

Framework for the Development of a Human Rights Policy and Procedures and Consultation Plan

**DDSB Webpage
November 2020**



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Ignite Learning



Success

Set high expectations and provide support to ensure all students and staff reach their full 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

Reimagine learning and teaching spaces through digital technologies and innovative resources.



Background and Context

- Human rights and workplace harassment prevention responsibilities and accountabilities are set out in various legislation and policies (see Legislative Framework).
- As a service provider and an employer, the DDSB has a legal duty to support and protect human rights for students and employees.
- DDSB has some policies and procedures to support human rights and equity (e.g., workplace harassment and sexual harassment, equitable and inclusive education, equitable hiring framework).
- However, these policies/procedures do not specifically set out human rights related requirements (or complaints processes) to meet legislative requirements and to support safe, equitable, respectful and inclusive services, employment and learning and working environments free from discrimination and harassment.

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Legislative Framework

- United Nations Declaration on the Rights of Indigenous Peoples
- The Truth and Reconciliation Commission of Canada's Report and Calls to Action
- Human Rights Code
- Anti-Racism Act
- Accessibility for Ontarians with Disabilities Act
- Occupational Health and Safety Act
- Education Act and Policy/Procedure Memoranda

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Why Do We Need a Human Rights Policy and Procedures?

Supports system responsibilities:

- Sets direction
- Demonstrates commitment
- Defines expectations
- Clarifies roles and responsibilities
- Supports data collection and decision making
- Fosters confidence (with exceptions)

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Considerations

- Current policies (gaps and opportunities, priorities and sequencing)
- Ontario Human Rights Commission's policies, guidelines and resources
- Other boards and organizations (promising practices, challenges, reviews and recommendations)
- Services and workplace (students, parents/caregivers, community, employees)
- Culturally appropriate options
- Meaningful engagements and consultations
- Collective agreements
- Current climate (confidence in internal processes; data/trends from complaints, surveys, etc.)
- Resources and potential models (forms and functions)
- Education Equity Secretariat template (complaints procedures)
- Roll out (communications, training)
- Evaluation and reporting

Proposed Human Rights Policy

- Human Rights, Anti-Racism/Anti-Discrimination and Respectful Workplace Policy that covers:
 - Services for students, families and community members
 - Workplace/employment for employees, other workers, volunteers
- Proposed procedures (pending consultation):
 - Human rights, anti-racism and anti-discrimination
 - Accommodation
 - Human rights complaints and issues
 - Respectful workplaces (revise existing workplace harassment procedure)

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Key Elements

- Organizational commitment statement
- Objectives and policy principles
- Application and scope
- Roles, responsibilities and accountabilities
- Human Rights Code and legislative requirements
- Key concepts and overview of procedural principles

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Organizational Commitments: Rationale



- DDSB commitments
- Connect to Human Rights Code preamble (inherent right to be treated with dignity and respect) and legislative framework
- Affirm the existence and impacts of historical and ongoing systemic discrimination (including colonialism, oppression, racism, ableism, sexism, homophobia, transphobia and other forms of discrimination)
- Recognize the importance of and need for:
 - Anti-colonial, anti-oppressive, anti-racist and anti-discriminatory approaches and actions to prevent, address and not perpetuate discrimination
 - Respectful learning and working environments

* Note: To be further developed in policy



Objectives/Purpose

- To promote safe, healthy, equitable, welcoming, respectful, inclusive and accessible learning and working environments free from oppression, racism and discrimination
- To outline the system's shared responsibility for discrimination-free services, learning environments, employment and workplaces
- To identify, prevent and address oppression, discrimination, harassment and racism (including anti-Indigenous and anti-Black racism)
- To respond to and address complaints fairly and effectively
- To focus on:
 - Proactive systemic and preventative approaches and actions
 - Responsibilities and accountabilities
 - Experience and outcome measures

* Note: To be further developed in policy

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Proposed Policy Principles

- Centre student voices and experiences (particularly those who are most impacted)
- Meaningfully engage with diverse student, parent/caregiver, employee and community groups
- Incorporate intersectionality and promote anti-discrimination into all analyses
- Affirm human rights is ongoing organizational work and a shared system responsibility
- Build capacity at all levels to identify and address discrimination
- Integrate human rights responsibilities across areas/portfolios and in all decision making
- Take systemic approaches to address disparities and disproportionate experiences and outcomes
- Implement and enforce policies and procedures in ways that do not reinforce inequities or further marginalize individuals/groups
- Respect and protect confidentiality
- Monitor, evaluate and report on progress

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Application and Scope

- All DDSB community members:
 - Trustees and board committee members
 - Director
 - Employees, contractors and volunteers
 - Students, parents/caregivers and other community members
- Services and learning environments
- Employment and workplace environments

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Key Concepts (Policy Content)

- Human Rights Code principles (Appendix A), grounds and social areas
- Individual and organizational roles, responsibilities and accountabilities
- Key definitions and concepts:
 - Discrimination: definitions and types (Appendix B), including racism (anti-Indigenous racism, anti-Black racism, Islamophobia, antisemitism), ableism, sexism, homophobia, transphobia and other forms of discrimination
 - Anti-oppression, anti-colonialism, anti-racism and anti-discrimination
 - Duty to accommodate, undue hardship and key accommodation principles/process (Appendix C)

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Key Concepts (Continued)

- Overview of key steps to address issues (Appendix D) and complaints (Appendix E)
 - To be formalized when developing corresponding procedures
 - Consider separate simplified interim issue resolution process pending the development and approval of policy and procedures
- Right to pursue other avenues (e.g., grievance, application to the Human Rights Tribunal of Ontario)
- Data collection, evaluation, reporting and communications

Key Consultations Summary

- Wide input from diverse partners:
 - Students
 - All employees and key portfolio leads
 - Unions and federations
 - Employee groups (networks and affinity groups)
 - Board committees
 - Parents/caregivers and school councils
 - Community groups and the general public
 - Critical friends

* General overview only - see Consultation Plan (Slide 22)

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Communications and Evaluation Plans

- To be developed in consultation with key partners/stakeholders

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Appendix A: Human Rights Principles

- Primacy
- Dignity and respect
- Equal rights and opportunities
- Full participation
- Rights and responsibilities
- Duty to accommodate
- Undue hardship
- Intersectionality
- Competing rights
- Anti-oppression, anti-colonialism, anti-discrimination and anti-racism
- Targeted universalism
- Effect/impact versus intent
- Proactive prevention
- Responsive, corrective and remedial
- Special programs

* Note: Based on legislative requirements

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Appendix B: Discrimination

- Direct and indirect
- Constructive and adverse effect
- Harassment (including sexual)
- Poisoned work environment
- Because of association
- Systemic
- Reprisal
- Hate
- Failure to accommodate
- Condoning

* Note: Based on legislative requirements

Appendix C: Accommodation Principles

- Accept in good faith
- Timely
- Confidential
- Dignity
- Individualized
- Integration and participation
- Inclusive design
- Options
- Shared responsibility

* Note: Based on legislative requirements

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Appendix D: Issue Resolution

- Take the matter seriously
- Act immediately
- Stop, interrupt, intervene and correct
- Consult (internal, community)
- Provide supports (including safety)
- Take appropriate action (responsive, corrective, disciplinary, remedial)
- Restore
- Document, report and communicate
- Monitor
- Act on lessons learned (knowledge building, mentoring, coaching, etc.)
- Confidentiality

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Appendix E: Complaints Process

- Complaint submission
 - Assessment/fact-finding
 - Interim measures (if required)
 - Early resolution (mediation, culturally relevant and responsive action, other action)
 - Investigation
 - Investigation report and findings
 - Post investigation (responsive, corrective, disciplinary and remedial action, knowledge building and learning, etc. where appropriate)
 - Restoration and other action
 - Monitoring
- Focus on human rights and legislative requirements, procedural fairness, safety and due diligence

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Consultation Plan for the Development of a Human Rights Policy

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Consultation Objectives

1. Engage students, families/caregivers, employees and communities

- Include diverse voices and perspectives on the development and implementation of the policy and related procedures
- Build collaborative, authentic partnerships and relationships

2. Seek meaningful input

- Identify policy and procedure content/requirements (key themes and issues, including current successes, gaps, opportunities, challenges, solutions, and outcomes)
- Include Indigenous and other perspectives, approaches and culturally relevant and responsive options
- Identify other consultations/engagements required (consult on *how* and *with whom* to consult)

3. Build support

- Promote awareness and understanding of the proposed policy (and that it is part of a broader approach to strengthen human rights)
- Support champions

Target Consultation Groups

Wide input from diverse partners:

- Students
- Parents/caregivers
- Employees and employee groups, unions and federations
- Community partners/groups and the general public

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DDSB Community Consultations

- Students, Student Senate and Student Trustees
- DDSB Indigenous Education Advisory Circle
- Employee networks/affinity groups:
 - Keenanow Indigenous Educators Network (KIEN)
 - Durham Black Educators Network (DBEN)
 - Muslim Educators Network of Durham (MEND)
 - Durham Educators Network for South Asians (DENSA)
 - Durham Pride Network
 - Accessibility Committee
- Diversity Council
- Unions/federations
- Employees (including principals, vice principals, managers, all district staff and portfolio leads)

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DDSB Community Consultations (continued)

- Parents/caregivers
- School councils
- Board and other committees:
 - Equity and Diversity Steering Committee
 - Special Education Advisory Committee
 - Parent Involvement Committee
- Community groups and agencies
- Critical friends
- General public
- Additional (as identified through consultations)

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Phased Consultation Approach

Oct - Nov 2020:

- Consult on the proposed policy framework and consultation plan

Feb - Mar 2021:

- Consult on the draft policy

Jun 2021:

- Report back to DDSB communities about the results of the consultation and the final policy

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Consultation Methods

- Virtual meetings and emails
- Board committees and other groups (Equity and Diversity Steering Committee, Special Education Advisory Committee, Parent Involvement Committee and school councils)
- Website and social media
- Thoughtexchanges and surveys
- Written, video or audio submissions
- School newsletters
- Other methods as identified through consultations
- In person meetings/focus groups (when permitted)

Preliminary Consultation Questions

1. What key themes, issues or content need to be considered in a human rights policy or related procedures (see Human Rights Policy framework/outline)?
2. What successes, gaps, opportunities, challenges, solutions, experiences and outcomes should be addressed in policy and/or procedures?
3. What Indigenous and other perspectives, approaches and culturally relevant and responsive options need to be considered in the policy and/or procedures?
4. What resources, promising practices, research or “model” policies should inform the development of a human rights policy?

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Preliminary Consultation Questions (continued)

5. Which other areas/groups should be involved in the consultation? Whose voices are missing?
6. How can we consult and engage widely and inclusively while maintaining physical distancing? And when current restrictions ease?
7. What are ways to support successful roll out and implementation of (and communications about) the policy? What do you see as anticipated opportunities, challenges or concerns?
8. What key features of evaluation should be included in the policy and related procedures?
9. What other consultation questions should be asked?*

* Note: Additional questions may be added based on preliminary consultations and as the policy is developed.

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Summary of Consultation Plan

WHAT	To seek DDSB communities' input and perspectives on the development of a human rights policy			
WHY	To seek input on the: <ul style="list-style-type: none"> Proposed policy framework/development and consultation plans Draft policy before it is finalized for Board approval To share information about the development of the policy To engage and build relationships with DDSB communities			
HOW	Through emails, virtual meetings, webpage, surveys, newsletters, social media and existing committees and councils Featured on webpage and direct email to students/families and employees			
WHEN	Oct to Nov 2020: consultation on proposed policy framework/development and consultation plans Feb to Mar 2021: consultation on draft policy June 2021: report back to DDSB communities on the results of the consultation and final policy			
WHO	Four key target audiences:			
	1. Students	2. Parents/guardians	3. Employees	4. Community partners/groups
	Student Senate and Student Trustees	Parents/guardians	All employees	Board and advisory committees
	Students	School councils	Unions/federations	Agencies/associations
			Employee networks and committees	General public



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