

Human Rights Inclusive Design and Accommodation Procedure

Adopted under the Human Rights, Anti-Discrimination and Anti-Racism Policy

1.0 Objective

- 1.1 This procedure is adopted under the Human Rights, Anti-Discrimination and Anti-Racism Policy (“Human Rights Policy”) to implement the duty to accommodate under the Ontario Human Rights Code (the “Code”) and the Human Rights Policy, and to support inclusive design.
- 1.2 As set out in the Human Rights Policy, “discrimination” means all forms of individual, intersectional and system discrimination based on any of the Prohibited Grounds as defined in the Human Rights Policy. Consistent with the Human Rights Policy, there is no hierarchy of rights. This procedure applies equally to all Prohibited Grounds and intersection of grounds and to all forms of discrimination, including (and not limited to) racism, ableism, sexism, homophobia, biphobia, transphobia, faithism and classism.
- 1.3 This procedure shall be read together with the:
 - a) Human Rights Policy;
 - b) Indigenous Education Policy and procedures upholding the rights of Indigenous Peoples;
 - c) Human Rights Roles, Responsibilities and Accountability Framework (the “Accountability Framework”) implementing Duty Bearer responsibilities for all DDSB employees in upholding the objectives and requirements of the Human Rights Policy and to promote, protect and uphold human rights; and
 - d) Human Rights, Anti-Discrimination and Anti-Racism Procedure which focuses on actions (including applying the principles of the Anti-Racism Act, Accessibility for Ontarians with Disabilities Act (AODA), Universal Design for Learning, Inclusive Design, culturally relevant and responsive pedagogy, etc.) in all schools and system departments to identify, prevent and address all forms of discrimination in the District’s services, employment, and learning and working environments.
- 1.4 The District recognizes the unique and distinct rights of Indigenous Peoples (for example, related to Two Spirit identities and the right to freely practice and preserve Indigenous Spirituality and cultural and spiritual practices and traditions). Indigenous Peoples may pursue any right under the Human Rights Policy and this procedure or under the Indigenous Education Policy and procedures, as they may deem appropriate in any given circumstance.
- 1.5 For students, the duty to accommodate includes providing students with meaningful access to education to the point of undue hardship.

- 1.6 For employees, the duty to accommodate includes not unfairly excluding employees from working where working conditions can be adjusted to meet needs related to a Prohibited Ground(s), to the point of undue hardship.
- 1.7 The District will meet its procedural and substantive duty to accommodate under the Code and the Human Rights Policy to the point of undue hardship. Each matter will be assessed on a case-by-case basis in recognition of the unique identity of each person, without relying on biases, assumptions or stereotypes about the person based on ancestry, race, disability, sexual orientation, gender identity, gender expression, creed, socioeconomic status and any other Prohibited Ground or combination of grounds, in accordance with the terms of the Human Rights Policy and this procedure.
- 1.8 The duty to accommodate is informed by three key principles: respect for dignity, individualization and integration and full participation.
- 1.9 The District recognizes the importance of and the need to consider intersectionality/the intersections of oppression to design inclusively, effectively identify, prevent and address discriminatory barriers and to appropriately accommodate students and employees with intersecting identities and needs.

2.0 Definitions

- 2.1 Key human rights and equity terms used in this procedure are defined in Appendix A (Glossary of Terms) of the Human Rights Policy.

3.0 Procedure

- 3.1 This procedure applies to students, employees and District community members. This procedure includes specific inclusive design and accommodation considerations for students and employees based on disability, gender identity, gender expression and creed. The procedure also considers needs related to communication and language barriers, and the unique needs of newcomers, international students, English language learners, undocumented students/families and children and youth in care.
- 3.2 All organizational practices and decision making related to inclusive design and accommodation will comply with this procedure and uphold the strategic direction of the Human Rights Policy and related procedures, including the Accountability Framework.
- 3.3 The successful implementation of this procedure depends upon ongoing collaboration and engagement with the District's communities. Student, employee and community voice and engagement is critical to help the District inclusively design its services, employment and learning and working environments. The District will endeavor to appropriately engage students, employees and communities on initiatives that affect them ("nothing for/about us without us").
- 3.4 All schools and system departments will review the requirements of this procedure and adjust, remove, or develop new structures, practices, and decision-making processes to align with inclusive design principles and considerations.
- 3.5 As part of the District's efforts to create inclusive and welcoming environments for all community members, the Director of Education and/or designates will provide learning resources and opportunities for professional development for employees to:
 - a) Enhance understanding of inclusive design and the duty to accommodate; and

- b) Address and prevent potential stigma or actions informed by negative/deficit thinking about students, parents/guardians or employees who may require accommodation.

Proactively Offering Accommodation

- 3.6 The District will:
 - a) Regularly share information about the availability of human rights accommodations, including the request process, confidentiality provisions and protection from reprisal; and
 - b) Provide and support respectful, inclusive and accessible spaces and processes for students, parents/families/guardians and employees to safely identify human rights related barriers and accommodation needs, without reprisal.
- 3.7 The District will communicate its commitment to meeting its legal duty to accommodate and will proactively request information about potential accommodation needs based on a Protected Ground(s) as follows:
 - a) For students: at or during registration, admission, orientation, returning student processes and, as may be appropriate, at parent/guardian-teacher interviews and other relevant activities/events involving students, families and communities (for example, field trip permission forms);
 - b) For employees: during the recruitment process (for example, job ads, interviews), onboarding process and, as may be appropriate, at other events/activities involving employees (for example, training events, conferences, etc.); and
 - c) For community members: in communications about District community meetings and events.

Requesting Accommodation

- 3.8 A student (or their parent/guardian) or employee requesting accommodation should identify their Prohibited Ground(s)-related needs as soon as possible and provide sufficient documentation as may be required.
- 3.9 Students (or their parent(s)/guardian(s)) should submit any request for accommodation to their school principal using the attached Student Accommodation Request Form [template].
- 3.10 Employees should use the attached Employee Accommodation Request Form [template] to submit their request for disability-related accommodation to Abilities Management, People and Culture (Human Resource Services) or, for all other accommodation requests, to their manager or supervisor. The manager or supervisor shall consult with People and Culture (Human Resource Services), including to address any potential intersecting needs that may be related to disability.
- 3.11 It is recognized that needs related to a Prohibited Ground(s) (for example, disability, language barrier) may impact a person's ability to raise accommodation requests and/or to understand the process. As such, accommodation requests may be submitted in any language and may be raised in writing or in other ways. Staff who receive a request that is not on a completed request form must document it on a request form.

Duty to Inquire

- 3.12 The District recognizes that a student (or their parent/guardian) or an employee may not be able to disclose or communicate accommodation needs (for example, due to the nature of a disability, fear of stigmatization or stereotypes, a communication barrier, etc.). Where the District is aware or reasonably ought to be aware that a student or an employee's behaviour or performance may be linked to a Prohibited Ground(s), the District recognizes its duty to inquire regarding any needed accommodation support before making a decision that may adversely affect the student (or their parent/guardian) or the employee.

Confidentiality

- 3.13 It is recognized that information shared by students (or their parent/guardian) or employees related to accommodation needs is confidential and sensitive. Therefore, in processing accommodation requests or issues, responsible staff shall:
- a) Limit requests for information to that which is least intrusive and required to support the accommodation process;
 - b) Take steps to maximize and protect the privacy of the accommodation requestor's personal information as much as practicable in the circumstance and in accordance with applicable privacy laws;
 - c) Store accommodation information in a secure physical and/or cyber location that only authorized designated personnel can access;
 - d) Only share information with other District employees, if necessary, as part of the determination of what, if any, accommodation ought to be provided and/or the implementation of any accommodation; this may include sharing limited and relevant information to help explore potential accommodation options and solutions (any electronic sharing of confidential data shall be by way of password protected attachments or secure links); and
 - e) Only disclose this information with the student's (or parent/guardian) or employee's consent, unless permitted or required in legal proceedings or as required by law.

Roles and Responsibilities in the Accommodation Process

- 3.14 The accommodation process is a shared responsibility and staff are to cooperatively and respectfully engage with the student (or their parent/guardian) or employees (and union representative, where applicable) to consider individual needs and, where accommodation is required, to collaboratively explore accommodation options and solutions.
- 3.15 A student (or their parent/guardian) or employee requesting accommodation must raise accommodation requests in good faith and shall, to the best of their ability:
- a) Co-operate and provide necessary information to support the accommodation process; this includes, for example, taking part in discussions to explore accommodation options and solutions, providing information about relevant restrictions or limitations, including from medical and health care professionals to support disability-related accommodation requests, where necessary;
 - b) Meet bona fide education/academic or employment requirements, once accommodation is provided; and
 - c) Advise the District of any issues or challenges with the accommodation, or of new/changing accommodation needs as soon as possible.

- 3.16 Responsible District staff are required to:
- a) Accept and respond to accommodation requests in good faith, unless there are objective reasons to question the legitimacy of the request;
 - b) Be alert to situations that may trigger the duty to inquire about accommodation needs;
 - c) Act promptly to facilitate the accommodation process and implement the accommodation in a timely manner;
 - d) Limit requests for information to that which is reasonably related to the nature of the Prohibited Ground(s)-related need or limitation and to establish legal responsibilities, assess needs, limitations or restrictions and to make the accommodation;
 - e) Consult with internal and external expertise when needed to support the accommodation process;
 - f) Provide updates to the student (or their parent/guardian) or employee on the status of the accommodation, next steps (where appropriate) and accommodation decision;
 - g) Implement the accommodation solution and, where needed, monitor its ongoing effectiveness; and
 - h) Document accommodation requests and actions taken.
- 3.17 Where the District contracts out work or services to a third-party provider, the District requires that the third party confirms its commitment to fulfilling its obligations under the Code, including the duty to accommodate.

Exploring Accommodation Options

- 3.18 Responsible staff will make every effort to provide any required accommodation under the Human Rights Policy that respects the student or employee's dignity (for example, identity, integrity, sense of self-worth, empowerment, privacy, confidentiality, autonomy, individuality and self-esteem) and that responds to their individual needs, to the point of undue hardship.
- 3.19 The duty to accommodate applies to needs, restrictions or limitations based on a Prohibited Ground(s) and not to preferences, expectations or any one type of accommodation.
- 3.20 The process used to determine the appropriate accommodation under the Human Rights Policy is important. The process must include the accommodation requestor's input, and the requestor and responsible staff must collaboratively engage in discussions to explore options as to appropriate accommodations under the Human Rights Policy.
- 3.21 Subject to the confidentiality provisions of this procedure, responsible staff may consult with internal resources (for example, Indigenous Education, Inclusive Student Services, Equity and Inclusive Education, Human Resource Services, Human Rights and Equity Advisor, General Counsel, etc.). With the student (or their parent/guardian) or the employee's consent, responsible staff may also consult with affinity networks and community groups.
- 3.22 Responsible staff may request and obtain additional information about the student or employee's Prohibited Ground(s)-related needs, limitations and restrictions to facilitate the accommodation process.
- 3.23 Depending on individual needs, accommodation options may be seen along a continuum. Where there is more than one option, reasonable accommodation is one that maximizes the individual's dignity, integration and participation and responds to their needs and circumstances, to the point of undue hardship.

- 3.24 Responsible staff will also consider whether the student can perform the essential duties of the service, or the employee can perform the essential duties of employment with or without accommodation.
- 3.25 Where accommodation is necessary and yet it is not possible to implement the most appropriate accommodation option in a timely way (for example, where it will take time to implement or when further information or consultation is required), interim next best solutions/options are to be considered, implemented and documented.
- 3.26 Where it is determined that an accommodation is required, responsible staff will notify the student (or their parent/guardian) or employee about the accommodation solution/decision, complete an accommodation plan and implement the accommodation plan.

Accommodation Solutions

- 3.27 Depending on the individual needs and case by case assessments, accommodations may include, for example, modifications or adjustments to the physical environment, policies, procedures, standards, processes, rules and decision-making practices, or the use of support services, service animals or alternate technology. In addition, accommodations for students may include modifications or adjustments to curriculum, learning plans, assessment or evaluation timelines, methodologies or formats, or transportation.

Accommodation Plan

- 3.28 The accommodation process and result will be documented in an accommodation plan [template] for each student or employee that requires an accommodation. The accommodation plan shall include:
- a) A statement of relevant functional limitations or needs;
 - b) Supporting documentation (for example, medical assessment) where appropriate;
 - c) Steps taken to fulfill the procedural duty to accommodate, including accommodation options explored, interim accommodations and any timelines, input from the person requesting accommodation, consultations, additional information requested/received and communications with the student/family or guardian or employee;
 - d) The nature of the accommodation provided (for example, statement of services or support, modification or adjustment);
 - e) Products or services that may be required (for example, adaptive technology), including dates ordered, acquired and/or implemented; and
 - f) Next accommodation review date (to assess if accommodation needs are being met or if adjustments or further accommodations may be required).

For student disability-related accommodations, a completed Individual Education Plan (IEP) may satisfy these requirements.

Monitoring Accommodation and New or Changing Accommodation Needs

- 3.29 Once the accommodation plan has been implemented, responsible staff will monitor to assess if it continues to be appropriate. The accommodation plan must be reviewed when the student or employee's needs or circumstances change, impacting the effectiveness of the accommodation. This includes but is not limited to transition needs (for example, when a student moves through grades or to another school, educational setting or program; or when an employee changes roles or worksites and notifies their manager/supervisor of new, changing or ongoing accommodation needs). A review may also be required when a student (or their parent/guardian) or employee raises a concern about the accommodation. The accommodation review date in the accommodation plan is designed to facilitate ongoing reviews.
- 3.30 An individual may have new or changing accommodation needs (or may have previously not felt comfortable discussing their needs) or may require accommodation that was not previously disclosed or requested. The duty to accommodate is dynamic and responsive to changes in the student or employee's needs. Adjustments or new needs will be accommodated to the point of undue hardship so that the accommodation continues to meet the individual's needs.

Undue Hardship Decision

- 3.31 Undue hardship is the legal test which sets parameters as to the extent to which an organization must accommodate individuals pursuant to the Code. This is a very high threshold that is determined on a case-by-case basis in accordance with current case law. The test typically considers costs, outside sources of funding and health and safety requirements (where health and safety risks cannot be adequately mitigated or reduced) and is based on objective evidence.
- 3.32 Where a principal is of the view that a requested accommodation for a student would result in undue hardship, the principal shall contact their superintendent who will engage an interdisciplinary team which may include, as appropriate, Indigenous Education, Equity and Inclusive Education, Inclusive Student Services, Human Resource Services and the General Counsel.
- 3.33 Where a manager/supervisor believes that a requested accommodation for an employee would result in undue hardship, the manager shall engage and consult with their superintendent or senior manager and the superintendent responsible for Human Resource Services. Where Human Resource Services is handling an employee's disability-related accommodation request, they will consult with the employee's superintendent or senior manager.
- 3.34 The interdisciplinary team (for students) or Human Resource Services team (for employees) shall undertake a review of all available relevant information and shall request any further information necessary to process the accommodation request before making a decision. The team will also consider organizational accommodation patterns and potential organizational learning needs and professional development.
- 3.35 Any accommodation will be documented in the accommodation plan and implemented in accordance with that plan. The accommodation plan shall document if and how undue hardship impacted the nature and extent of the accommodation.

Other Limits to the Duty to Accommodate

- 3.36 The duty to accommodate is not absolute and is not unlimited. For example, the District will have met any duty it may have to accommodate where:

- a) Notwithstanding that any appropriate accommodations have been provided or explored, an employee is unable to fulfill the essential employment related duties or requirements or a student is unable to have meaningful access to educational services;
- b) The person requesting accommodation does not participate in or provide necessary information to support the accommodation process or does not take part in developing solutions; and/or
- c) The accommodation requested is outside of the District's mandate for services or employment (i.e., the District is not required to develop or provide a service outside of its legislated mandate).

Right to Pursue Other Avenues

- 3.37 This procedure in no way affects students/families' or employees' ability to exercise their rights under other processes established through legislation, Board policy or procedure, contract or collective agreements (for example, filing an application to the Human Rights Tribunal of Ontario, filing a grievance, etc.).

Protection from Reprisal

- 3.38 No student (or their parent/guardian) or employee will be penalized, threatened, negatively treated or be subject to reprisal for asserting their rights under the Code, the Human Rights Policy or this procedure, including:
- a) Requesting information about human rights and accommodation;
 - b) Requesting an accommodation;
 - c) Raising concerns about the accommodation process or outcome;
 - d) Filing a human rights related complaint, grievance, application to the Human Rights Tribunal of Ontario or raising a complaint to another external body; and/or
 - e) Providing information related to an issue or a complaint or participating as a witness in an issue or complaint resolution process.
- 3.39 Reprisal is a violation of the Human Rights Policy and is unacceptable and will not be condoned. Persons who are found to have engaged in any form of reprisal against students, parents/families/guardian or employees are subject to corrective action, including discipline up to and including termination of employment (for employees) and expulsion (for students).

Unique Inclusive Design and Accommodation Considerations

- 3.40 In addition to the general accommodation process outlined above, the District recognizes that there may be intersecting and/or unique inclusive design and/or accommodation considerations based on ableism and disability, cisnormativity, gender identity and gender expression, and faithism and creed/religion. Each of these is discussed below to provide additional guidance.

Ableism and Disability

- 3.41 The District recognizes:
- a) The broad and evolving definition of disability under the Code and case law, and increasing understanding of neurodiversity and the social model of disability;

- b) Stigmatization and negative biases, attitudes, perceptions, assumptions and stereotypes based on ableism, disability, diverse abilities and neurodivergent traits (including and not limited to assumptions about functional limitations, low expectations, learning disabilities, differences in behaviours, social interactions, cognitive processing and communication, etc.);
- c) Unique accessibility barriers (for example, attitudinal, physical, architectural, information/communication or technological barriers) for people with neurodivergent traits, mental health disabilities, addictions and disabilities that may be “invisible”, episodic, temporary and/or permanent;
- d) Inequitable and disproportionate educational and employment experiences and outcomes, including and not limited to discipline, access to programs, assessments, services, supports, transition planning, activities, events, transportation, etc.;
- e) Bullying, harassment and discrimination [including intersecting discrimination because of accommodation needs and/or based on disability and other Prohibited Ground(s) (for example, another type of disability, ancestry, race, sexual orientation, gender identity, gender expression, creed, socioeconomic status, etc.)] and which may affect accommodation needs and plans; and
- f) Individuals may experience disability-related barriers differently (in other words, not everyone with the same type of disability may have the same accommodation needs).

3.42 The District is committed to: addressing ableism and discriminatory barriers related to the medical and functional models of disability (including through professional development and learning); supporting inclusive and accessible environments; recognizing and affirming neurodiversity, the social model of disability and individual strengths, abilities and talents; and accommodating disability-related needs in accordance with the Human Rights Policy, to the point of undue hardship.

Medical Information and Disability Related Accommodation

- 3.43 In situations where a student may not have a formal assessment or documentation, responsible staff will consider other available information to facilitate consideration of any accommodation issues. This information may include how the individual identifies their own needs, history of formally identified needs, disability or accommodations, third party reports and screening tools.
- 3.44 Where disability related needs are unclear, responsible staff may request additional medical information, in addition to disability related needs, where objectively necessary to assess accommodation. This may include information about the nature of the disability (for example, if it is a learning, mental health or physical disability, without requiring a medical diagnosis); and/or an independent medical examination or assessment. However, student or employee is not required to attend an independent medical examination or assessment but not doing so may frustrate, delay or limit the accommodation process.
- 3.45 For disability related accommodations, a diagnosis is not required. However, in some there may be an overlap in the description of needs and an actual diagnosis. In very limited and complex cases, requisite information may include a diagnosis to appropriately support the accommodation process.

Classroom Placements for Students with Disabilities

- 3.46 In addition to accommodation principles and requirements set out in this procedure, decisions about the most appropriate classroom placement for students with disabilities shall take into consideration other relevant factors (for example, intersecting needs, maximizing integration, learning style/needs, nature of supports required and mental health and well-being).

- 3.47 Where it is determined that a placement decision outside of the regular classroom is the most appropriate accommodation, every reasonable effort should be made to meaningfully integrate and include the student in school programs and activities including but not limited to some time in classes with school peer groups, lunch, recess, gym, school trips, and events, to the point of undue hardship.

Cisnormativity, Gender Identity and Gender Expression

- 3.48 The District recognizes the unique needs and experiences of, barriers for and negative biases, stereotypes and assumptions about Two Spirit, trans, transitioning, and other non-binary, gender non-confirming, gender expansive and intersex (differences in sex development) students, parents/guardians, employees and community members.

It is noted that members of 2SLGBTQI communities may use different terminology to reflect individual expressions of gender and gender identity that may not be reflected by the 2SLGBTQI acronym. For the purpose of this procedure, “trans” is used as a term to include diverse and non-binary gender identities and expressions, unless otherwise noted.

- 3.49 Students and employees have the right to define their own gender identity and to express their gender identity in District learning and working environments.
- 3.50 DDSB students, parents/guardians, employees and community members who identify as trans:
- a) May not feel safe disclosing or expressing their gender identity in District learning and working environments or at home;
 - b) May be vulnerable and subjected to transphobic discrimination, bullying and violence (for example, trans youth are vulnerable to harassment and bullying from peers, and trans employees are vulnerable to unwelcoming or unsafe work environments);
 - c) Are often negatively affected by cisgenderism/cisnormativity and cissexism in their learning and working environments; and
 - d) May not have readily available access to resources or support or feel safe raising concerns or complaints, including a lack of awareness and understanding by other students, employees, parents/guardians/families (including, in some cases, a student’s parent/guardians/family) and community members.

These concerns may be compounded for trans people who also identify as a member of another group(s) or community(ies) that is also discriminated against because of ancestry, race, disability, sexual orientation, creed/faith and other Prohibited Grounds.

- 3.51 Trans students and employees may have individualized, specific and fluid/evolving needs related to safety and dignity, expressing their gender identity and having their gender identity and expression (and other intersecting Prohibited Ground(s)-based needs) recognized and accommodated (where required), including chosen names/pronouns, confidentiality, inclusive and affirming spaces and activities, and transitioning support (where applicable).

Expressing Gender Identity

- 3.52 Self-identification is sufficient for trans students and employees to be addressed by their chosen name and pronouns and to be recognized according to their gender identity (for example, access to washrooms, services that correspond with their lived gender, etc.). District staff will affirm the self-identified trans identity of students, parents/guardians and employees.

- 3.53 Trans students and employees are not required to provide any “proof” of their gender identity (and trans students or employees may or may not choose to legally change their names and update gender markers on official identity documents). Trans students may also choose to indicate their gender identity, chosen name and pronouns verbally or in writing at any time, including on registration/returning student information forms. For employees, this includes new employee information/onboarding processes and forms.
- 3.54 Where a trans student or employee seeks accommodations to support their gender identity or gender expression (and any other Prohibited Ground(s)-related needs), students (or their parents/guardians) may advise the teacher, principal or other trusted District employee (for example, guidance counsellor) and/or complete the attached form; employees may advise their supervisor/manager and/or complete the attached form. For some accommodation requests, the District may require additional information to support the accommodation process.

Privacy and Confidentiality

- 3.55 It is recognized that trans students and employees may not be open or “out” about their identity to their family or to other District community members.
- 3.56 Subject to record keeping and disclosure requirements in the Ontario Student Record (OSR) Guidelines and other legislation, students have a right to privacy. Subject to record keeping requirements and processes described below, and subject to the terms of the Consent for Clinical Services Procedure, staff shall maintain privacy and confidentiality of trans students and will not disclose a student’s gender identity to the student’s parent/family/guardian, employees or other students without the student’s explicit prior consent and unless the student requests it.
- 3.57 Employees are to maintain privacy and confidentiality and will not disclose an employee’s trans identity to other employees or District community members without the employee’s explicit prior consent, unless the employee requests it.

Supporting a Trans Student’s Identity

- 3.58 To support safe options for students, school staff that are advised by the student that the student is or may be trans will:
- a) Honour and respect the student’s self-identified trans identity;
 - b) Ask the student how staff should refer to them (student’s chosen name, legal name or deadname and pronouns) in District learning environments including in calls, correspondence and meetings with the student’s parent/family/guardian;
 - c) Discuss with the student any additional school or District staff who may need to know the student’s gender identity (for example, the principal/vice principal and other employees who may interact with the student in District learning environments such as other teachers, guidance counsellors, child and youth workers, social workers, supply teachers, team or activity coaches, etc.) to support safety and any accommodations, and to prevent misgendering or outing a trans student to others, including when other staff may need to contact the student’s parent/family/guardian;
 - d) Ask the student about any other safety concerns they may have and supports they may need; and
 - e) Request that the student inform staff if their needs or safety concerns change.

Names and Pronouns

3.59 Trans students and employees have the right to:

- a) Be addressed (verbally and in writing) by their chosen name and pronouns corresponding to their gender identity; this applies regardless of the age of the student and whether they have parent/guardian consent or support, and subject to any safety concerns a student may have; and
- b) Have their chosen name/pronouns (including pronouns other than the masculine or feminine, such as “they”, “ze”, “hir” (or “iel” in French, for example) reflected in school and employment documents and records.

School staff will pay special attention to use the student’s chosen name and pronouns on printed reports/documents that are provided to the student, unless the student requests otherwise.

3.60 Deadnaming (i.e., intentionally or persistently referring to a trans person by the name they used before they transitioned) and misgendering (intentionally or persistently refusing to acknowledge a student’s or employee’s chosen name, pronoun or gender identity) cause harm, are unacceptable and discriminatory and will not be condoned. However, it is recognized that the District may have legal obligations to reference a person’s legal name in certain documentation.

Changing School Records and Documents

3.61 The District recognizes that discrepancies on official documents can create significant barriers and risks for trans people. Subject to legal requirements to include reference to a person’s legal name, the District will develop and maintain student and employee records, electronic records, databases and/or administrative documents that reflect lived identities and chosen names for trans students, parents/guardian and employees.

3.62 Some databases and electronic records are created or maintained provincially. The District will advocate for changes to databases that the District does not maintain and/or develop internal business procedures and local solutions so that records and documents reflect trans students’ or employees’ lived gender, chosen name, pronouns and gender markers as much as possible.

3.63 The District will accommodate a trans person’s request to have records and documents reflect their chosen name and pronouns and will:

- a) Update a legal name change (i.e., the District will change a student’s or employee’s official records to reflect a legal name or gender marker upon receipt of documentation that their legal name or gender marker has changed); and/or
- b) Recognize a name that differs from their legal name in records and documents, wherever possible based on legal requirements. Where a trans employee requests that the District recognize a name that differs from the name the person uses with any professional college or regulatory body, the General Counsel is to be consulted.

The process to change a name or gender marker in records and databases will be respectful, non-intrusive, and will not be based on whether a trans person has had a medical procedure(s) to support their lived gender.

Parent/Guardian Consent

- 3.64 The District recognizes that some parents/guardians may not be aware or may not agree with or support their child's gender identity or the child's use of a chosen name, pronouns and gender marker that correspond with their lived gender/gender identity. The District has legal obligations to uphold the rights of the child and maintain confidentiality, and will honour, affirm, recognize and respect the student's self-identified gender identity in District services and learning environments.
- 3.65 Where a student indicates that their parent/guardian is not aware of or does not support the student's trans identity, school staff will consider the student's age and level of understanding of potential impacts and will assess the safety risks to the student on an individualized, case-by-case basis. School staff will discuss these risks (and any options to mitigate them) with the student, so the student is aware of and understands the potential risks and implications. Where there is a concern about the potential capacity of the student to understand these impacts and make decisions about them, school staff shall consult with their superintendent who may engage the Board's General Counsel.
- 3.66 Where appropriate, school staff may also refer the student to District or community resources for additional support.
- 3.67 Where the student has indicated a safety concern about disclosing their gender identity to their parent/guardian, responsible staff will respect the student's wishes around communications, report cards, etc. that might "out" them to their parent/guardian. School staff will ask the student before including their chosen name and pronouns on report cards, transcripts, yearbooks, activity/sports lists, awards, etc. or in communications and documents that are sent to parents/guardians/families.

Washrooms and Change Rooms/Facilities

- 3.68 Trans students and employees shall not be discriminated against or harassed for accessing washrooms and change rooms/facilities that do not conflict with their self-identified lived gender identity and shall be accommodated to the point of undue hardship with respect to:
- a) Access and use of washroom and change rooms/facilities that do not conflict with their self-identified lived gender identity; and
 - b) Requests for access to additional options that uphold safety, dignity, privacy and confidentiality (for example, trans students and employees can request access to private spaces/rooms to enhance privacy and address safety concerns).
- 3.69 Trans students and employees may use one or both gendered washrooms or a private single stall or universal washroom. Where reasonably feasible, schools shall have an easily accessible all-gender single stall washroom for use by any trans person (and people who do not identify as trans) who may wish to have increased privacy. Trans students and employees may choose which washroom or change room to use. They must not be required to use a universal/all gender washroom or a separate washroom or change room because others express discomfort or transphobic attitudes.
- 3.70 Alternative arrangements requested for change rooms/spaces will be facilitated in a way that best meets the student's or employee's specific needs and safety concerns, respects privacy and confidentiality and is acceptable to the student or employee.

Gender Segregated Classes and Activities

- 3.71 The District promotes the inclusive design of classes, events and activities that include all identities and expressions of gender. Trans students have the right to take part in gender segregated physical education and other classes and activities in accordance with their lived gender identity.

Gender Inclusive and Trans Positive Environments

- 3.72 The District recognizes the importance of creating learning and working environments that respect and include diverse gender identities and will:
- a) Affirm and support diverse gender identities (for example, by integrating trans positive content and gender inclusive curriculum, pedagogy, instructional practices, resources, learning and working environments, activities and events and student identity-based affinity groups); and
 - b) Challenge cisnormativity and promote anti-homophobic, anti-biphobic and anti-transphobic education.

Transitioning at School or Work

- 3.73 Transitioning refers to a range of activities that some trans people may pursue to affirm their gender identity. Transitioning means different things to different people and may evolve over time. This may or may not include legal or social changes to their name, pronouns, sex designation/gender marker, clothing and appearance, and may sometimes include medically supportive procedures. Transitioning is highly personal and individualized.
- 3.74 Transitioning can be both affirming and difficult and stressful for some trans students and employees because of heightened stress, anxiety, bullying, discrimination and physical and emotional health and safety risks. The District recognizes the important role it plays in creating welcoming schools and workplaces to support transitioning students and employees, where all students and staff are treated with dignity and respect.
- 3.75 Students and employees who are transitioning may require specific/unique and intersecting accommodation needs to safely, respectfully and confidentially transition in District learning and working environments. The District will accommodate transitioning students and employees on an individual case-by-case basis in accordance with the Human Rights Policy and the Code.

Creed/Religion

- 3.76 The District recognizes that creed may influence and be an important part of a person's identity, worldview and way of life, and recognizes the rights of students, employees and District community members to freely hold their creed beliefs and to be accommodated under the Code and the Human Rights Policy in relation to observance in District working and learning environments.
- 3.77 In this regard, creed:
- a) Is sincerely, freely and deeply held;
 - b) Includes Indigenous Spirituality and the spiritual beliefs and practices of Indigenous peoples/cultures;
 - c) Is integrally linked to a person's identity, self-definition and fulfilment;

- d) Is a comprehensive, overarching system of belief that influences or governs a person's conduct and practices;
- e) Addresses ultimate questions of human existence, including ideas about life, purpose, death, and the existence or non-existence of a Creator and/or a higher or different order of existence;
- f) Has a "nexus" or connection to an organization or community that professes a shared system of belief; and
- g) Does not include every belief, opinion, expression, practice, matter of conscience, political belief or conviction.

3.78 The District also recognizes community members may experience creed-based discrimination, stigmatization, faithism and hate in various ways, including where creed-based discrimination intersects with other Prohibited Grounds (for example, race, disability, sexual orientation, gender, gender identity and gender expression). In addition, faithist and derogatory and discriminatory creed-based biases, attitudes, stereotypes, assumptions, stigmatization, barriers and behaviours can have an adverse effect (for example, prejudice, fear, or hate) or can exclude people who belong to (or are perceived to belong to) communities of belief including (and not limited to) Indigenous Peoples who practice Indigenous Spirituality, people who identify as Buddhist, Hindu, Jewish, Muslim, Sikh and members of marginalized faith groups, and people who belong to newer or lesser-known creed communities. This may result in anti-Indigenous racism, anti-Buddhist discrimination/hate, Hinduphobia/anti-Hindu hate, antisemitism, Islamophobia or anti-Sikh discrimination/hate.

3.79 The District will:

- a) Support welcoming, inclusive and equitable learning and working environments that better reflect the multi-faith identities of the school community it serves; and
- b) Engage students, parents/guardians and employees to help identify creed related barriers and needs.

3.80 The District also recognizes that policies, procedures and practices may have an adverse effect on a student or employee's sincerely held belief that is connected to creed. Students or employees may require accommodations for creed-based practices related to:

- a) Indigenous Spirituality/spiritual practices;
- b) Faith days (holidays, leaves, ritual observances);
- c) Opening exercises;
- d) Dietary requirements (including fasting);
- e) Dress codes, including modesty requirements and health and safety rules and standards;
- f) Displaying creed-based symbols;
- g) Photo and biometric identification; and
- h) Curriculum and activities.

Faith Days and Prayer Observances and Spaces

- 3.81 Students and employees may request accommodation for time away from school or work (or for short periods of prayer during the school or work day) to observe or participate in creed-based religious and spiritual observances. Where these observances are adversely affected by District school and employment hours/schedules, the District will explore accommodation options to support these practices in accordance with the Human Rights Policy and the Code.

Opening Exercises

- 3.82 DDSB community members may wish to not participate in school opening exercises (i.e., playing/singing the national anthem) in District learning and working environments (for example, to start the school day, at sporting or other events and at Board and other meetings). A student, parent/guardian, employee or community member may opt out of opening exercises. They will not be required to participate and may choose to stay in the room/area or wait in another location during opening exercises. DDSB community members must treat one another with dignity and respect, regardless of any opt out for opening exercises.

Dietary Requirements and Fasting

- 3.83 Student or employee's individual sincerely held creed-related food requirements or restrictions, including practices as to fasting, will be accommodated to the point of undue hardship. In considering accommodation requests, responsible staff should not rely on generalizations about creed based dietary requirements and are to consider options of comparable nutritional value to those offered to others.
- 3.84 Where the District provides food services, and irrespective of individual accommodation plans, responsible staff shall:
- a) Keep any vegetarian food options separate, with separate serving utensils;
 - b) Ensure any kosher or halal certification markings on packaged food are visible; and
 - c) Provide appropriate options and/or adjust food services, pizza days, fun fairs, meal programs and community events to account for typical dietary needs and restrictions.

Dress Requirements, Including Modesty and Health and Safety Concerns

- 3.85 Students and employees may wish to observe their creed beliefs through religious attire, including but not limited to wearing crucifixes, Stars of David, head coverings, face coverings, modesty in attire/dress, or ceremonial dress. This may affect dress requirements for physical education classes, activities and sports events or may be perceived as contravening safety policies. Religious attire also makes students or employees' creed-based beliefs "visible" and may make them more vulnerable to discrimination and harassment. The District will meet its duty to accommodate students' and employees' creed-related dress needs to the point of undue hardship and will take steps to prevent and address potential discrimination and harassment in accordance with the Human Rights Policy and procedures.

Displaying Religious or Creed-Based Symbols

- 3.86 It is recognized that students and employees may wish to express a creed belief by displaying or wearing a religious symbol in District learning and working environments.

- 3.87 The District will not organizationally privilege or disadvantage one creed over another and will:
- a) Maintain environments free from religious or creed-based pressure;
 - b) Promote equality through universal design and inclusion of diverse creed symbols;
 - c) Consider if a display or symbol should not be displayed as it may have a significant negative impact (for example, exclusion, discrimination against others or creed pressure) or may create or contribute to a poisoned working or learning environment for students, parents/guardians, employees or District community members, including where the symbol may promote hate or incite violence; and
 - d) Accommodate individual creed beliefs and practices to the point of undue hardship, subject to the limits of creed-based accommodation.

Photographs and Biometric Information

- 3.88 It is recognized that students or employees may hold creed beliefs about not being photographed, wearing face or head coverings as part of their expression of creed beliefs, and/or about showing their face in photographs. In considering any accommodation issues, responsible staff should consider if a requirement for a photograph is bona fide and if the purpose of the photograph can be achieved in other ways.

Curriculum and Activities

- 3.89 It is recognized that there may be some situations where students or parents/guardians may request accommodations as to curriculum, activities or resources/materials where they believe that the content of curriculum, learning activity or resources/materials may infringe on creed-based rights and/or freedom of religion.
- 3.90 There is no general right not to be exposed to views and beliefs that contradict or differ from one's own, including school curriculum that may conflict with creed related beliefs and practices. The DDSB is a publicly funded school board, and the District meets provincial curriculum requirements, expectations and standards. This includes teaching students about, affirming and supporting the expression of diverse identities (including those related to ancestry, race, disability, sexual orientation, gender identity, gender expression, creed and all Prohibited Grounds) and challenging all forms of discrimination.
- 3.91 A student (or their parent/guardian) may raise a concern that curriculum content or a resource, material or activity interferes with a creed-based practice or objectively infringes on freedom of religion and may request an accommodation. In such a case, responsible staff will discuss possible individual solutions with a focus on meeting curriculum requirements, preserving student/family dignity and privacy and promoting integration and full participation. Appropriate accommodations (for example, substitution, exemption or withdrawal from the curriculum, activity or resource through a differentiated instructional model), may also be considered but may be limited due to undue hardship or a bona fide requirement.

Limits to the Duty to Accommodate Creed-Related Requests

- 3.92 Human rights protections for creed do not extend to creed practices and observances that are hateful or incite hatred or violence against other individuals or groups, or that contravene criminal law. The duty to accommodate creed beliefs and practices may also be limited where the creed right interferes with the human rights of others or announces an intention to discriminate under section 13 of the Code in District services, employment and learning and working environments.

Accessibility and Accommodation in Employment

- 3.93 The District recognizes that inclusion and accessibility barriers may affect recruitment and employment practices and processes and may impact the District's efforts to recruit and retain a qualified workforce that represents the diverse communities it serves. The District will meet accommodation requirements under the Code and the Human Rights Policy and obligations under the AODA throughout the employment cycle/relationship (for example, recruitment, selection, promotion and retention processes and strategies) and in human resources administration.

Competing Rights

- 3.94 The District recognizes that in a complex and diverse service and employment organization, rights may come into conflict with one another. The District:
- a) Recognizes that no rights are absolute and there is no hierarchy of human rights;
 - b) Respects the importance of all sets of rights;
 - c) Will assess each situation on a case-by-case basis; and
 - d) Will collaboratively explore options and solutions in consultation with appropriate internal resources and expertise to maximize rights for everyone consistent with the Ontario Human Rights Commission's Policy on Competing Rights framework, human rights and legal principles, and relevant case law.

Concerns with the Accommodation Process

- 3.95 The Student/Family Human Rights Issue, Incident and Complaint Resolution Process and the Complaints Procedure - Human Rights, Safe and Respectful Workplace and Workplace Harassment Prevention (for employees) outline the processes for raising and resolving issues or complaints related to the accommodation process.

Accommodating Parents/Guardians and Other Community Members

- 3.96 Parents/guardians, community members and visitors may require human rights accommodation when:
- a) Accessing District learning or working environments, including District schools, offices and meetings;
 - b) Participating in District-hosted events, committees and meetings;
 - c) Supporting a student's meaningful access to education or an employee's meaningful access to employment; and
 - d) Communicating and interacting with District employees for all other District educational service or employment related reasons.
- 3.97 Parents/guardians, community members and visitors should:
- a) Make their human rights accommodation needs known to the District in advance (for example, by submitting the attached accommodation request form); and
 - b) Collaboratively engage in the accommodation process outlined in this procedure so that the District can facilitate appropriate accommodation.

Organizational Trends Analysis

- 3.98 The Director of Education and designates will collect and analyze accommodation data in accordance with the Human Rights Policy and related Accountability Framework and procedures to monitor organizational accommodation trends and accessibility issues. Where appropriate, this data may be used to inform:
- a) Professional development planning;
 - b) Revisions to relevant procedures and practices; and
 - c) Special initiatives, programs, strategies, plans or actions to address unique and intersecting inclusive design barriers that affect students and employees based on ancestry, race, disability, sexual orientation, gender identity, gender expression, creed/religion, and any other Prohibited Ground or combination of grounds. The District will engage and endeavour to co-create any such programs with communities the District serves and those most affected by the program.

Communications and Information Sharing

- 3.99 The Director and designates will communicate about and publicly post this procedure in accordance with the requirements of the Human Rights Policy, related procedures and the Accountability Framework.

Review Process

- 3.100 The Director of Education and designates will review and update this procedure as necessary and appropriate but it shall be reviewed at least every five years. To support the review process, the review will include:
- a) Information, trends and data (for example, school climate and well-being survey data, student census/identity survey, workforce census data, complaints data, accommodations data, etc.);
 - b) Input from and evidence of impact on students, parents/guardians and employees; and
 - c) Evolving human rights law, policy and/or practices.

4.0 Reference Documents

4.1 Policies

- [Indigenous Education](#)
- [Human Rights, Anti-Discrimination and Anti-Racism](#)
- [Policy Formulation and Review](#)
- [Equity and Inclusive Education](#)
- [Equitable Recruitment](#)
- [Positive School Climate](#)
- [Safe and Respectful Workplace and Harassment Prevention](#)
- [Code of Conduct and Discipline for Students](#)

4.2 Procedures

- [Indigenous Education Procedure on Classroom Practices: Teaching and Learning](#)
- [Human Rights, Anti-Discrimination and Anti-Racism](#)
- [Student/Family Human Rights Issue, Incident and Complaint Resolution](#)
- [Human Rights Roles, Responsibilities and Accountability Framework](#)
- [Consultative Process](#)

- [Equity and Inclusive Education](#)
- [Equitable Recruitment](#)
- [Positive School Climate](#)
- [Complaints Procedure - Human Rights, Safe and Respectful Workplace and Workplace Harassment Prevention](#)
- [Code of Conduct and Discipline for Students](#)

Other Documents

- [Universal Declaration of Human Rights](#)
- [United Nations Declaration on the Rights of Indigenous Peoples](#)
- [United Nations Convention on the Rights of the Child, Rights of Persons with Disabilities, Yogyakarta Principles](#) and other United Nations documents and instruments
- [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](#)
- [Ontario Human Rights Commission's Policies and Guidelines](#), reports and resources
- [Anti-Racism Directorate's Anti-Racism Policy, Anti-Black Racism Strategy](#) and [Data Standards for the Identification and Monitoring of Systemic Racism](#)
- Ministry of Education strategies, plans, and policy and procedures memoranda
- [DDSB Hiring Guidelines](#)
- DDSB's [Supporting Trans Students in Our Schools](#)
- DDSB's [Guidelines and Procedures for the Accommodation of Creed in Schools: An Inclusive Design Approach](#)

Appendix:

[NOTE: Forms and templates referenced in procedure to be added]

Effective Date

2022-05-16

Amended/Reviewed

2022/12/01