Communication Plan

Process for Policy Approval:

November 9, 2021	Present draft workplace policy and procedure to Board Governance and Policy Committee
January 2022	Stakeholder Consultations
March 24, 2022	Present revised draft policy and procedure to Governance and Policy Committee
TBD	Present policy to Standing Committee

TBD Present policy to Board of Trustees as notice of motion for final approval.

Planning is underway to create a complaint form and flowchart to accompany the procedure.

Training will be provided to all employees on the new policy and procedure.

8.0 Conclusion and/or Recommendations

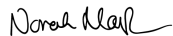
The draft policy is provided to the Governance and Policy Committee in accordance with the Board of Trustees's mandate for this Committee.

9.0 Appendices

Appendix A: revised draft *Safe and Respectful Workplace Policy* (clean and tracked changes versions).

Appendix B: revised draft Complaints Procedure.

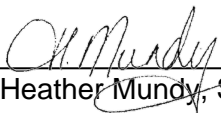
Report reviewed and submitted by:



Norah Marsh, Director of Education and Secretary to the Board



Patrick Cotter, General Counsel



Heather Mundy, Superintendent of People and Culture



Devika Mathur, Human Rights and Equity Advisor



POLICY

Safe and Respectful Workplace and Harassment Prevention Policy

1. Objective

- 11** The Durham District School Board (the “Board” or “employer”) is committed to providing working and learning environments in which all individuals are treated with respect and dignity. Every individual has an equal right to learn, work and feel safe in an environment that is free from discrimination and harassment under the Ontario Human Rights Code (Code) and the Ontario Occupational Health and Safety Act (OHSA).
- 12** Workplace harassment and disrespectful conduct are unacceptable. It is the policy of the Board to address any such incidents with seriousness and sensitivity.
- 13** This policy must be read together with the Board’s Human Rights, Anti-Discrimination and Anti-Racism Policy (the “Human Rights Policy”). Read together, these policies address all forms of discrimination, harassment and disrespectful conduct in the workplace.
- 14** This policy is adopted to foster and promote healthy, inclusive and supportive working and learning environments. All employees are expected to engage in courteous and respectful conduct, interactions, communications and relationships in Board working environments.
- 15** The policy sets the parameters for prohibited conduct and outlines the duties of the Director of Education or delegates to provide the requisite training along with the system’s shared responsibility in fostering a healthy, respectful and supportive environment that is free from harassment and disrespectful conduct.

2. Definitions

- 21** *Disrespectful Conduct*: conduct by an individual that a reasonable person would consider inappropriate and disrespectful of another but that does not rise to the level of harassment. Examples of conduct that may be Disrespectful Conduct (or that may, in some cases rise to the level of Harassment or Discrimination under the Board’s Human Rights Policy) could include:

- Gossiping and spreading rumours;
- Written or verbal comments, actions, gestures, micro-aggressions or “jokes”;
- Abuse of authority (which does not include any reasonable action taken by a supervisor relating to the management and direction of workers);
- Yelling, shouting, screaming, swearing, pounding a desk or table with a hand or fist;
- Deliberately excluding or isolating a person from relevant work activities or decision making within the scope of their role;
- Stereotyping or making inappropriate assumptions about an individual based on an individual’s personal qualities, lived experiences, characteristics or role;
- Devaluing or trivializing a person’s role, successes, contributions or concerns; or
- Engaging in misconduct that results in a negative impact or perceived negative impact to the employer and its reputation or to students and staff.

22 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 and can include sexual harassment. Harassment can occur, in some cases, in a single incident and may result in a poisoned work environment. Harassment may be linked to a protected ground under the Code and may also be found to be a violation of the Board’s Human Rights Policy. Any reasonable action taken by the employer or supervisor relating to the management and direction of workers or the workplace is not Harassment.

23 Reprisal: penalizing or threatening to penalize a Worker for attempting to enforce their rights under this policy (e.g., reporting an incident, raising a complaint under this policy or through another avenue or external body to assert their rights, or supporting someone in any of these activities), or for participating in the resolution or investigation of a complaint (e.g., employees who are parties or witnesses to disrespectful conduct or Harassment).

24 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 amongst peers, towards a supervisor, or a supervisor towards staff. 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. Sexual Harassment can occur, in some cases, in a single incident.

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

26 Workplace: any land, premises, location or thing at, upon, in or near which a Worker works, including:

- Any place where individuals perform work or work-related duties or functions, including virtual and on-line environments;
- Board 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); and
- In some instances, the use of social media where it is connected to the Workplace or Workplace relationships.

3. Application and Scope

31 This policy addresses Harassment and Disrespectful Conduct and applies to all Workers in the Workplace (conduct of parents/families is addressed separately under the school’s Code of Conduct).

4. Roles and Responsibilities

41 The Director of Education or delegates shall:

- Ensure this policy is posted conspicuously on the Health and Safety Boards in the Workplace;
- Review this policy as often as necessary, but at least annually with any recommended changes brought to the Board of Trustees for consideration;
- Publicly report to the Board of Trustees on the effectiveness of this policy in achieving the policy’s objectives and on organizational compliance with this policy;
- Develop procedures and protocols for all complaints or incidents of Disrespectful

Conduct and Workplace Harassment to be investigated in a fair, respectful and timely manner. These procedures and protocols are to provide for circumstances where Workers have been victimized and are hesitant to come forward. In these circumstances, the Board must address and/or investigate the conduct at issue with the intent of ensuring a professional and safe workplace and of providing the victimized Worker with appropriate support; and

- Ensure that all Workers are provided with information and instruction on the contents of this policy and any related procedures.

42 Workers shall:

- Treat all Workers in the Workplace with dignity and respect and not engage in any form of Harassment or Disrespectful Conduct;
- Make changes to their own behaviour where they become aware that there is a potential for such behaviour to amount to Harassment or Disrespectful Conduct;
- To the extent they feel safe to do so, advise that the conduct of another Worker in breach of this policy is not acceptable;
- Intervene (when safe to do so) and/or report instances of any conduct on the part of any Worker which could amount to Harassment or Disrespectful Conduct;
- When aware, be supportive of others who are victims of Harassment or Disrespectful Conduct;
- Cooperate fully with any and all investigations under this policy;
- Preserve evidence related to instances of alleged Harassment or Disrespectful Conduct, including as to dates, times and the names of any witnesses;
- Actively participate in training provided by the Board as to this policy and related procedures;
- If they are a supervisor, take any allegations of Harassment or Disrespectful Conduct seriously, and, in consultation with the Superintendent responsible for Human Resources, take steps to address any potential safety needs and to restore the Workplaces disrupted by policy violations (or allegations/investigations of policy violations);
- Not demonstrate or condone any conduct that is Harassment or Disrespectful

Conduct; and

- Not engage in any form of Reprisal.

- 43** Workers are required to comply with this policy and will be held responsible for any non-compliance. Consequences for non-compliance could include discipline up to and including termination of employment. Workers will not be penalized or disciplined for making a good faith report or complaint of a potential breach of this policy or for participating in any investigation into an alleged breach of this policy. Reprisal is unacceptable and will not be condoned. Workers who have been victimized and do not come forward or are reluctant to come forward shall not be disciplined or penalized for the failure to come forward. The obligation to address potential violations of this policy is with the employer once it learns of the issue, regardless of how the issue comes forward.
- 44** Nothing in this policy, nor in any related procedure, precludes Workers from asserting their rights, pursuing other resolution options or seeking redress through other statutory, contractual or legal 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.).
- 45** The Director shall implement the terms of this Policy through procedure(s) and as otherwise may be deemed appropriate.

5. Confidentiality

- 51** Information provided about an incident or about a complaint will not be disclosed except as necessary to protect Workers, to investigate the complaint or incident, to take corrective action or as otherwise required bylaw.

6. Training

- 61** The Director of Education or designate shall ensure that all Workers are aware of this policy and that regular training is provided on the contents of this Policy and related procedure(s).

Appendix:

None

Effective Date

91-01-17

Amended/Review

95-05-08

2006-08-08

2010-09-20

2017-12-12

2018-01-31



POLICY

Safe and Respectful Workplace and Harassment Prevention Policy

1. Objective

~~1.1 General~~

~~11~~ The Durham District School Board (the “Board” or “employer”) is committed to providing a working and learning environments in which all individuals are treated with respect and dignity. ~~It is further recognized that E~~every individual has an equal right to learn, work and feel safe in an environment that is free from discrimination and harassment ~~or objectionable behaviour according to the provisions of under~~ the Ontario Human Rights Code (Code) and the Ontario Occupational Health and Safety Act (OHSA).

~~11~~ The Durham District School Board has a duty to maintain an environment respectful of human rights and free of harassment for all persons served by it.

~~12~~ The Board expects that all persons in its learning/working environment will:

- ~~• Be aware of and be sensitive to issues of harassment;~~
- ~~• Support individuals who are, or have been targets of harassment;~~
- ~~• Prevent harassment through training;~~
- ~~• Take all allegations seriously and respond promptly;~~
- ~~• Provide positive role models; and~~
- ~~• Not demonstrate, allow or condone behaviour contrary to the Policy.~~

~~13~~12 Workplace harassment and disrespectful conduct are unacceptable. It is the policy of the Board to address any such incidents with seriousness and sensitivity.

~~14~~13 This policy must be read together with the Board’s Human Rights, Anti-Discrimination and Anti-Racism Policy (the “Human Rights Policy”). ~~Read together, these policies address all forms of discrimination, harassment and disrespectful conduct in the workplace.~~

~~2.4 This policy is designed to promote a healthy, respectful and supportive working and learning environment. It highlights conduct that may lead to workplace harassment as well as outlines the system’s shared responsibility in fostering a harassment free workplace. The goal is to prevent workplace harassment from taking place and, where, necessary to investigate and respond~~

~~to incidents/complaints of such behaviour in a fair, timely and effective manner.~~

1514 This policy is adopted to foster and promote healthy, inclusive and supportive working and learning environments. All employees are expected to engage in courteous and respectful conduct, interactions, communications and relationships in Board working environments.

1615 The policy sets the parameters for prohibited conduct and outlines the duties of the Director of Education or delegates to provide the requisite training along with the system's shared responsibility in fostering a healthy, respectful and supportive environment that is free from harassment and disrespectful conduct.

2. Definitions

~~3.2 The OHSA defines "workplace harassment" as:~~

- ~~1. engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome, or~~
- ~~2. workplace sexual harassment;~~

~~"workplace sexual harassment" means,~~

- ~~1. engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or~~
- ~~2. making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome;~~

~~A reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment.~~

21 Disrespectful Conduct: conduct by an individual that a reasonable person would consider inappropriate and disrespectful of another but that does not rise to the level of harassment. Examples of conduct that may be Disrespectful Conduct (or that may, in some cases rise to the level of Harassment or Discrimination under the Board's Human Rights Policy) could include:

- Gossiping and spreading rumours;
- Written or verbal comments, actions, gestures, micro-aggressions or "jokes";

- Abuse of authority (which does not include any reasonable action taken by a supervisor relating to the management and direction of workers);
- Yelling, shouting, screaming, swearing, pounding a desk or table with a hand or fist;
- Deliberately excluding or isolating a person from relevant work activities or decision making within the scope of their role;
- Stereotyping or making inappropriate assumptions about an individual based on an individual's personal qualities, lived experiences, characteristics or role;
- Devaluing or trivializing a person's role, successes, contributions or concerns; or
- Engaging in misconduct that results in a negative impact or perceived negative impact to the District and its reputation or to students and staff.

22 **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 and can include sexual harassment. Harassment can occur, in some cases, in a single incident and may result in a poisoned work environment. Harassment may be linked to a protected ground under the Code and may also be found to be a violation of the Human Rights Policy. Any reasonable action taken by the employer or supervisor relating to the management and direction of workers or the workplace is not harassment.

23 **Reprisal:** penalizing or threatening to penalize a person for attempting to enforce their rights under this policy (e.g., reporting an incident, raising a complaint under this policy or through another avenue or external body to assert their rights, or supporting someone in any of these activities), or for participating in the resolution or in an investigation of a complaint (e.g., employees who are parties or witnesses to disrespectful conduct or harassment).

24 **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 amongst peers, towards a supervisor, or a supervisor towards staff. 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. Sexual Harassment can occur, in some cases, in a single incident.

25 **Worker:** Any person included in the definition of "worker" under the OHSA including

but not limited to regular, temporary, probationary employees, co-op students, contract employees and volunteers.

26 **Workplace:** any land, premises, location or thing at, upon, in or near which a Worker works, including:

- Any place where individuals perform work or work-related duties or functions, including virtual and on-line environments;
- Board 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); and
- In some instances, the use of social media where it is connected to the Workplace or Workplace relationships.

3. Application and Scope

~~2.6 This policy addresses workplace harassment under the OHSA and the Code and applies to all workers within the meaning of OHSA. It addresses workplace harassment from all sources, including supervisors, workers, trustees, students, parents, suppliers, and members of the public.~~

31 This policy addresses Harassment and Disrespectful Conduct and applies to all Workers in the Workplace (conduct of parents/families is addressed separately under the school's Code of Conduct).

~~2.1 Board Responsibility~~

~~2. In accordance with Bill 168 and Bill 132, the Durham District School Board shall ensure:~~

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

4. Roles and Responsibilities

41 The Director of Education or delegates shall:

- Ensure this policy is posted conspicuously on the Health and Safety Boards in the Workplace;
- Review this policy as often as necessary, but at least annually with any recommended changes brought to the Board of Trustees for consideration;
- Publicly report to the Board of Trustees on the effectiveness of this policy in achieving the policy's objectives and on organizational compliance with this policy;
- Develop procedures and protocols for all complaints or incidents of Disrespectful Conduct and Workplace Harassment to be investigated in a fair, respectful and timely manner. These procedures and protocols are to provide for circumstances where Workers have been victimized and are hesitant to come forward. In these circumstances, the Board must address and/or investigate the conduct at issue with the intent of ensuring a professional and safe workplace and of providing the victimized Worker with appropriate support; and
- Ensure that all Workers are provided with information and instruction on the contents of this policy and any related procedures.

42 Workers shall:

- Treat all Workers in the Workplace with dignity and respect and not engage in any form of Harassment or Disrespectful Conduct;
- Make changes to their own behaviour where they become aware that there is a potential for such behaviour to amount to Harassment or Disrespectful Conduct;
- To the extent they feel safe to do so, advise that the conduct of another Worker in breach of this policy is not acceptable;
- Intervene (when safe to do so) and/or report instances of any conduct on the part of any Worker which could amount to Harassment or Disrespectful Conduct;
- When aware, be supportive of others who are victims of Harassment or Disrespectful Conduct;
- Cooperate fully with any and all investigations under this policy;
- Preserve evidence related to instances of alleged Harassment or Disrespectful Conduct, including as to dates, times and the names of any witnesses;
- Actively participate in training provided by the Board as to this policy and related

procedures;

- If they are a supervisor, take any allegations of Harassment or Disrespectful Conduct seriously, and, in consultation with the Superintendent responsible for Human Resources, take steps to address any potential safety needs and to restore the Workplaces disrupted by policy violations (or allegations/investigations of policy violations);
- Not demonstrate or condone any conduct that is Harassment or Disrespectful Conduct; and
- Not engage in any form of Reprisal.

43 Workers are required to comply with this policy and will be held responsible for any non-compliance. Consequences for non-compliance could include discipline up to and including termination of employment. Workers will not be penalized or disciplined for making a good faith report or complaint of a potential breach of this policy or for participating in any investigation into an alleged breach of this policy. Reprisal is unacceptable and will not be condoned. Workers who have been victimized and do not come forward or are reluctant to come forward shall not be disciplined or penalized for the failure to come forward. The obligation to address potential violations of this policy is with the employer once it learns of the issue, regardless of how the issue comes forward.

~~3.3 Workers are encouraged to report any incidents of workplace harassment to their supervisor or if their supervisor is the alleged harasser, then to the Superintendent of Education/Employee Relations.~~

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~~3.4 The Employer will investigate and deal with all complaints or incidents of workplace harassment in a fair, respectful and timely manner.~~

-

~~3.5 Information provided about an incident or about a complaint will not be disclosed except as necessary to protect workers, to investigate the complaint or incident, to take corrective action or as otherwise required by law.~~

-

~~3.6 Supervisors and workers are expected to adhere to this policy, and will be held responsible by the employer for not following it. Workers are not to be penalized or disciplined for reporting an incident or for participating in an investigation involving workplace harassment.~~

- 44** Nothing in this policy, nor in any related procedure, precludes Workers from asserting their rights, pursuing other resolution options or seeking redress through other statutory, contractual or legal 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.).
- 45** The Director shall implement the terms of this Policy through procedure(s) and as otherwise may be deemed appropriate.

5. Confidentiality

- 51** Information provided about an incident or about a complaint will not be disclosed except as necessary to protect Workers, to investigate the complaint or incident, to take corrective action or as otherwise required bylaw.

6. Training

- 61** The Director of Education or designate shall ensure that all Workers are aware of this policy and that regular training is provided on the contents of this Policy and related procedure(s).

Appendix:

None

Effective Date

91-01-17

Amended/Review

95-05-08

2006-08-08

2010-09-20

2017-12-12

2018-01-31

DRAFT Complaints Procedure - Human Rights, Safe and Respectful Workplace and Workplace Harassment Prevention

1.0 Objectives

- 1.1 This Procedure is adopted to support the implementation of the Durham District School Board's Human Rights, Anti-Discrimination and Anti-Racism Policy (the "Human Rights Policy") and the Safe and Respectful Workplace and Harassment Prevention Policy (the "Safe and Respectful Workplace Policy").
- 1.2 Through these policies, the Durham District School Board (the "District" or the "employer") recognizes that protecting and promoting human rights, anti- oppression and respectful learning and working environments that are free from discrimination and harassment are critically important for supporting:
 - Students, community members and employees' sense of safety, well-being, mattering, engagement and belonging; and
 - A culture of care where students and employees are successful and thrive.
- 1.3 The District is committed to providing services, employment and learning and working environments that centre Indigenous rights, human rights and equity and are welcoming, respectful, safe, inclusive, equitable, accessible and free from oppression, discrimination (including and not limited to all forms of racism, ableism, sexism, homophobia, biphobia, transphobia, faithism and ageism), harassment and harm.
- 1.4 This procedure must be read together with the Safe and Respectful Workplace Policy and the Human Rights Policy and Procedures. These documents set out commitments and organizational roles, responsibilities and accountabilities to promote and uphold human rights and to prevent discrimination, harassment and disrespectful conduct in the workplace.
- 1.5 This procedure provides a mechanism for dealing with any alleged violations by District employees of the Safe and Respectful Workplace Policy and/or of the Human Rights Policy (conduct of parents/families is to be dealt with under the school Code of Conduct).
- 1.6 Incidents of discrimination, workplace harassment and disrespectful conduct are unacceptable in District working environments and will not be condoned. Any such incidents or allegations will be addressed as outlined in this procedure in a fair, appropriate, timely and confidential manner.

- 1.7 Nothing in this procedure denies or limits access to other avenues of redress available under the law. At any stage, a complainant may choose to report the matter to the Police, bring proceedings before the Human Rights Tribunal of Ontario, or seek to address the matter through their Professional Organization or Association. Typically, multiple processes will not be permitted to proceed concurrently, although informal dispute resolution attempts will be permitted at any time with the agreement of the District and the parties. The Superintendent responsible for Human Resources or designate will, after consulting with the parties, determine how to proceed in circumstances where there are concurrent processes underway.

2.0 Definitions

- 2.1 The definitions from the Human Rights Policy and the Safe and Respectful Workplace Policy are adopted for this procedure. In this procedure “complainant” refers to the worker bringing forward an alleged breach of the Human Rights Policy or the Safe and Respectful Workplace Policy. The “respondent” is the person alleged to have committed the breach.

3.0 Reporting/Complaint

- 3.1 A complaint may be initiated by any Worker (as defined in the Human Rights Policy and the Safe and respectful Workplace Policy) who is aware of any potential breach of the Human Rights Policy or the Safe and Respectful Workplace Policy.
- 3.2 All Workers have a right to report/make a complaint of harassment, discrimination, disrespectful conduct or any other conduct that is in breach of the Human Rights Policy and/or the Safe and Respectful Workplace Policy.
- 3.3 The complainant is advised to keep a written record including the name of the respondent, date, time, location, description of the conduct at issue, potential witnesses and who has been informed.
- 3.4 Provided they feel safe to do so, a complainant is encouraged to inform the respondent that their conduct may be in breach of the Human Rights Policy and/or the Safe and Respectful Workplace Policy. Complainants are also encouraged to seek support from a colleague, union or association representative, if applicable.
- 3.5 Complaints of an alleged breach should typically be made to the complainant’s supervisor and to the Superintendent responsible for Human Resources. However, if the respondent is the supervisor, reports should be made by the complainant directly to the Superintendent responsible for Human Resources or if the allegation is against a manager,

senior manager or a member of the senior team, to the Director of Education, the General Counsel or the Superintendent responsible for Human Resources as the complainant may deem most appropriate in the circumstances. Complaints against the Director of Education should be made to the Chair of the Board of Trustees and one of either the General Counsel or the Superintendent for Human Resources, as the complainant may deem appropriate in the circumstances.

- 3.6 A report/complaint of an alleged breach of the Human Rights Policy and/or the Safe and Respectful Workplace Policy shall be made using the Complaint Form attached as Appendix “A” and must include the following information:
- Name(s) of the complainant(s), position and contact information;
 - Name of the respondent (s) position and contact information (if known);
 - Names of the witness(es) (if any) or other person(s) with relevant information to provide about the incident (if any) and contact information (if known); and
 - Details of what happened including date(s), frequency and location(s) of the alleged incident(s).
- 3.7 Individuals seeking information or resources about how to address issues or concerns regarding workplace conduct may contact their supervisor, union or association representative (where applicable), a joint health and safety committee member, the Employee and Family Assistance Program, the Superintendent responsible for Human Resources or the General Counsel.
- 3.8 Reprisals against individuals because they have reported a complaint in good faith are strictly prohibited.

4.0 Process/Timelines for Initiating a Complaint

- 4.1 Complaints are to be made using the Complaint Form attached as Appendix “A”.
- 4.2 Complaints must be initiated within six (6) months of the most recent alleged breach. However, at the good faith discretion of the Superintendent for Human Resources, a complaint outside this time frame may be considered (for example where the complainant was sick, on leave or the like).
- 4.3 Within five (5) working days or as soon as possible thereafter, the Superintendent responsible for Human Resources or designate will provide written confirmation of receipt of the complaint to the complainant.
- 4.4 The Superintendent responsible for Human Resources or designate may take immediate steps to limit the interaction of the parties, including a non-disciplinary temporary separation of the parties (for example, shift change or reassignment of either the

complainant or the respondent) as may be appropriate in the circumstances.

- 4.5 Within ten (10) working days or as soon as possible thereafter of issuing the written confirmation of the complaint, the Superintendent responsible for Human Resources or designate will initiate the process of an investigation.
- 4.6 The Superintendent responsible for Human Resources shall designate an internal or external investigator and may consult with the General Counsel on the retainer of any external investigator. Complaints engaging Human Rights issues shall be investigated by someone with knowledge and experience addressing such issues.

5.0 Informal or Mediated Resolution

- 5.1 The Superintendent responsible for Human Resources may, at any time, pursue a negotiated resolution of a complaint informally or through mediation, where appropriate in the circumstances of the complaint. The complainant and the respondent must consent and must agree that a mutually agreeable solution is achievable and desirable.
- 5.2 Mediation involves a neutral, objective third party acting as a facilitator in direct communication between the parties who voluntarily agree to enter into this process. It is an opportunity to resolve disputes in a respectful manner. It provides the opportunity to generate a variety of options for resolution and may contribute to restoring the working relationship between the parties.
- 5.3 The complainant and the respondent may choose to withdraw from any negotiation or mediation at any time.
- 5.4 Where a complaint is already being investigated, the parties may agree to hold the investigation in abeyance while they attempt to achieve a negotiated resolution.
- 5.5 If the parties agree to mediation, the investigator may, with the consent of the parties and the Superintendent responsible for Human Resources, act as the mediator, or the Superintendent responsible for Human Resources may retain an independent mediator acceptable to both parties.
- 5.6 When matters are resolved through a negotiated resolution, the complainant and the respondent will sign a memorandum of agreement outlining the terms to which they have agreed. The Superintendent responsible for Human Resources or the General Counsel must approve the agreement before it is binding. Human Resources will take all appropriate follow-up action to ensure compliance with the terms of the agreement.

6.0 Investigation Process, Procedural Fairness and Results

6.1 Subject to any successful informal resolution, the District shall ensure an investigation appropriate in the circumstances is conducted when:

- The employer or a supervisor becomes aware of conduct that may constitute a breach of the Human Rights Policy or the Safe and Respectful Workplace Policy; or
- A complaint is made, whether in writing or orally, of conduct that may constitute a breach of the Human Rights Policy or the Safe and Respectful Workplace Policy.

6.2 Best efforts will be made to complete all investigations within 90 calendar days of the events listed in the preceding paragraph unless there are extenuating circumstances warranting a longer investigation. The parties shall be notified if the investigation will not be completed within 90 days, the reason for the delay and the expected date that the investigation will be completed.

6.3 The investigator must not be the respondent and must not be a direct report of the respondent. The investigator must be able to conduct an objective investigation. The investigator conducting the investigation on behalf of the employer must, at a minimum, complete the following steps in an investigation:

- 6.3.1 The investigator must ensure the investigation is kept confidential and that identifying information is not disclosed unless necessary to conduct the investigation or as required by law. The investigator must remind the complainant, the respondent and any witnesses of the confidentiality requirements and protection from reprisal under the Human Rights Policy and the Safe and Respectful Workplace Policy.
- 6.3.2 The investigator must make reasonable efforts to thoroughly interview the complainant and the respondent, even if they are no longer employed by the District.
- 6.3.3 The respondent must be given the opportunity to respond to the allegations raised by the complainant. In some circumstances, as may be determined appropriate by the investigator, the complainant may be given a reasonable opportunity to reply.
- 6.3.4 The investigator must make reasonable efforts to interview any relevant witnesses as necessary to conduct a thorough investigation, even if they are not employed by the District. Witnesses shall be interviewed separately.
- 6.3.5 The complainant, respondent and any witnesses employed by the District

are entitled to have a union representative or support person in attendance at any interviews/meetings with the investigator.

6.3.6 The investigator must collect and review any relevant documents.

6.3.7 The investigator must take appropriate notes and statements during interviews.

6.4 The employer must ensure that written notice of the results of the investigation and any corrective action are provided to the complainant and the respondent.

6.5 The results of the investigation are not the same as the investigation report. The “results of the investigation” is a summary of the findings of the investigation. The results must be communicated in writing, within ten (10) calendar days of the investigation being concluded, unless there are extenuating circumstances requiring an additional ten (10) days to communicate the results.

6.6 The employer must also ensure that any corrective action is communicated to the complainant and the respondent. The amount of information provided to the complainant about the corrective action will depend on the circumstances but in all cases where a breach of the Human Rights Policy and/or Safe and Respectful Workplace Policy is found, the information provided must, at a-minimum, indicate what steps the employer has taken or will take to best prevent a similar incident from occurring again in the future. The corrective action, if any, must be communicated in writing within ten (10) calendar days of the investigation being concluded, unless there are extenuating circumstances requiring an addition ten (10) days.

6.7 In circumstances where the conduct at issue is not a violation of the Human Rights Policy or the Safe and Respectful Workplace Policy, the Superintendent responsible for Human Resources or designate may recommend measures to address any workplace issues between the parties or to address workplace culture or systemic issues.

7.0 Disciplinary Actions

7.1 Following an investigation into a complaint under this procedure, the appropriate supervisor or manager, in consultation with the Superintendent responsible for Human Resources, may impose discipline on a respondent as appropriate in the circumstances.

7.2 The principles of progressive discipline and proportionality will be applied in dealing with any discipline. Discipline could include:

- verbal warning;
- written reprimand;

- suspension without pay; or
- termination of employment.

7.3 The decision as to discipline may include a recommendation for professional learning, counselling or coaching support for the complainant or a recommendation for professional learning or coaching support/counselling for the respondent. A copy of the summary report may be placed in personnel file of the respondent.

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

7.5 Any time that the District learns of conduct that may involve a criminal offence, it will be reported to the police and any relevant professional college.

8.0 Review

8.1 In the event that either a complainant or a respondent has one or both of the specific concerns listed in the next paragraph, a written request may be made to the Superintendent responsible for Human Resources to convene a review. Any such request shall be delivered within ten (10) working of receipt of the summary report. The reviewer may be internal or external and will be appointed by the Superintendent responsible for Human Resources, with approval of the Administrative Council.

8.2 The grounds for review are:

- The investigator(s) did not comply with this procedure; or
- New evidence has become known after the completion of the investigation (but before the expiry of the ten working days limitation period for requesting a review).

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

9.0 Misuse of the Complaint Procedures

9.1 If there is a determination on a balance of probabilities that a complaint has been filed

in bad faith, including making of a false accusation by a person who knows it to be false, the complaint process may be discontinued and disciplinary action up to and including termination of employment may occur.

9.2 Any alleged reprisal shall be investigated as a complaint made under this procedure and, if substantiated, be subject to the same consequences as any complaint under this procedure.

10.0 Confidentiality and Records

10.1 All individuals involved in any complaint process, or who become aware of any complaint under this procedure, shall ensure that all information remains confidential. Witnesses will be informed that any statement they provide will be kept in confidence.

10.2 Notwithstanding the above, procedural fairness requires that the respondent to a complaint be advised of the nature of the complaint and other relevant information sufficient to provide a meaningful opportunity to respond to the complaint(s).

10.3 While an investigation is ongoing, the complainant, the respondent(s) and any witnesses will be instructed not to discuss the complaint, incident or the investigation with other Workers, witnesses, or any other person unless it is to someone not involved in any way in the complaint and is solely for the purpose of obtaining advice about their rights, in which case only the information necessary to obtain the advice is to be shared.

10.4 All correspondence and other documents generated under this procedure shall be marked "PRIVATE AND CONFIDENTIAL" and shall be stored in a locked and secure file in the Human Resources Department or the office of the General Counsel.

10.5 Records that will be stored include the following:

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

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

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

Appendix:

Procedure Appendix A - Complaint
Form

Effective Date

95-05-18

Amended/Review

2006-08-08

2010-09-20

2018-01-31

Approved by

Administrative Council

Distribution

DURHAM DISTRICT SCHOOL BOARD ADMINISTRATIVE REPORT

REPORT TO: Durham District School Board
Governance and Policy Committee

DATE: March 24, 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 March 3, 2022, the Governance and Policy Committee received a revised draft Human Rights Policy that reflected community and Trustee feedback. A summary of Trustee feedback and the corresponding revisions to the draft policy were presented and discussed.
- 3.4 The Governance and Policy Committee requested that additional changes be made to clarify responsibilities. Adjustments have been made to the draft policy to reflect this feedback. Additional minor revisions were also made to further streamline language in the policy and in the glossary of terms. The revised draft policy (clean and tracked changes version) is attached at Appendix A.
- 3.5 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. In addition, all links to reference documents will be added to the draft policy.

4.0 Analysis

- 4.1 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:

Date	Action
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 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 Governance and Policy Committee
Feb 7	Received written feedback from Trustees
Feb 8 to 18	Revised draft policy based on Trustee feedback
Mar 3	Presented revised policy to Governance and Policy Committee Revised draft policy based on Trustee feedback
Mar 24	Present revised policy to 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.

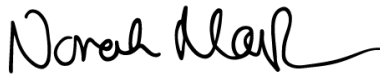
8.0 **Conclusion and/or Recommendations**

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 (clean and tracked changes versions).

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

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 Occupational Health and Safety Act (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)
- 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 “common-law relationships”)
- Place of origin
- Race
- Record of offenses (in employment only)
- Sex (includes pregnancy)
- 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 Procedure - Human Rights, Safe and Respectful Workplace and Workplace Harassment Prevention;
- 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 and Accountability

3.16 All DDSB community members have a responsibility to contribute to and support safe, welcoming, equitable, respectful, accessible and inclusive learning and working environments and to:

- a) Treat other DDSB community members with dignity and respect; and
- b) Not violate this policy and the Code of Conduct for Students.

Duty Bearer Responsibilities

3.17 As an employer and a service provider, the DDSB has (or bears) additional duties and responsibilities to comply with the Code and related legislation and to meet commitments set out in this policy. The DDSB 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 policies, 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.

3.18 The Director of Education shall implement and oversee an accountability framework through appropriate procedures to further outline individual and shared system/organizational roles, responsibilities and requirements to support compliance with this policy and to build an organizational culture of human rights. The Director carrying out these duties as to implementation and support is foundational to each employee meeting their own duties under this policy to:

- 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) Adopt (and/or strengthen) and apply human rights, anti-oppressive, anti-discriminatory, anti-racist, inclusive and culturally relevant principles and practices to services, service delivery and employment;
- c) Not treat any community member differently because of biases, assumptions, prejudices, stigmatization or stereotypes associated with a Prohibited Ground or combination of grounds; and
- d) Engage in and promote decision making and actions that:
 - Uphold the rights of the child/student and the rights of employees;
 - Are in the best interests of the child/student;

- Are asset-based;
- Are not discriminatory;
- Do not cause or perpetuate harm;
- Identify, disrupt and address discriminatory structures, policies, practices, rules and ideologies, including white supremacy, racism, ableism, sexism, heteronormativity, cisnormativity/cisgenderism, cissexism, faithism, ageism and classism; and
- Consider and address systemic, individual and intersectional factors and unique barriers and needs for Indigenous Peoples, Black peoples, racialized peoples, people with disabilities, women/girls, people who identify as members of 2SLGBTQI communities and people who identify as members of groups that are discriminated against based on creed/religion and other all Prohibited Grounds.

3.19 Each employee, as appropriate to their individual role and within the scope of their authority and influence, must comply with this policy, the accountability framework and procedures, and must contribute to shared organizational roles, responsibilities and accountabilities for upholding human rights and preventing discrimination.

Board of Trustees

3.20 The Board of Trustees, in fulfillment of its policy-making and statutory functions under the Education Act, will:

- a) Apply and uphold the objectives and principles of the Code and 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.

C. Policy Directives

3.21 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;
- o) 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
- p) 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.

3.22 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

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

3.24 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 and Workplace Harassment Prevention
- 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
- Canadian 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 and addictions. 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; and
- 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:** is defined in the Criminal Code of Canada and can include 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.

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

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-Occupational Health and Safety Act \(OHSA\)](#).

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”)]relationships)~~
- 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~~ Procedure - Human Rights, Safe and Respectful Workplace, and 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 and Accountability

3.16 All DDSB community members have a responsibility to contribute to and support safe, welcoming, equitable, respectful, accessible and inclusive learning and working environments and to:

- a) Treat other DDSB community members with dignity and respect; and

~~3.162.1~~ 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.~~

b) Employees' and the Code of Conduct for Students.

Duty Bearer Responsibilities

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

~~3.193.17~~ 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 commitments set out in this policy. The DDSB 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 policies, 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:

3.18 The Director of Education shall implement and oversee an accountability framework through appropriate procedures to further outline individual and shared system/organizational roles,

responsibilities and requirements to support compliance with this policy and to build an organizational culture of human rights. The Director carrying out these duties as to implementation and support is foundational to each employee meeting their own duties under this policy to:

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;~~

~~e)b)~~ Adopt (and/or strengthen) and apply human rights, anti-oppressive, anti-discriminatory, anti-racist, inclusive and culturally relevant principles and practices to services, service delivery and employment;

~~d)c)~~ 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)d)~~ Engage in and promote decision making and actions that:

- Uphold the rights of the child/student and the rights of employees;
- Are in the best interests of the child/student;
- Are asset-based;
- Are not discriminatory; ~~and~~
- Do not cause or perpetuate harm; ~~and~~

~~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:~~

- Identify, disrupt and address discriminatory structures, policies, practices, rules and ideologies, including white supremacy, racism, ableism, sexism, heteronormativity, cisnormativity/cisgenderism, cissexism, faithism, ageism and classism; and
- Consider and address systemic, individual and intersectional factors and unique barriers and needs for Indigenous Peoples, Black peoples, racialized peoples, people with disabilities, women/girls, people who identify as members of 2SLGBTQI communities 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.~~

3.19 Each employee, as appropriate to their individual role and within the scope of their authority and influence, must comply with this policy, the accountability framework and procedures, and must contribute to shared organizational roles, responsibilities and accountabilities for upholding human rights and preventing discrimination.

Board of Trustees

3.20 The Board of Trustees, in fulfillment of its policy-making and statutory functions under the Education Act, will:

- a) Apply and uphold the objectives and principles of the Code and 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.

C. Policy Directives

3.233.21 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) o)~~ 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) p)~~ 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.

3.243.22 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~~3.23 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~~3.24 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, and 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
- Canadian 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- and addictions. 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; and
- 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:** is defined in the Criminal Code of Canada and can include 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