

DRAFT Human Rights, Anti-Discrimination and Anti-Racism

1.0 Rationale

- 1.1 The Durham District School Board (“DDSB”) adopts this policy to protect, uphold and promote human rights and to proactively prevent discrimination and discriminatory barriers in all DDSB service, employment and learning and working environments. As a publicly funded school board, this is foundational to the DDSB’s mandate and obligations to support equitable experiences, access and opportunities and to prevent disproportionate outcomes for students and employees.
- 1.2 This policy refers to certain terms related to human rights and equity and, as such, a glossary of key terms is attached at Appendix “A”.
- 1.3 The DDSB is committed to learning and working environments that centre human rights and equity and that are welcoming, safe, respectful, equitable, inclusive, accessible and free from discrimination, oppression, harassment and harm.
- 1.4 This policy must be read in conjunction with the DDSB’s Indigenous Education Policy which acknowledges the distinct rights of Indigenous Peoples. Indigenous Peoples may elect to pursue any right or remedy under this policy and related procedures or under the Indigenous Education Policy and procedures, as they may deem appropriate in any given circumstance.
- 1.5 Protecting, upholding and promoting human rights are necessary to create and foster a culture of care where students and employees can thrive and have a sense of safety, well-being, mattering, engagement and belonging.
- 1.6 Systemic discrimination and racism exist in the DDSB and stem from discriminatory and racist ideologies, systems, cultures and the structural dominance of white supremacy, sexism, ableism, heteronormativity, cisnormativity/cisgenderism, cissexism and faithism. In adopting this policy, the DDSB confirms its commitment to understanding and combatting:
 - a) The impacts of historical and ongoing colonialism, systemic discrimination and oppression, including but not limited to the legacies and ongoing intergenerational effects of residential schools, enslavement and discriminatory structures, policies and practices against people based on ancestry, race, disability, sex, sexual orientation, gender identity, gender expression, creed, age, other Human Rights Code prohibited grounds, combination of grounds and socioeconomic status; and
 - b) The impacts of discriminatory ideologies including but not limited to white supremacy, racism, xenophobia, patriarchy, sexism, ableism, heteronormativity, homophobia, cisnormativity/cisgenderism, cissexism, biphobia, transphobia, faithism, ageism and classism which are pervasive, deeply entrenched and operate in society, institutions, structures, policies and standards, including in educational institutions and which result in, perpetuate and/or uphold inaccurate and negative information, biases, attitudes, stereotypes, stigmatization and discriminatory structures and barriers for people based on Human Rights Code grounds, combination of grounds and socioeconomic status.

- 1.7 The DDSB recognizes and acknowledges that the education system and the DDSB's learning and working environments are not neutral as they are based on colonialism, oppression, and systemic discrimination, and that this results in, upholds and sustains structures, policies, practices, standards, rules and decision making and that have serious negative consequences including the following:
- a) Creating unique, compounding and intersecting forms of oppression, marginalization and discrimination against, and discriminatory barriers, experiences and outcomes for, people with stigmatized and minoritized identities;
 - b) Causing deep and lasting harm and trauma to individuals, families, communities, the DDSB and society;
 - c) Negatively affecting physical, emotional, psychological and spiritual safety, mental health and well-being, achievement and success;
 - d) Centring dominant narratives, identities, beliefs and ideologies including white supremacy, racist, ableist, sexist, gendered, heteronormative, cisnormative, cissexist, faithist and classist assumptions, stereotypes, beliefs, narratives and language;
 - e) Perpetuating inaccurate deficit ideologies, low expectations and negative depictions of the histories, accomplishments, strengths, abilities, and identities of Indigenous Peoples, Black peoples, racialized peoples, people with disabilities, people who identify as members of 2SLGBTQI communities, people who are members of religious/faith communities that are discriminated against, marginalized and minoritized, and other groups protected by the Human Rights Code;
 - f) Erasing, suppressing or diminishing many students' and employees' identities, voices, knowledge, culture and experiences; and
 - g) Creating, maintaining and/or imposing barriers, inequities, disparities and disproportionate educational, employment/career, social and other opportunities, experiences, processes and outcomes.
- 1.8 In light of the foregoing, the DDSB recognizes that if it does not actively and appropriately address discrimination in a timely manner in its learning and working environments, it is complicit in ongoing discrimination.
- 1.9 The DDSB recognizes, affirms and values the diverse lived realities, identities, experiences, perspectives, strengths, abilities and needs of the diverse communities within the District. The DDSB is committed to engaging with students, employees, parents/caregivers/families, unions/federations, and community partners to include and honour diverse voices, knowledge, identities and experiences.

2.0 Policy Objective

- 2.1 This Policy is adopted to protect, uphold and promote human rights and prevent discrimination in the context of the statements and acknowledgements, and in fulfillment of the commitments made, in the preceding paragraphs.
- 2.2 The DDSB is expressly adopting a proactive human rights, anti-discrimination, anti-oppression and anti-racism framework and approach to education and employment that will centre the work of the DDSB. The DDSB affirms its commitment to continue to:
- a) Foster and sustain a climate of mutual understanding that recognizes and respects the dignity and worth of all DDSB community members and where DDSB community members have equal rights and opportunities, feel welcome and included, are treated with dignity and respect and can fully participate in DDSB services and employment, without discrimination;
 - b) Meet its duty to accommodate Human Rights Code related needs to the point of undue hardship, in manner that recognizes and respects individual identities, strengths, abilities and needs and that maximizes inclusion, integration, participation and independence;
 - c) Identify, prevent and address individual and systemic discrimination and discriminatory

barriers in all aspects of the district's operational/service-related and employment-related policies, procedures, practices, planning and decision making;

- d) Intentionally address anti-Indigenous racism, anti-Black racism, anti-Asian racism, anti-Latin American racism, all other forms of racism, Islamophobia/anti-Muslim hate, antisemitism, other forms of religious discrimination, ableism, homophobia, biphobia, transphobia, and all other forms of discrimination and hate in DDSB learning and working environments; and
- e) Build a culture of human rights through transparent organizational approaches and actions that support system accountability.

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

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

- a) Centre student voices and experiences, particularly students who are most impacted by historical and ongoing oppression and systemic discrimination;
- b) 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;
- c) Have meaningful engagement with diverse student, employee and community groups on initiatives that affect them ("nothing for/about us without us");
- d) Embed human rights, anti-oppression, anti-discrimination, anti-racism, Universal Design for Learning (UDL), inclusive design and accessibility principles, approaches and actions in all aspects of services, employment and learning and working environments;
- e) Promote anti-discrimination and incorporate intersectionality and targeted universalism in decision making;
- f) Value, affirm and reflect students', families' and employees' diverse identities, family structures, cultures, communities, histories and achievements, and honour and support the expression of their identities, strengths, skills, experience, perspectives and talents;
- g) 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;
- h) Affirm that protecting and promoting human rights is ongoing organizational work and that all employees have individual and shared organizational roles, responsibilities and accountabilities to uphold human rights and prevent discrimination;
- i) Integrate human rights responsibilities across all system areas/portfolios and build capacity to embed human rights into all decision making;
- j) Take proactive and systemic approaches to identify, prevent and address discriminatory structures and practices to support equitable experiences, access and opportunities and to prevent discriminatory outcomes for students and employees;
- k) Communicate about the effectiveness of the policy and procedures through ongoing evaluation and public reporting;
- l) Better align DDSB policy and district procedures with applicable legislation including the Canadian Charter of Rights and Freedoms, Ontario Human Rights Code, Accessibility for Ontarians with Disabilities Act, Anti-Racism Act, Employment Standards Act, Occupational Health and Safety Act, and the Education Act; and

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

3.0 Policy

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

Application and Scope

- 3.2 This policy is for the benefit of all DDSB community members in all DDSB learning and working environments. Under this policy, DDSB community members are: members of the Board of Trustees, board committee members, employees, students, parents/families/caregivers, permit holders, vendors, service providers, authorized visitors and any other person who lawfully enters DDSB learning and working environments or spaces.
- 3.3 All DDSB community members have the right to be treated with dignity and respect and to services, employment and learning and working environments that are free from discrimination and harassment.
- 3.4 All DDSB community members have a right to be free from discrimination and harassment at DDSB meetings, events, activities and in learning or working environments and spaces. This may also include meetings, events and activities that take place outside of usual learning and working spaces and environments, or outside of usual learning and working hours, when engaged in activities that are sufficiently connected to DDSB learning environments or the workplace (e.g., conferences, training events, school trips, online and social media interactions, school activities and extracurricular events).
- 3.5 All DDSB community members have a responsibility to comply with the terms of this policy and to treat others with dignity and respect in all DDSB environments.
- 3.6 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.
- 3.7 All DDSB processes, programs, practices and initiatives shall comply and shall be consistent with this policy.

A. Human Rights Code

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

Prohibited Grounds of Discrimination

- 3.9 This policy prohibits discrimination and harassment in the delivery of services, in employment and in DDSB learning and working environments based on the following prohibited grounds under the Human Rights Code:
- Age
 - Ancestry (includes Indigenous ancestry)
 - Citizenship
 - Colour
 - Creed (religion, includes Indigenous spiritual practices)
 - Disability (includes mental, physical, developmental and learning disabilities and addictions)
 - Ethnic origin
 - Family status [being in a parent-child or equivalent relationship (includes childcare and elder care responsibilities)]
 - Gender identity (which may be the same or different from a person's birth assigned sex)
 - Gender expression (how a person publicly presents their gender)
 - Marital status
 - Place of origin
 - Race
 - Receipt of public assistance (in housing only)
 - Record of offenses (in employment only)
 - Sex (includes pregnancy and breastfeeding/expressing breast milk)
 - Sexual orientation.
- 3.10 The prohibited grounds of discrimination under this policy shall be deemed amended to reflect any changes to the Ontario Human Rights Code or expansion of analogous grounds as determined by a court of competent jurisdiction.
- 3.11 The grounds of race, ancestry, citizenship, colour, creed, ethnic origin and place of origin are sometimes collectively referred to as "race related" grounds because of how the effects of discrimination based on these grounds are often linked to race.
- 3.12 Although language is not a prohibited ground under the Human Rights Code, language/language-related needs may be connected to one or more of the race related grounds or to disability. Therefore, in some cases where there is a connection to a race related ground or to disability, language/language related needs may be protected under the Human Rights Code and under this policy.
- 3.13 Under the Human Rights Code, receipt of public assistance is a ground of discrimination in the social area of housing only. Although the Human Rights Code does not include socioeconomic status or poverty as a prohibited ground of discrimination in services or employment, the DDSB recognizes that people who are affected by poverty:
- a) Are discriminated against, marginalized and minoritized;
 - b) Disproportionately identify based on one or more Human Rights Code ground(s); and
 - c) Are disproportionately affected by classism and poverty-related discrimination.
- 3.14 Therefore, poverty-related discrimination/classism, where there is an intersection with a prohibited ground of discrimination, is covered by this policy. The impacts of classism will be considered when implementing and addressing the requirements of this policy.

- 3.15 Consistent with the Human Rights Code, this policy also prohibits discrimination and harassment based on:
- a) Association or relationship with a person who identifies based on one or more Human Rights Code ground(s);
 - b) The perception that a person identifies based on one or more Human Rights Code ground(s) (for example, perceived ancestry, race, creed/religion, disability, sexual orientation, gender identity, etc.); and
 - c) Any combination of two or more grounds where systems/structures may impose distinct discriminatory barriers and/or individuals may be affected by distinct forms of discrimination and harassment based on the unique intersection of these grounds (i.e., intersectionality, where the determination of potential discrimination, harassment or discriminatory structures, barriers, effects or impacts includes critical intersectional analyses).

Policy Violations

- 3.16 DDSB community members shall not engage in any form of discrimination under the Human Rights Code or this policy against any DDSB community member in DDSB learning or working environments.
- 3.17 The following behaviours (refer to Appendix A for definitions) are prohibited and are violations of this policy:
- a) Discrimination;
 - b) Harassment, bullying and cyberbullying;
 - c) Sexual harassment and sexual solicitation;
 - d) Hate activity, including hate speech;
 - 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 accommodate Human Rights Code related needs to the point of undue hardship;
 - i) Reprisal or threat of reprisal;
 - j) Breaching confidentiality provisions of this policy; and
 - k) Bad faith complaints.
- 3.18 All forms of discrimination under the Human Rights Code are unacceptable in DDSB services, employment and learning and working environments and shall not be condoned.

Discriminatory Effect/Impact

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

Consequences for Policy Violations

- 3.20 The Human Rights Code and this policy are not punitive and focus on corrective and remedial responses to prevent recurrences and to support learning. While specifics as to consequences are operational and are left to the Director of Education and designates to address in procedures, protocols and practices, responses to policy violations are to include corrective, remedial, responsive, restorative and disciplinary actions, up to and including termination of employment (for employees) or expulsion (for students), and subject to the principles of progressive discipline.

Reprisal

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

Competing Rights

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

Right to Pursue Other Avenues

- 3.23 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

- 3.24 The DDSB will maintain the confidentiality and privacy of personal information related to human rights issues, complaints and accommodation requests, subject to disclosure requirements and certain processes set out in legislation, legal proceedings and in the related procedures.
- 3.25 Any DDSB community member who raises an issue, complaint or accommodation request, or who participates in the resolution of a matter under the policy or related procedures, must maintain confidentiality.

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

Equitable Processes

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

B. Duty Bearer Responsibilities

- 3.27 All employees are responsible for upholding the Human Rights Code, this policy and any related procedures and are referenced in this policy as "Duty Bearers". Under this policy, reference to the term employee or Duty Bearer shall include temporary, casual and contract staff, volunteers, university and college students on placement, interns and any other person included in the definition of "worker" under the Occupational Health and Safety Act.
- 3.28 All Duty Bearers shall, within the scope of their role and authority, contribute to and support safe, welcoming, equitable, respectful, accessible and inclusive environments in the DDSB free from discrimination, oppression, harassment and harm.

3.29 Duty Bearer responsibilities include the following, as appropriate given an employee's role, authority and influence:

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

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

- a) Create and maintain learning and working environments that:
 - Welcome, expect, include and value all students, parents/caregivers and family structures, employees and community members; and
 - Respect, affirm and support the expression of diverse identities based on ancestry, race, sex, disability, sexual orientation, gender identity, gender expression, religious/creed identities, all other Human Rights Code grounds and intersection of grounds;
- b) Recognize, respect and uphold rights and shared individual and organizational roles, responsibilities and accountabilities for maintaining respectful, safe, inclusive, equitable, accessible environments, free from discrimination, oppression, harassment and harm;
- c) Adopt (and/or strengthen) and apply human rights anti-oppressive, anti-discriminatory, anti-racist, inclusive and culturally relevant principles and practices to services, service delivery and employment;
- d) 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;
- e) Not treat any community member differently because of biases, assumptions, prejudices, stigmatization or stereotypes associated with a Human Rights Code-related ground or combination of grounds (e.g., ancestry, race, disability, sex, sexual orientation, gender identity, gender expression, creed/religion) and classism;
- f) When making decisions that affect a student's right to education or an employee's right to employment without discrimination, to:
 - Identify, disrupt and address discriminatory structures, policies, practices, rules and ideologies, including white supremacy, racism, ableism, sexism, heteronormativity, cisnormativity/cisgenderism, cissexism, faithism, ageism and classism; and
 - Consider and address systemic, individual and intersectional factors and unique barriers and needs for Indigenous Peoples, Black peoples, racialized peoples, people with disabilities, women/girls, people who identify as members of 2SLGBTQI communities, people who identify as members of groups that are discriminated against, marginalized and minoritized based on creed/religion and other all Human Rights Code grounds, and classism.

- 3.31 Additional Duty Bearer responsibilities are outlined in the procedures under this policy and in the Roles, Responsibilities and Accountability Framework.
- 3.32 It is a breach of this policy for an employee to fail to fulfill their Duty Bearer responsibilities under this policy or any procedure under this policy.

Board of Trustees

- 3.33 While not within the definition of a Duty Bearer, the Board of Trustees will:
- a) Uphold and apply the objectives of this policy when fulfilling Board responsibilities, processes and committee work, including with respect to activities and decision making related to student achievement and well-being, safe and inclusive school climates, and effective and appropriate education programs for students; and
 - b) Ensure that board governance, policy setting and strategic direction and priorities promote and protect students' right to education free from discrimination, address barriers to equitable access and participation, and support equitable opportunities, experiences and outcomes for all students.
- 3.34 Similarly, while individual members of the Board of Trustees are not "Duty Bearers" under this policy, they are Community Members under this Policy. The Trustee Code of Conduct requires individual members of the Board of Trustees to comply with Board policy.

C. Policy Framework

- 3.35 The DDSB shall, through the Director of Education and/or designates:
- a) Build and/or enhance relationships between the District and communities that are discriminated against, marginalized and minoritized because of (and not limited to) ancestry, race, disability, sex/gender, sexual orientation, gender identity, gender expression, creed/religion and other Human Rights Code grounds (or combination of grounds) as set out in this policy;
 - b) In consultation with appropriate communities within the district, identify, prevent and address potentially discriminatory structures, barriers, trends and differential and disproportionate experiences, opportunities, access and outcomes;
 - c) Invite engagement with the DDSB's diverse communities to support the successful and co-operative implementation of this policy;
 - d) Apply human rights, anti-discrimination, anti-racism, inclusive design, UDL and accessibility principles, approaches and actions to its services, employment and learning and working environments to:
 - Reflect and affirm DDSB communities' diverse identities, strengths and abilities
 - Proactively identify, prevent and address discriminatory structures and barriers for (and related needs of) students and employees based on ancestry, race, disability, sex, sexual orientation, gender identity, gender expression, creed and all other Human Rights Code grounds, intersecting grounds and classism; and
 - Make services, employment and learning and working environments more inclusive and accessible for everyone in accordance with the requirements under the Accessibility for Ontarians with Disabilities Act and consistent with inclusive design and UDL principles;
 - e) Provide learning opportunities for students and integrate content that enhances understanding, respect and appreciation for multiple social identities, including the diverse identities, voices, stories, cultures, histories, experiences and perspectives of the communities the district serves and of Ontario;
 - f) Teach students complete and accurate histories and narratives including:
 - The impacts of colonialism, oppression and historical and ongoing systemic discrimination; and

- Examples of resistance to discrimination and stories of agency, excellence and joy; this includes and is not limited to:
 - Promoting historical and contemporary successes and accomplishments of Indigenous Peoples, Black peoples, racialized people, women, people with disabilities, people who identify as members of 2SLGBTQI communities, people who practice various creeds/religions, etc. and people with intersecting identities;
 - Recognizing their valuable contributions throughout the year (and not only during days/months of significance); and
 - Embedding these into practice, without appropriation;
- g) Provide resources and materials that challenge racism, sexism, ableism, homophobia, biphobia, transphobia, faithism and all forms of discrimination;
- h) Remove resources that contribute to or perpetuate:
 - Discriminatory biases, assumptions, or stereotypes; and
 - Trauma and harm;
- i) Address the unique strengths and needs of, and barriers for, newcomers, undocumented students, English language learners and children and youth in care;
- j) Promote global competencies, social justice, human rights and responsible citizenship;
- k) Promote anti-discrimination, anti-racism, anti-ableism, anti-homophobia, anti-biphobia, anti-transphobia, anti-faithism; and anti-classism;
- l) Affirm and reflect all identities in DDSB spaces and displays (e.g., posters, visual displays, content, etc.);
- m) Have libraries with books and other resources that reflect diverse identities, authors, perspectives and lived experiences; and
- n) Foster the use of inclusive pronouns, language, and activities.

3.36 The Director and/or designates shall develop and implement procedures to:

- a) Apply and embed human rights principles, anti-discrimination, anti-racism, UDL, inclusive design and accessibility principles to all:
 - district recommendations to the Board; and
 - Services and operational and employment related policies, procedures, practices, plans, initiatives and decision making (including and not limited to: pedagogy, instructional practices, curriculum and resources, guidance, assessment and placement practices, classroom management and discipline, academic and professional services, programs, supports and resources, human resources, learning and professional development, corporate services, communications, community engagement and partnerships, including School Community Councils, and operational planning);
- b) Take intentional anti-discrimination and anti-racist approaches and actions, including and not limited to reflecting on, analyzing, challenging and disrupting positionality, systems of privilege and power, and discriminatory biases, assumptions, ideologies, structures and barriers that are inconsistent with legislation and this policy's objectives and commitments;
- c) Implement organizational, department-based and/or school-based strategies, initiatives or actions as required to address commitments, responsibilities and accountabilities set out in this policy;
- d) Address Human Rights Code related accommodations and support the duty to accommodate to the point of undue hardship;
- e) Address and attempt to resolve Human Rights Code issues, incidents and complaints in a confidential, fair and timely manner;
- f) Establish an accountability framework that outlines:
 - Duty Bearers' roles and responsibilities under this policy; and
 - System requirements to support an accountable human rights organization, including mechanisms to document expectations, build employee capacity, uphold human rights, establish effective issues and complaints resolution processes, and monitor, evaluate and report on results;

- g) Conduct research and collect quantitative and qualitative data as to the issues addressed by this policy and the impact of this policy and in doing so shall engage and consult with DDSB communities to analyze the data using anti-discrimination, anti-racist and intersectional approaches; and
- h) Evaluate and publicly report on the effectiveness of this policy in achieving this policy's objectives.

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

3.38 The Director and/or designates shall:

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

D. Communications

3.39 This Policy shall be posted on the Board's website together with related procedures so that community members can access these materials.

3.40 The Director and/or designates will 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) Provide regular progress reports on the implementation and outcomes of this policy and related procedures.

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 5 years. The review process will:

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

5.0 Reference Documents

5.1 Policies

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

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

- Universal Declaration of Human Rights
- United Nations Convention on the Rights of the Child
- Charter of Rights and Freedoms
- Ontario Human Rights Code

- Anti-Racism Act
- Accessibility for Ontarians with Disabilities Act
- Occupational Health and Safety Act
- Education Act
- Ontario Human Rights Commission’s policies, guidelines, reports and resources
- Anti-Racism Directorate’s Anti-Racism Policy, Anti-Racism Strategy and Data Standards for the Identification and Monitoring of Systemic Racism

Appendix:

Appendix A: Glossary of Key Terms

Effective Date:

YYYY-MM-DD

Reviewed and Amended:

YYYY-MM-DD

Reviewed without Amendment:

YYYY-MM-DD

Draft Human Rights, Anti-Discrimination and Anti-Racism Policy

DRAFT Glossary of Terms (To be finalized in consultation with communities)

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

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

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

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

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

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

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

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

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

Anti-Indigenous racism: discrimination, racism negative stereotyping, and injustice experienced by Indigenous Peoples. It includes ideas and practices that establish, maintain and perpetuate power

imbalances, systemic barriers, and inequitable outcomes that stem from the legacy of colonial policies and practices.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

District: the corporate entity of the DDSB

Duty bearer: employees who are responsible for promoting, protecting and upholding human rights and

preventing and addressing discrimination in DDSB services, employment and learning and working environments. Duty bearer responsibilities are outlined in the Human Rights Policy and procedures.

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

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

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

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

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

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

"*Ought reasonably to be known*" includes:

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

Hate activity: a hate crime or a hate incident.

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

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

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

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

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

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

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

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

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

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

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

Learning environment: any space, premise, location or thing at, upon, or in which a DDSB student or community member learns or engages in activities connected to the learning environment (e.g., parent engagement/parent council activity etc.). This includes virtual/online environments. Conduct that has

consequences for the learning environment, regardless of where it occurs, may be considered to have occurred in a learning environment (e.g., schools and school-related activities, such as extra-curricular activities and excursions).

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

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

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

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

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

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

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

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

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

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

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

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

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

Reprisal: penalizing or threatening to penalize a person for attempting to enforce their rights under the Human Rights Code and/or this policy (e.g., raising an issue, filing a complaint, submitting an accommodation request, or supporting someone in 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 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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