

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

### 1.0 Rationale

- 1.1 The Durham District School Board (“DDSB”) adopts this policy to protect, uphold and promote human rights and to prevent discrimination and discriminatory barriers in all DDSB learning and working environments. Protecting, upholding and promoting human rights are necessary to meet the mandate of the DDSB and to create and foster a culture of care where students and employees can thrive and have a sense of safety, well-being, engagement and belonging.
- 1.2 In this policy and related procedures, “discrimination” means all forms of individual, intersectional and systemic discrimination in respect of any of the Prohibited Grounds (as defined in this policy). There is no hierarchy of rights. The policy applies equally to all Prohibited Grounds and combination of grounds and applies to all forms of discrimination, including (and not limited to) racism, ableism, sexism, homophobia, biphobia, transphobia, faithism and classism.
- 1.3 The DDSB adopts this policy to better fulfill its obligations under the Ontario Human Rights Code (the “Code”) and in so doing recognizes that human rights and anti-discrimination (anti-racist, anti-ableist, anti-sexist, anti-homophobic, anti-biphobic, anti-transphobic, anti-faithist and anti-classist) approaches, actions and initiatives are required to address all forms of discrimination.
- 1.4 In addition, this policy addresses the DDSB’s obligations under the Anti-Racism Act and the Accessibility for Ontarians with Disabilities Act (AODA). This in no way diminishes the Board’s commitment to address all forms of discrimination with equal determination as is reflected in the terms of this Policy below and the detailed procedures implementing this policy.
- 1.5 Key human rights and equity terms used in this policy are defined in Appendix A: Glossary of Terms.
- 1.6 The DDSB’s Indigenous Education Policy acknowledges the distinct rights of Indigenous Peoples. Indigenous Peoples may elect to pursue any right or remedy under this policy and related procedures or under the Indigenous Education Policy and procedures, as they may deem appropriate in any given circumstance.
- 1.7 Systemic discrimination is pervasive and deeply entrenched and operates in society, institutions, structures, policies and standards, including in educational institutions and the DDSB. This stems from the effects of:
  - a) Discriminatory ideologies and systems and the structural dominance of white supremacy, racism, sexism, ableism, heteronormativity, cisnormativity/cisgenderism, cissexism, faithism and classism; and
  - b) Historical and ongoing colonialism, systemic and intersecting discrimination and oppression, including but not limited to the legacies and ongoing intergenerational effects of residential schools, enslavement and unique discriminatory structures, policies and practices against people based on ancestry, race, disability, sex, sexual orientation, gender identity, gender expression, creed, age, socioeconomic status and other Prohibited Grounds and combination of grounds.

- 1.8 These discriminatory ideologies and structures perpetuate dominant perspectives (including white supremacy and racist, ableist, sexist, gendered, heteronormative, cisnormative, cissexist, faithist and classist assumptions, stereotypes and beliefs) that:
- a) Erase or diminish students' and employees' identities, voices, knowledge and experiences because of inaccurate information, biases, attitudes and stereotypes (for example, deficit ideologies and low expectations); and
  - b) Do not consider the histories, accomplishments, strengths, abilities, and identities of Indigenous Peoples, Black peoples, racialized peoples, people with disabilities, people who identify as members of 2SLGBTQI communities, people who are members of religious/faith communities that are subjected to discrimination, and other groups based on Prohibited Grounds.
- 1.9 Discrimination causes harm to students, families, employees and communities and can:
- a) Negatively affect physical, emotional, psychological and spiritual safety, mental health and well-being;
  - b) Create barriers to academic and employment-related achievement and success; and
  - c) Result in inequitable and disproportionate educational, employment/career and social experiences, opportunities and outcomes.
- 1.10 Therefore, in adopting this policy, the DDSB confirms its commitment and responsibility to:
- a) Understand and combat the impacts of historical and ongoing discrimination and discriminatory ideologies, including white supremacy, racism, xenophobia, patriarchy, sexism, ableism, heteronormativity, homophobia, cisnormativity/cisgenderism, cissexism, biphobia, transphobia, faithism, ageism and classism;
  - b) Identify, prevent and address all forms of discrimination in DDSB services and employment; and
  - c) Provide learning and working environments that centre human rights and equity and that are safe, welcoming, respectful, equitable, inclusive, accessible and free from all forms of discrimination, oppression and harm.
- 1.11 The DDSB also recognizes the critical role and responsibilities it, and the education system as a whole, has in creating a climate of understanding and mutual respect for all DDSB community members, and in supporting learning about human rights.

## 2.0 Policy Objective

### Application and Scope

- 2.1 The key objectives of this policy are to:
- a) Establish a human rights, anti-discrimination, anti-oppression and anti-racism framework and approach to education and employment that centres the work of the DDSB and promotes individual and organizational responsibilities and accountability;
  - b) Embed human rights, anti-oppression, anti-discrimination, Universal Design for Learning (UDL), culturally relevant and responsive pedagogy (CRRP), inclusive design and accessibility principles, approaches and actions in all aspects of services, employment and learning and working environments;

- c) Foster and sustain a culture that recognizes and respects the dignity and worth of all DDSB community members and where DDSB community members have equal rights and opportunities, are welcome and included, are treated with dignity and respect and can fully participate in DDSB services and employment, without discrimination;
- d) Intentionally address anti-Indigenous racism, anti-Black racism, anti-Asian racism, anti-Latin American racism, all other forms of racism, Islamophobia/anti-Muslim hate, antisemitism, other forms of religious discrimination, ableism, homophobia, biphobia, transphobia, and all other forms of discrimination and hate in DDSB learning and working environments;
- e) Centre student voices and experiences, particularly students who are most impacted by historical and ongoing systemic discrimination and oppression;
- f) Foster meaningful engagement with diverse student, employee and community groups on initiatives that affect them (“nothing for/about us without us”);
- g) Value, affirm and reflect students’, families’, employees’ and communities’ diverse identities, family structures, lived realities and experiences, perspectives, strengths, abilities, talents, skills, cultures, histories and achievements, and honour and support the expression of their identities;
- h) Provide caring and safe learning and working environments that respect and protect human rights, that promote high expectations and achievement and that remove barriers to success;
- i) Support the duty to accommodate needs related to a Prohibited Ground(s) to the point of undue hardship, in a manner that recognizes and respects individual identities, strengths, abilities and needs and that maximizes inclusion, integration, participation and independence; and
- j) Support accessible, safe, fair and effective human rights issue and complaint resolution processes.

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

### 3.0 Policy

3.1 This policy is for the benefit of all DDSB community members in all DDSB learning and working environments. This policy references the following defined terms:

- *DDSB community members* are employees, students, parents/guardians, families, permit holders, vendors, service providers, authorized visitors and any other person authorized to be present within DDSB learning and working environments or spaces.
- *DDSB learning and working environments* include virtual and in-person meetings, events and activities including those that take place outside of usual learning and working spaces and environments, or outside of usual learning and working hours, when the activity is sufficiently connected to DDSB learning environments or the workplace (for example, conferences, training events, school trips, social media, extracurricular events, etc.).
- *DDSB employees* include permanent, temporary, casual and contract staff, volunteers, university and college students on placement, interns and any other persons included in the definition of “worker” under the Occupational Health and Safety Act (OHSA).

3.2 All DDSB community members have the right to be treated with dignity and respect and to DDSB services, employment and learning and working environments that are free from discrimination.

- 3.3 All DDSB policies and procedures shall be interpreted and applied in a manner consistent with the terms of this policy in order to prevent discriminatory structures, barriers, experiences and outcomes. To the extent that the terms of any DDSB policy or procedure contradict the terms of this policy, the terms of this policy shall govern.
- 3.4 All DDSB processes, programs, practices and initiatives shall comply with and shall be consistent with this policy.

## **A. Human Rights**

### Prohibited Grounds for Discrimination

- 3.5 This policy prohibits discrimination and harassment by DDSB community members in the delivery of services, in employment and in DDSB learning and working environments based on the following prohibited grounds (“Prohibited Grounds”):
- Age
  - Ancestry (includes Indigenous ancestry)
  - Citizenship
  - Colour
  - Creed (religion, includes Indigenous spiritual practices)
  - Disability (includes mental, physical, developmental and learning disabilities and addictions)
  - Ethnic origin
  - Family status (being in a parent-child or equivalent relationship)
  - Gender identity (which may be the same or different from a person’s birth assigned sex)
  - Gender expression (how a person publicly presents their gender)
  - Marital status (the status of being married, single, widowed, divorced or separated and includes “common-law relationships”)
  - Place of origin
  - Race
  - Record of offenses (in employment only)
  - Sex (includes pregnancy)
  - Sexual orientation
  - Socioeconomic status (for students in DDSB services and learning environments).
- 3.6 The Prohibited Grounds of discrimination under this policy shall be deemed amended to reflect any changes to the Code or expansion of analogous grounds as determined by a court of competent jurisdiction.
- 3.7 Language/language-related needs that are connected to a Prohibited Ground(s) may be addressed under this policy.
- 3.8 This policy also prohibits discrimination and harassment based on:
- a) Association or relationship with a person who identifies based on one or more of the Prohibited Grounds;

- b) The perception that a person identifies based on one or more of the Prohibited Grounds (for example, perceived ancestry, race, creed/religion, disability, sexual orientation, gender identity, etc.); and
- c) Any combination of two or more Prohibited Grounds where systems/structures may impose distinct discriminatory barriers and/or individuals may be affected by distinct forms of discrimination and harassment based on the unique intersection(s) of these grounds (i.e., intersectionality).

### Policy Violations

- 3.9 DDSB community members shall not engage in discrimination related to a Prohibited Ground(s) against any DDSB community member in DDSB learning or working environments. In this regard, the following conduct (refer to Appendix A for definitions) is unacceptable and prohibited:
- a) Any form of discrimination;
  - b) Harassment, bullying and cyberbullying;
  - c) Sexual harassment or sexual solicitation;
  - d) Hate activity, including hate incidents, hate speech and hate crimes;
  - e) Creating or contributing to a poisoned learning or working environment;
  - f) Condoning or failing to address or prevent potential discrimination;
  - g) Interfering with an investigation under this policy or related procedures;
  - h) Failing to address the duty to accommodate under the Human Rights Code and the Human Rights Policy to the point of undue hardship;
  - i) Failing to meet their Duty Bearer responsibilities (as set out below);
  - j) Reprisal or threat of reprisal;
  - k) Breaching the confidentiality provisions of this policy; and
  - l) Bad faith complaints.

### Discriminatory Effect/Impact

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

### Raising Issues or Complaints about Policy Violations

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

## Consequences for Policy Violations

- 3.12 The Code and this policy are not punitive. It is anticipated that consequences for policy violations will typically engage corrective and remedial measures to prevent recurrences and to support education/learning. While specifics as to consequences are operational and are left to the Director of Education and designates to address in procedures, protocols and practices, responses to policy violations may include a range of remedial, responsive, restorative and corrective measures including discipline up to and including termination of employment (for employees) or expulsion (for students), subject to the principles of progressive discipline.

## Potential Competing Rights

- 3.13 In situations where a person or a group's rights may conflict with another's, the Director of Education or designates shall respect the importance of all rights, collaboratively explore options and solutions to address potential conflicting or competing rights and maximize rights for everyone consistent with the Ontario Human Rights Commission's Policy on Competing Human Rights framework, human rights and legal principles (for example, that no rights are absolute and that there is no hierarchy of rights) and relevant case law.

## Right to Pursue Other Avenues

- 3.14 Nothing in this policy, nor in any related procedure, precludes DDSB community members from asserting their rights, pursuing other resolution options or seeking redress including through other statutory or contractual rights and remedies (for example, a grievance through the applicable collective agreement if they hold grievance rights, filing an application to the Human Rights Tribunal of Ontario, etc.).

## Confidentiality

- 3.15 Except as may be permitted or required by law, the confidentiality and privacy of personal information related to human rights issues, incidents, complaints and accommodation requests shall be maintained.

## **B. Responsibilities and Accountability**

- 3.16 All DDSB community members have a responsibility to contribute to and support safe, welcoming, equitable, respectful, accessible and inclusive learning and working environments and to:
- a) Treat other DDSB community members with dignity and respect; and
  - b) Not violate this policy and the Code of Conduct for Students.

## Duty Bearer Responsibilities

- 3.17 As an employer and a service provider, the DDSB has (or bears) additional duties and responsibilities to comply with the Code and related legislation and to meet commitments set out in this policy. The DDSB must:
- a) **Promote and protect** human rights and provide DDSB community members with information about their rights and responsibilities;
  - b) **Identify, prevent and address** human rights barriers and discriminatory structures in learning and/or working environments, teaching and learning, services, and operational, corporate and employment related policies, procedures, practices, plans, initiatives and decision making;

- c) **Respond to** and address human rights barriers, issues and accommodation requests under the Code and this policy for DDSB community members;
- d) **Learn** about this policy and related procedures to apply human rights, anti-discrimination and anti-racism principles in their jobs/roles, decision-making and interactions with DDSB community members; and
- e) **Correct** and address human rights issues, incidents and complaints.

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

- a) Create and maintain learning and working environments that welcome, expect, include and value all students, parents/guardians and family structures, employees and community members, and respect, affirm and support the expression of diverse identities based on all Prohibited Grounds and intersections of grounds;
- b) Adopt (and/or strengthen) and apply human rights, anti-oppressive, anti-discriminatory, anti-racist, inclusive and culturally relevant principles and practices to services, service delivery and employment;
- c) Not treat any community member differently because of biases, assumptions, prejudices, stigmatization or stereotypes associated with a Prohibited Ground or combination of grounds; and
- d) Engage in and promote decision making and actions that:
  - Uphold the rights of the child/student and the rights of employees;
  - Are in the best interests of the child/student;
  - Are asset-based;
  - Are not discriminatory;
  - Do not cause or perpetuate harm;
  - Identify, disrupt and address discriminatory structures, policies, practices, rules and ideologies, including white supremacy, racism, ableism, sexism, heteronormativity, cisnormativity/cisgenderism, cissexism, faithism, ageism and classism; and
  - Consider and address systemic, individual and intersectional factors and unique barriers and needs for Indigenous Peoples, Black peoples, racialized peoples, people with disabilities, women/girls, people who identify as members of 2SLGBTQI communities and people who identify as members of groups that are discriminated against based on creed/religion and other all Prohibited Grounds.

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

*Board of Trustees*

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

- a) Apply and uphold the objectives and principles of the Code and this policy in fulfilling Board responsibilities, processes and committee work, including with respect to student achievement and well-being, safe and inclusive school climates, and effective and appropriate education programs for students; and
- b) Promote and protect students' right to education free from discrimination, address barriers to equitable access and participation, and support equitable opportunities, experiences and outcomes for all students.

### **C. Policy Directives**

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

- a) Focus on intentional anti-discrimination, anti-oppression and anti-racist approaches and actions, including but not limited to reflecting on, analyzing, challenging and disrupting positionality, systems of privilege and power, and discriminatory biases, assumptions, ideologies, structures and barriers that are inconsistent with legislation and this policy's objectives and commitments;
- b) Build and/or enhance relationships between the District and communities that are discriminated against based on Prohibited Grounds (or combination of grounds) as set out in this policy;
- c) Engage with appropriate District communities to support the successful and co-operative implementation of this policy, including identifying potentially discriminatory structures, barriers and trends, and differential and disproportionate experiences, opportunities, access and outcomes;
- d) Apply, integrate and embed human rights, anti-discrimination, anti-oppression, inclusive design, UDL, CRRP and accessibility principles, approaches and actions to:
  - Support decision making that upholds human rights across all system areas/portfolios, services, employment and learning and working environments;
  - Identify, prevent and address discriminatory structures and barriers for (and related needs of) students and employees based on all Prohibited Grounds and intersecting grounds to make services, employment and learning and working environments more inclusive and accessible for everyone; and
  - All recommendations to the Board of Trustees;
- e) Provide learning opportunities for students and integrate content that enhances understanding, respect and appreciation for multiple social identities, including the diverse identities, voices, stories, cultures, histories, experiences and perspectives of the communities the District serves and of Ontario;
- f) Teach students complete histories and narratives including:
  - The impacts of colonialism, oppression and historical and ongoing systemic discrimination; and
  - Examples of resistance to discrimination and stories of agency, excellence and joy; this includes and is not limited to:
    - Promoting historical and contemporary successes and accomplishments of Indigenous Peoples, Black peoples, racialized people, women/girls, people with disabilities, people who identify as members of 2SLGBTQI communities, people who practice various creeds/religions, etc. and people with intersecting identities;

- Recognizing their valuable contributions throughout the year (and not only during days/months of significance); and
- Embedding these into practice, without appropriation;
- g) Ensure that learning resources and materials challenge racism, sexism, ableism, homophobia, biphobia, transphobia, faithism, classism and all forms of discrimination and do not contribute to or perpetuate discriminatory biases, assumptions, stereotypes and harm;
- h) Address the unique strengths and needs of, and barriers for, newcomers, international students, undocumented students, English language learners and children and youth in care;
- i) Promote anti-discrimination, anti-racism, anti-ableism, anti-homophobia, anti-biphobia, anti-transphobia, anti-faithism and anti-classism;
- j) Affirm and reflect all identities in DDSB spaces and displays (for example, posters, visual displays, content, etc.);
- k) Have libraries with books and other resources that reflect diverse identities, authors, perspectives and lived experiences;
- l) Foster the use of inclusive pronouns, language and activities;
- m) Improve transparency and accountability in addressing accommodation requests or needs based on Prohibited Grounds to the point of undue hardship;
- n) Provide for dispute resolution processes for human rights issues, incidents and complaints under this policy;
- o) Conduct research and collect quantitative and qualitative data as to the issues addressed by this policy and the impact of this policy, and engage and consult with DDSB communities to analyze the data using anti-discrimination, anti-racism and intersectional principles and approaches; and
- p) Evaluate and publicly report to the Board of Trustees on the effectiveness of this policy in achieving this policy's objectives and on organizational compliance with this policy.

3.22 The Director and/or designates:

- a) Shall put in place appropriate and sustainable organizational structures, resources and expertise to support the successful implementation of this policy and related procedures; and
- b) May create special initiatives to address the effects of historical and ongoing discrimination, create opportunities to alleviate discrimination and disadvantages and support equitable access, opportunities, experiences, processes and outcomes.

#### **D. Communications**

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

3.24 The Director and/or designates shall implement a communications plan to:

- a) Promote human rights and this policy;
- b) Raise awareness among DDSB community members about their rights and responsibilities under this policy and related procedures;
- c) Invite community consultation and engagement on human rights related initiatives; and
- d) Publicly report on the implementation and effectiveness of this policy and related procedures in achieving the objectives of this policy.

## 4.0 Evaluation

- 4.1 This policy may be reviewed and updated as may be deemed necessary or appropriate, but it shall be reviewed at least every five years. The early review and potential update of this policy may be triggered by:
- a) Information, trends, data and analysis contained in the regular reports to be delivered to the Board of Trustees by the Director of Education as to the effectiveness of this policy in meeting its objectives;
  - b) Input from and evidence of impact on students, employees and DDSB community members; and
  - c) Evolving human rights law, policy and/or practices.

## 5.0 Reference Documents

### 5.1 Policies

- [Indigenous Education](#)
- [Consultative Process](#)
- [Equity and Inclusive Education](#)
- [Safe and Respectful Workplace and Harassment Prevention](#)
- [Equitable Recruitment](#)
- [Positive School Climate](#)
- [Code of Conduct and Discipline for Students](#)

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

- [Universal Declaration of Human Rights](#)
- [United Nations Declaration on the Rights of Indigenous Peoples](#)
- [United Nations Convention on the Rights of the Child](#)
- [United Nations Convention on the Elimination of All Forms of Racial Discrimination](#)
- [United Nations Convention on the Rights of Persons with Disabilities](#)
- [Yogyakarta Principles](#)
- [Canadian Charter of Rights and Freedoms](#)
- [Ontario Human Rights Code](#)
- [Anti-Racism Act](#)
- [Accessibility for Ontarians with Disabilities Act](#)
- [Occupational Health and Safety Act](#)
- [Education Act](#)
- [Child, Youth and Family Services Act](#) (which incorporates many elements of [Katelynn's Principle](#))
- [Employment Standards Act](#)
- [Ontario Human Rights Commission's](#) policies, guidelines, reports and resources:
  - [A policy primer: Guide to developing human rights policies and procedures](#)
  - [Policy on ableism and discrimination based on disability](#)
  - [Policy on accessible education for students with disabilities](#)
  - [Policy and guidelines on racism and racial discrimination](#)
  - [Policy on preventing discrimination based on creed](#)
  - [Policy on preventing discrimination because of gender identity and gender expression](#)
  - [Policy on discrimination and harassment because of sexual orientation](#)
  - [Teaching Human Rights in Ontario: A Guide for Ontario Schools](#)

- [Anti-Racism Directorate's:](#)
  - [Anti-Racism Policy](#)
  - [Anti-Black Racism Strategy](#)
  - [Data Standards for the Identification and Monitoring of Systemic Racism](#)
- Ontario's [Education Equity Action Plan](#), [Equity and Inclusive Education in Ontario Schools: Guidelines for Policy Development and Implementation](#) and [Policy/Program Memorandum No. 119 \(Developing and Implementing Equity and Inclusive Education Policies in Ontario Schools\)](#)

**Appendix:**

Appendix A: Glossary of Terms

**Effective Date:**

2022-05-16

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

## Appendix A: Glossary of Terms

**2SLGBTQI:** an acronym for Two Spirit, lesbian, gay, bisexual, transgender, queer and intersex (differences in sex development) 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 (for example, a 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 needs based on a Prohibited Ground(s) so that individuals with Prohibited Ground(s) 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 and requirements under the Human Rights Policy 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 Prohibited Ground(s), or when the way individuals are treated fails to account for Prohibited Ground(s)-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 Prohibited 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 Prohibited 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 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 socioeconomic 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 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 and people in positions of authority, in keeping with that authority, to respond appropriately and expeditiously to harassment or discrimination (or overlooking or accepting discrimination and harassment).

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

There are many types of disabilities, covering a broad range and degree of conditions. A disability may be temporary, episodic or permanent, 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 experience barriers taking part. This means a disability is an issue when the environment is not designed to meet their needs. Three models of disability are:

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

**Discrimination:** any practice or behaviour, whether intentional or not, which results in a person or group experiencing differential or inequitable treatment (or where they are denied opportunities or benefits) based on one or more of the Prohibited Grounds of discrimination under the Human Rights Code and this policy (except where the conduct is permitted under the Human Rights Code). It is treating someone unfairly because of a Prohibited Ground(s) 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 or this policy. This is often based on stereotypes, assumptions or negative attitudes about a group of people based on a Prohibited Ground(s), and from not considering individual needs and circumstances based on a Prohibited Ground(s). An action, inaction, policy, practice or behaviour can intentionally or unintentionally have a discriminatory effect on individuals or groups (see also “adverse effect” and “systemic discrimination”).

**District:** the corporate entity of the DDSB.

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

**Duty to accommodate:** DDSB has a legal obligation under the Human Rights Code and a requirement under this policy to accommodate students' and employees' needs related to a Prohibited Ground(s), 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 and among 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 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 and the Human Rights Policy 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.

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.

**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 the harassing behaviour;
- How a reasonable outside party would interpret the comments or behaviour; and
- The perspective of the person experiencing the comments or conduct.

**Hate activity:** a hate crime or a hate incident.

- **Hate incident:** is non-criminal conduct that is motivated in whole or in part by hatred against an individual or group on the basis of a Prohibited Ground(s). A hate incident can encompass situations in which the conduct is directed against people associated with individuals or groups identified with a Prohibited Ground(s). The conduct can be verbal (hate speech), nonverbal or written, and may manifest itself in the form of slurs, insults, harassment, abusive gestures, taunting, display of offensive materials or hate symbols, or other acts which may intimidate, degrade and/or marginalize the targeted individual or group.
- **Hate crime:** is defined in the Criminal Code of Canada and can include a criminal offence that is committed against a person or property, and which is motivated in whole or in part by hatred or bias based on race, national or ethnic origin, language, colour, creed, religion, sex, age, mental or physical disability, sexual orientation, gender identity, or gender expression.

This includes, but is not limited to, hate-motivated violence, incitement to hate motivated violence, and/or the display of symbols or other representations identified with groups promoting hate and violence. It also includes such crimes committed against a person who is associated, or perceived to be associated, with individuals or groups identified with one of the Human Rights Code protected grounds.

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

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

**Homophobia:** negative attitudes, feelings, or irrational aversion to, fear or hatred of gay, lesbian, or bisexual people and communities, or of behaviours stereotyped as “homosexual. Homophobia may be individual actions or behaviours (for example, 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 ancestry, race, ethnic origin, gender, sexual orientation, 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 valued and 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 Prohibited Grounds. 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 Prohibited 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 (for example, 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 (for example, 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 (for example, schools and school-related activities, such as extra-curricular activities and excursions).

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

**Neurodiversity:** the concept that neurological differences are not "defects" but are the result of natural variations in the human genome.

**Oppression:** systemic social inequity reinforced by social institutions that is also embedded within individual consciousness. It 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 and this policy, even if not directed at a specific individual. A poisoned environment may result from a serious single event, remark or action. A poisoned environment can also result from workplace harassment.

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

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

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

**Prohibited grounds of discrimination:** the grounds upon which discrimination is prohibited under the Human Rights Policy.

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

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

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

**Reporter:** anyone who makes a complaint under the Student/Family Human Rights Issue, Incident and Complaint Resolution Procedure alleging that discrimination under the Human Rights Policy has occurred.

**Reprisal:** penalizing or threatening to penalize a person for attempting to enforce their rights under the Human Rights Code and/or the Human Rights Policy or procedures (for example, raising an issue or reporting an incident, filing a complaint, requesting accommodation, raising a concern about an issue, incident, or accommodation process or outcome, raising a complaint to the Human Rights Tribunal of Ontario or to another external body to assert their rights, or supporting someone in any of these activities), or for participating in the resolution of an issue or in an investigation of a complaint (e.g., students or employees who are parties or witnesses to discrimination or harassment).

Reprisal is unacceptable and will not be condoned. Reprisal may be subject to a complaint under this policy and related procedures, and may result in corrective measures, including discipline up to and including termination of employment. Reprisal does not include taking appropriate corrective action to address substantiated violations of the policy.

**Respondent:** anyone who has a complaint made against them under the Human Rights Policy or procedures.

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

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

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

**Stereotypes:** incorrect assumptions based on ancestry, race, disability, gender identity, gender expression, sexual orientation, creed/religion, socioeconomic status and other Prohibited 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 based on a Prohibited Ground(s) 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 a Prohibited Ground(s), or that create or perpetuate a position of relative disadvantage for groups based on a Prohibited Ground(s).

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

**Trans:** a term that describes people with diverse gender identities and gender expressions that do not conform to society's stereotypical or binary (male/female) views about gender. "Trans" can mean transcending beyond, existing between, or crossing over the gender spectrum. It includes but is not limited to people who identify as transgender, transsexual, non-binary or gender non-conforming (gender variant or genderqueer) and can include people whose gender identity differ from the sex they were assigned at birth, who identify as existing between male and female, or who identify in different ways beyond the male/female binary.

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

**Undue hardship:** a legal test to describe the extent to which an organization must accommodate under the Human Rights Code. It is a high standard and must be supported by objective, real and direct evidence.

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

**White supremacy:** a racist ideology based on the belief that white identity is the norm, standard and ideal. “It does not refer to extreme hate groups or far right extremists. It is not about good and bad people. It is about the accumulation of social, cultural and institutional power that has and continues to advantage a group of people” (from Addressing Anti-Asian Racism: A Resource for Educators, 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 (for example, retirement celebrations), etc.; and
- In some instances, the use of social media where it is connected to the workplace environment or workplace relationships.

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

**Yogyakarta Principles:** a set of principles on the application of international human rights law in relation to sexual orientation, gender identity, gender expression and sex characteristics.

#### Sources:

- [Addressing Anti-Asian Racism: A Resource for Educators](#) [Elementary Teacher’s Federation of Ontario (ETFO) and Toronto District School Board]
- [Anti-Racism Directorate’s Anti-Racism Policy](#) 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 [Equity and Inclusive Education in Ontario Schools: Guidelines for Policy Development and Implementation](#)
- [The 519’s Glossary of Terms](#)
- Toronto District School Board’s [Human Rights Policy](#) and [Equity Policy](#)