



Governance and Policy Committee Revised Agenda

GPC:024A

Wednesday, January 8, 2020

4:30 p.m.

Committee Room A, 5050 Yonge Street

Trustee Members:

**Christopher Mammoliti (Chair), Alexander Brown, Stephanie Donaldson, Harpreet Gill,
James Li, Patrick Nunziata, Manna Wong**

	Pages
1. Call to Order and Acknowledgement of Traditional Lands	
2. Approval of the Agenda	
3. Declarations of Possible Conflict of Interest	
4. Delegations	
5. Recognition of Significant Observances, Phase 2: New Policy, Status Update [3800]	1
6. PR729, Student Use of Service Animals in Schools: New Procedure [3811]	27
7. P023, Parent and Community Involvement Policy Review: Status Update [3810]	63
8. P048, Occupational Health and Safety: Annual Review [3801]	75
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10. PR728, Newly Developed Procedure, Reporting and Responding to Racism and Hate Incidents Involving or Impacting Students in Schools, and Revisions to Procedure PR515, Workplace Harassment Prevention and Human Rights [3812]	89
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12. Notice of Motion	
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13. Adjournment	

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Recognition of Significant Observances Policy, Phase 2: New Policy - Status Update

To: Governance and Policy Committee

Date: 8 January, 2020

Report No.: 01-20-3800

Strategic Directions

- Transform Student Learning
- Create a Culture for Student and Staff Well-Being
- Provide Equity of Access to Learning Opportunities for All Students
- Allocate Human and Financial Resources Strategically to Support Student Needs
- Build Strong Relationships and Partnerships Within School Communities to Support Student Learning and Well-Being

Recommendation

It is recommended that the revised Work Plan for the development of the Recognition of Significant Observances Policy, as presented in this report, be approved.

Context

On 22 March 2016, the Board of Trustees approved a motion directing staff to report on the development of a policy on designating heritage months or days of significance and operational procedures to support the policy.

On June 7, 2016, staff presented to the Policy Review Committee (predecessor of the Governance and Policy Committee) a report with the work plan for development of the Recognition of Significant Observances Policy for review and input. During consideration of the report, Trustees expressed a variety of opinions and individual preferences with regard to the development of the new policy. The Committee did not formally identify its preferences through voting and, as a result, clear policy directions were not identified. The report was subsequently received by the Planning and Priorities Committee on June 15, 2016 and the Board of Trustees on June 22, 2016. An overview regarding designations of heritage months and days of significance and current practices at the TDSB is provided in Appendices A, D and E.

On May 23, 2018, the Board of Trustees made a decision that “that through to the end of the 2018 calendar year, a moratorium be placed on Trustee motions calling for the naming of heritage months, until the policy on the naming of heritage months is fully developed within the

framework laid out by the Equity Policy Community Advisory Committee and approved by the Board” (see Appendix B).

As part of the policy development process, staff conducted an environmental scan seeking relevant policies and procedures from other school boards and public organizations which could inform and support the development of the TDSB policy on the recognition of significant observances. However, the scan produced limited results.

Staff have updated the Policy Development Work Plan (Appendix C) and identified several key themes of the future policy, as outlined on pages 2- 3 of Appendix C, for the Committee’s consideration. The themes below are reminiscent of earlier conversations that took place at the Policy Review Committee:

1. **Equity:** Ensure that the new Policy adhere to the principles of equity as per the Equity Policy (P037).
2. **Continuation:** Consider whether to continue the recognition and proclamation of Heritage Months and/or Days of Significance.
3. **Centralized vs. De-centralized Approach:** Consider whether recognitions and celebrations should be system-wide and directed centrally or allow for local discretion at the learning centre or school level.
4. **Budget:** Consider ways to resource and fund Heritage Month and Days of Significance designations.

Action Plan and Associated Timeline

Subject to Committee’s directions, an information session will be organized for all Trustees on the development of the Recognition of Significant Observances Policy. Subsequently, staff will prepare provisions for the Policy, including alternative provisions related to the key policy themes, and will provide to the Governance and Policy Committee for consideration prior to initiating public consultations. The development of the Policy will be implemented in accordance with the revised Work Plan.

Resource Implications

Not applicable.

Communications Considerations

Following approval by the Board of Trustees, the newly developed Policy will be communicated to the system, posted on the Board’s public website, and communicated to the Board’s community advisory committees, the Student Senate, and unions/professional associations.

Board Policy and Procedure Reference(s)

- Equity Policy (P037)

Appendices

- Appendix A – Overview: TDSB Heritage Months and Days of Significance
- Appendix B – Moratorium on Naming of Heritage Months
- Appendix C – Policy Development Work Plan – Revised
- Appendix D – List of TDSB Heritage Months
- Appendix E – TDSB Days of Significance Calendar

From

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TDSB HERITAGE MONTHS AND DAYS OF SIGNIFICANCE

Overview

The Toronto District School Board (TDSB) recognizes the educational value of celebrating the many significance observances that are represented within its classrooms and communities (including various languages, histories, religions, regions, social causes, sexual orientation and gender identity). The two main objectives of recognizing significant observances are:

- *Teaching and Learning:* to support student learning, well-being and the development of equitable, inclusive learning environments by creating enriched opportunities for both students and teachers to build awareness, knowledge and understanding of the heritage, histories, achievements and contributions of the various cultures and groups that make up the diverse TDSB community; and
- *Recognition and Celebration:* to support the diverse TDSB community by recognizing, celebrating and honouring those occasions which hold unique cultural significance for them.

There are two distinct but related activities used by the Board to celebrate and embrace diversity of cultures and to promote awareness:

- designating heritage/history months, also referred to as “heritage months”; and
- designating days of significance.

Activities associated with the various heritage months and days of significance designations is an effective way to promote student engagement and learning through inclusive and diverse curriculums. The Board recognizes and celebrates the diversity of its student population in many ways over the course of the school year, under the guidance of the Board’s Equity Policy (P037), which calls for an anti-racist, anti-colonial equitable lens to be applied to classroom teaching so that multiple narratives, histories and traditional customs are recognized and engaged with culturally responsive and relevant pedagogy all year long.

Heritage Months and Days of Significance Designations

Heritage months designations are allotted time (typically a calendar month) to mark particular religious, historical or cultural occasions of special significance to the diverse TDSB community. Many of the designations are similar to Proclamations issued by the Province and its statutes, and most are celebrated concurrently. Designations are funded and resourced by the Board to provide educational opportunities for students to learn more about the history, heritages, cultures, and achievements of the Board’s many diverse communities and to bring awareness towards groups that have been systematically marginalized and/or excluded. There are currently seventeen (17) annual heritage months recognized, resourced, and/or funded by the Board (see Appendix D to the Report).

Heritage month designations are brought forward through Trustee motion and voted on by the Board of Trustees for approval. Once approved, designations are formally recognized and communicated system-wide. A volunteer committee is established and \$2500 is allocated to the committee to spend towards planning events related to a particular heritage month on central and/or school levels. The committee is supported by TDSB staff and consist of volunteers from the TDSB community. Additional funding can also be generated (through fundraising) to cover related outreach activities, including student transportation, school space permits, fees, student forums, guest speakers and refreshments.

Days of Significance are TDSB designated period of time (usually days, but may include weeks or months) that mark particular religious, historical, or social occasion of special cultural significance. The Board's Days of Significance Calendar ("the Calendar") identifies secular and creed-based observances, significant events, celebrations and public holidays. The Calendar is based on multiple sources and is generally consistent with designations and observances of the City of Toronto, the Government of Ontario, the Government of Canada, and the United Nations. The Calendar is updated by the Employment Equity Office at the TDSB.

The Days of Significance can be added to the Calendar by anyone as requested (e.g. trustee, staff, student, public) pending approval by the Employment Equity Office at the TDSB. The Calendar was developed as a resource to support central and school staff in planning educational or other curriculum related activities including planning educational events, tests, exams, scheduling meetings of the Board of Trustees and its committees, planning public engagement activities and conducting public consultations. The current practice is that staff are using the Calendar information at their discretion. The Calendar is also used as a reference material for processing employees' requests for accommodation. However, accommodation requests are determined on an individual case by case basis subject to multiple criteria outlined in the *Ontario Human Rights Code* and applicable Board's policies and procedures. The Calendar is updated regularly and changes are made by staff throughout the year.

It is important to note, Days of Significance on the Calendar are not funded nor resourced by the Board. However, certain Days of Significance are chosen to be recognized by specific departments (e.g. orange shirt day – Human Rights and Indigenous Education Department) and/or locally at schools, in which case funding and resources are provided on an ad-hoc basis through individual department or school budgets.

Staff and Trustee Involvement

Committee membership is made up of interested individuals, including staff, students, trustees, and community members. Their mandate includes the following:

- a) Plan educational opportunities related to their heritage/history for our students, staff and the TDSB community in order to learn about their traditions, cultures, the richness of

diversity; and how each heritage/history contributes to the vibrant society that we currently live in;

- b) Enrich the curriculum currently available to teaching staff in both panels by sharing available resources that are available from TDSB Professional Library;
- c) Provide opportunities to learn about the culture through daily quotes and facts that may be shared through social media, and made available to school administrators to include through daily announcements at their schools; and
- d) Communicate through the public and internal websites messages on the heritage/history month being recognized and Trustees speak to the heritage/history publically at a regular board meeting.

In order to realize the above, the following staff members work in collaboration to execute decisions made by the volunteer planning committee:

Senior Team Member

- Provides guidance and direction to the volunteer planning committee – i.e. lead a discussion on how best the TDSB can recognize the heritage during the designated month; facilitate which activities will be organized within the framework of available funds; approve communication shared with community members.
- Respond to Trustee(s) inquiries related to heritage months.

Service Coordinator

- Works closely with the senior team member and committee members by sharing relevant information that's needed to execute an event or organize an educational opportunity for our students, staff and community members. This includes writing and sharing the communication through Trustee Weekly Update, Direct Line, and System Leaders' Weekly Update, booking of permits and contacting schools, guest speakers or organizations directly.
- Arranges to have selected poster designs printed for system-wide distribution and framed for official unveiling at events.
- Prepares programs for events (launches), speaking notes for the student MCs and arranges media technical support as required.
- Ensures that heritage month communication is written and forwarded to Communication staff for posting to public and internal website.
- Works closely with communication staff Web Team to post and maintain the Heritage/History Month internal website and the Creative Team to create programs, posters, graphics TV/Monitor, banners, etc. as required by individual heritage month planning committees.
- Maintain ongoing inclusive communication with all volunteer community members by creating a google base document, share summary notes and prepare agendas for meetings.
- Process and maintaining the budget expenditures and donations received for each heritage month.

Communication Staff

- Prepares speaking notes for Trustee recognizing the heritage at the Regular Board Meetings.
- Prepares speaking notes for the Chair and Director attending the heritage launches should one be organized.
- Reviews quotes/facts on the heritage prior to it be posted to review if any controversial materials is included.
- Reviews media releases prepared by Service Coordinator/committee members before submitting to media outlets.
- Web Team posts material to internal website Heritage/History Month
- Web Team assists at events with media support requirements.
- Creative Services prepares a heritage graphic (could be from a student submission) for the TV/Monitor at 5050 to display for the month being recognized.
- Creative Services prepares the poster design resulting from a student contest for printing.
- Creative Services prepares programs for events as required.

TDSB Professional Library

- Staff from the TDSB Professional Library compiles information (resources, books, videos) on each heritage that teachers may use in their classrooms.

Challenges

Currently, the TDSB has no policies or procedures guiding heritage months and days of significance designations. More specifically, there is an absence of clearly defined expectations and processes when it comes to recognizing, communicating, and allocating resources/funding related to days of significance designations. Moreover, some of the months within the school year share multiple heritage month designations; where as some heritage month designations are given their own individual month of recognition.

Lastly, issues of inequity also persists, as certain heritage month and days of significance designations are recognized, resourced, and/or funded by the Board while many other designations are not recognized due to the lack of support for and from local school communities. This causes many of the Boards diverse but underserved communities to continue to be marginalized and excluded in the education system related to recognizing their significant observances. This practice also does not account for the Board's Equity Policy which calls for an anti-racist and anti-colonial equitable lens to be applied to all student engagement activities and classroom teachings.

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12. Naming of Heritage Months: Moratorium

On motion of Trustee Gough, as amended by Trustee Glover, the Program and School Services Committee **RECOMMENDS:**

Whereas, Toronto District School Board schools recognize and celebrate the diversity of its student population in many ways over the course of the school year, under the guidance of the Board's equity framework, which calls for an anti-racist, anti-colonial equitable lens to be applied to classroom teaching so that multiple narratives, histories and traditional customs are recognized and engaged with culturally responsive and relevant pedagogy all year long; and

Whereas, the practice of trustees putting forth motions calling for the naming of particular months of the year for recognition of specific cultural or religious heritages has increased rapidly in recent years, with several months now containing significant events calling for commemoration and in addition, also being also named for multiple cultural heritages/religions, some of which have colonial roots; and

Whereas, at the moment there is no overall coordination or framework to guide the process of naming heritage months, nor is there a requirement for trustees to consult with a broad sector of the public or with system administrators prior to putting forth motions calling for the naming of heritage months; and

Whereas, in 2016, the Equity Policy Community Advisory Committee raised the issue of the celebration of heritage months, and called for the development of a policy involving a process of community involvement and outreach to all stakeholders, including the Equity Policy Community Advisory Committee; and

Whereas, in response, the Board passed a motion requiring the Director to present a report by the April 2016 cycle of meetings on:

- 1) the number of heritage months being celebrated in the TDSB;**
- 2) the financial resources allocated to heritage months;**
- 3) the staff time allocation for planning and executing the celebrations; and**

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Whereas, a report was produced and received by the Board on June 22, 2016, however to date the policy is in the work plan stage of development;

Therefore, be it resolved:

That through to the end of the 2018 calendar year, a moratorium be placed on trustee motions calling for the naming of heritage months, until the policy on the naming of heritage months is fully developed within the framework laid out by the Equity Policy Community Advisory Committee and approved by the Board.

At the Committee meeting, on amendment of Trustee Glover, “through to the end of the 2018 calendar year” was added before “a moratorium”.

POLICY DEVELOPMENT WORK PLAN - REVISED

Date: [January 8, 2020](#)

All policies will be developed to ensure consistency with the TDSB's Mission, Values and Goals Policy (P002), the Equity Policy (P037) and the Board's Multi-Year Strategic Plan.

POLICY INFORMATION

Proposed Policy Title: [Recognition of Significant Observances Policy](#)

Director's Council member responsible for development of the new Policy:
[Associate Director, School Operations and Service Excellence](#)

Phase I. APPROVAL OF POLICY RATIONALE

The rationale for the new Policy:

[The Recognition of Significance Observances Policy \(the "Policy"\) sets out the expectations for recognizing Days of Significance and Heritage Month designations at the Toronto District School Board \(TDSB\).](#)

[The TDSB recognizes the educational value of celebrating the many significance observances that are represented within its classrooms and communities \(including various languages, histories, religions, regions, social causes, sexual orientation and gender identity\). The two main objectives of recognizing significant observances are:](#)

- [• Teaching and Learning: to support student learning, well-being and the development of equitable, inclusive learning environments by creating enriched opportunities for both students and teachers to build awareness, knowledge and understanding of the heritage, histories, achievements and contributions of the various cultures and groups that make up the diverse TDSB community; and](#)
- [• Recognition and Celebration: to support the diverse TDSB community by recognizing, celebrating and honouring those occasions which hold unique cultural significance.](#)

[The development of the new Policy was authorized by the Board of Trustees on June 22, 2016](#)

This Policy Development Work Plan has been discussed with the Policy Coordinator:

☒ Yes

☐ No

Phase II. **OBTAINING TRUSTEES' DIRECTIONS AND DRAFTING POLICY**

This revised Policy Development Work Plan will be discussed at the Governance and Policy Committee meeting held on: [January 8, 2020](#)

Creating the Draft Policy

The draft Policy will be created and aligned with the current Policy Template (see Operational Procedure PR501, Policy Development and Management, Appendix A):

☒ Yes

☐ No

Detailed information on the proposed policy provisions, including findings of the policy equity assessment:

[As part of the Policy development process, the following themes are proposed for consideration:](#)

1. **Equity:** Ensure that the new Policy adhere to the principles of equity as per the Equity Policy (P037).
2. **Continuation:** Consider whether to continue the recognition and proclamation of Heritage Months and/or Days of Significance.
 - 2.1. [If continued, consider the ways in which new Heritage Month and Days of Significance designations can be introduced, renewed and/or sunset.](#)
3. **Methods of Recognition:** consider alternative ways to celebrate and recognize the Heritage Months and the Days of Significance.
 - 3.1. [Consider ways to communicate Heritage Month and Days of Significance designations within the TDSB system.](#)
4. **Centralized vs. De-centralized Approach:** Consider whether recognitions and celebrations should be system-wide and directed centrally or allow for local discretion at the school level.
5. **Budget:** Consider ways to resource and fund Heritage Month and Days of

Significance designations.

5.1. Fundraising

5.2. Volunteers

5.3. Staff resources

☒ A review of leading practices for similar policies across jurisdictions has been completed.

Phase III. INTERNAL REVIEWS AND SIGN-OFFS

The draft Policy will include input from TDSB departments affected by the Policy:

- ☒ Business Operations and Service Excellence
- ☒ Equity, Well-Being and School Improvement
- ☒ Human Rights and Indigenous Education
- ☒ Leadership, Learning and School Improvement
- ☒ School Operations and Service Excellence

In addition, the following departments will be required to sign-off on the proposed draft Policy:

- ☒ Legal Services
- ☒ Governance and Board Services
- ☒ Government, Public and Community Relations

Following internal reviews and TDSB departments' sign-offs, the draft Policy will be submitted to Executive Council on: [Winter 2020](#)

A sign-off from the Director of Education will be obtained before proceeding with external consultations and/or Committee/Board approval.

- ☒ Director of Education

Phase IV. EXTERNAL CONSULTATIONS

Are external consultations applicable to this Policy?

- ☒ Yes
- ☐ No (*Ministry of Education mandated policy or corporate policy without external stakeholders*)

Mandatory external consultations will include, at minimum:

1. Posting of the working draft Policy on the TDSB website for public feedback for [45 days \(Spring 2020\)](#)

2. Extending invitations for consultation to:

☒ Student Senate

and

all Community Advisory Committees of the Board and conducting consultations with the Community Advisory Committees that expressed interest (either individually with each interested committee or collectively with representatives of all interested committees): [Spring 2020](#)

- ☒ Alternative Schools Community Advisory Committee
- ☒ Black Student Achievement Community Advisory Committee
- ☒ Community Use of Schools Community Advisory Committee
- ☒ Early Years Community Advisory Committee
- ☒ Environmental Sustainability Community Advisory Committee
- ☒ Equity Policy Community Advisory Committee
- ☒ French-as-a-Second-Language Community Advisory Committee
- ☒ Inner City Community Advisory Committee
- ☒ LGBTQ2S Community Advisory Committee
- ☒ Parent Involvement Advisory Committee (PIAC)
- ☒ Special Education Advisory Committee (SEAC)
- ☒ Urban Indigenous Community Advisory Committee

In addition to mandatory consultations, other external participants and projected dates of consultation(s) include:

- ☒ School Councils
- ☒ Professional Associations and Unions
- ☐ Other:

The following methods will be applied in the external consultations:

- ☒ Public meeting
- ☐ Facilitated focus group
- ☒ Call for public delegations

- ☐ Expert panel discussion
- ☐ Survey
- ☒ Posting on the TDSB website
- ☐ Other:

Phase V. COMMITTEE/BOARD APPROVALS

Following external consultations and revisions, the working draft Policy will be presented to the Governance and Policy Committee on the following date: [Summer – Fall 2020](#)

Following recommendation by the Governance and Policy Committee, the new Policy will be presented to the Board on the following date: [Fall 2020](#)

Once approved, the new Policy will be added to the TDSB website.

Phase VI. IMPLEMENTATION

Following Board approval, the new Policy will be communicated through:

- ☒ Posting of the new Policy on the TDSB website through the Policy Coordinator
- ☒ Sharing with staff through the System Leaders' Bulletin
- ☒ Informing departments at staff meetings and channeling information to the school principals through respective superintendents
- ☒ Implementation of a broad communication plan for internal and external audiences, include summary of policy provisions and expected outcomes

Policy implementation will include:

- ☒ Conducting information/training sessions to TDSB staff affected by the Policy

The projected time period for conducting information/training sessions to staff will be: [Fall 2020](#)

- ☒ Initiate development of new procedures or review of associated procedures
 - [Initiate development of Recognition of Significance Observances Procedure](#)

HERITAGE MONTHS 2019-2020

	Heritage Month	Months	Motion Passed Through Board of Trustees
1	Islamic Heritage	October	June 22, 2016
2	Somali Heritage	October	June 22, 2016
3	*Indigenous Education	November	
4	Hindu Heritage	November	April 18, 2018
5	Tamil Heritage	January	October 28, 2015
6	African Heritage	February	January 16, 2002 and again on January 28, 2004
7	Chinese Heritage	February	August 24, 2019
8	Greek Heritage	March	March 5, 2014
9	Hispanic Heritage	April	March 10, 2010
10	Latin-America History	April	April 20, 2016
11	Sikh Heritage	April	March 22, 2016
12	Asian Heritage	May	
13	Jewish Heritage	May	
14	Italian Heritage	June	May 16, 2012
15	Portuguese Speaking Heritage	June	May 18, 2011
16	*National Indigenous History	June	
17	*Pride Month	June	

*Note: Plans to recognize and organize activities for these months are expedited through an assigned central department.



Days of Significance

Calendar Dates May 2019 - December 2020

This calendar highlights secular and creed-based observances and holidays, significant events and celebrations, public holidays and other important dates. These should be considered when planning educational events, tests, exams and other activities.

This calendar should not be used as a list of dates for creed-based accommodations; accommodation requests must be made formally and determined on an individual case by case basis subject to the operational procedures of the Board regarding creed beliefs, practices and observances.

Note: Information contained in this document has been sourced from several dozen websites. Please see *Days of Significance Resource Guide* for further information through <http://tdsbweb/equity>.

This calendar is not meant to be comprehensive or exhaustive and every attempt has been made to ensure its accuracy. Please note this is a fluid calendar and updates and changes are made throughout the year. If you discover any errors, required updates or omissions or, have any other inquiries regarding this document, forward your correspondence via email to:

Toronto District School Board,
Employment Equity Office

Email Contact: peter.langford@tdsb.on.ca

May 2019	1	Beltane	Wicca/Pagan
Asian Heritage Month	2	Ridván (Holiday Ends: Starts on 20 April '19)	Baha'i
Jewish Heritage Month	5	International Family Equality Day (1 st Sun. in May)	Family Equality Council
Sexual Assault Awareness and Prevention Month	5	Nisfu Shaban* (Holiday Ends: Starts on 06 April '19)	Islam
	12	Vaisakhi Puja (Buddha's Birthday)	Buddhism (South Korean)
	15	International Day of Families	United Nations
	6- June 4	Ramadan*	Islam
	171	International Day Against Homophobia, Transphobia and Biphobia	IDAHOTB
	19	Vesak Day	Buddhism
	20	Queen Victoria Day	Canadian Government Public Holiday
	24	Declaration of the Bá'b*	Baha'i
	25	Africa Day	Member States of the African Union
	27-31	Bike to School Week	Ontario Active School Travel
	29	The Ascension of Baha'u'llah*	Baha'i
	30	Ascension Day	Christianity - Western
	31	Jumu'ah-tul Wida*	Islam
	31	Laylat al_Qadr*	Islam
	31	World No Tobacco Day	World Health Organization

June 2019	1	Intergenerational Day	Canadian Network for the Prevention of Elder Abuse
Italian Heritage Month	Jun 1-July 1	Pride Festival ¹	Toronto Pride
National Indigenous History Month	5	Eid al Fitr* (3 Day Festival)	Islam
Portuguese Speaking Heritage Month	5	World Environment Day (WED)	United Nations
PRIDE Month (City of Toronto)	6	Ascension Day	Christianity - Eastern Orthodox
	9	Pentecost	Christianity – Eastern Orthodox and Western
	9-10	Shavuot*	Judaism
	12	World Day Against Child Labour	United Nations
	16	Martyrdom of Guru Arjan Dev Ji	Sikhism
	17	Saga Dawa Festival	Buddhism - Tibetan
	17	World Day to Combat Desertification & Drought	United Nations
	19	World Sickle Cell Awareness Day	United Nations
	20	World Refugee Day	United Nations
	21	National Aboriginal Day (Canada)	First Nations, Métis, Inuit
	21	Litha/Summer Solstice	Wicca/Pagan
	21	World Humanist Day	International Humanist and Ethical Union
	24	Nativity of St. John the Baptist	Christianity - Eastern Orthodox and Western
	24	St. Jean Baptiste Day	Quebec and Francophone Culture
	26	International Day Against Drug Abuse and Illicit Trafficking	United Nations
	26	International Day in Support of Victims of Torture	United Nations
September 2018 – June 2019 School Year Ends			

July 2019	1	Canada Day	Canadian Government
	6	14 th Dalai Lama's Birthday	Buddhism - Tibetan
	6	Chokhor Ducchen Festival	Buddhism - Tibetan
	5-7	Jalsa Salana (Canada)	Islam
	10	Martyrdom of the Bá'b	Baha'i
	11	Imamat Day	Islam

¹ Toronto Pride Parade will take place on 23 June 2019

* Denotes Days of Significance/Holy Days that begin *the evening before* the indicated date

NOTE: Days of Significance/Holy Days may vary a few days before or after the indicated date due to incompatibility of calendars from the Western Gregorian calendar, moon sightings, time zones, etc.

Days of Significance

May 2019 - December 2020

	16	Asalha Puja Day (Dharma Day)	Buddhism
	16	Ethiopian Constitution Day	Rastafarian Holy Day
	16	Guru Purnima Day	Buddhism/Jainism
	18	Nelson Mandela International Day	United Nations
	23	Birthday of Emperor Haile Selassie	Rastafarian Holy Day

Aug 2019	1	Lughnassadh/Lammas	Wicca/Pagan
	5	Lord Simcoe Day/Founder's Day	Toronto Municipal Government
	6	Transfiguration of Christ	Christianity - Eastern Orthodox and Western
	9	International Day of the World's Indigenous People	United Nations
	10-14	Waqf al Arafa (Hajj)*	Islam
	11	Tishah B'av*	Judaism
	12	International Youth Day	United Nations
	13-15	Obon	Buddhism - Shinto
	15	Feast of the Dormition	Christianity - Eastern Orthodox
	17	Marcus Garvey's Birthday	Rastafarian Holy Day
	19	Transfiguration of Jesus	Christianity - Russian Orthodox
	12-15	Eid al Adha*	Islam
	23	International Day for the Remembrance of the Slave Trade and Its Abolition	United Nations
	15	Raksha Bandhan	Hinduism
	15	Ullumbana Ghost Festival	Buddhism/Taoism
	24	Krishna Janmashtami	Hinduism
	27-Sep 3	Paryushan Parva	Jainism
	28	The Dormition of the Mother of God	Christianity - Russian Orthodox
	31	Al-Hijra New Year*	Islam

September 2019 – June 2020 School Year Begins			
Sept 2019	1	Installation of the Holy Scriptures of Guru Granth Sahib Ji	Sikhism
	2-12	Daslakshan - Parva	Jainism
	2	Ganesh Chaturthi	Hinduism
	2	Labour Day	Canadian Government
	3	Samvatsari Parva (Forgiveness Day)	Jainism
	8	International Literacy Day	United Nations
	10	Ashura*	Islam
	11	Martyrdom of St. John the Baptist (also memorialized 29 August by some Christian Orthodox Denominations)	Christianity - Eastern Orthodox and Western
	12	Anant Chaturdashi	Jainism
	12	Coptic New Year	Christianity - Coptic Eastern Orthodox
	11	Ethiopian New Year	Rastafarian Holy Day
	14	Holy Cross Day (Feast of the Cross)	Christianity - Eastern Orthodox and Western
	15	International Day of Democracy	United Nations
	19	Powley Day	First Nation, Métis
	21	International Day of Peace	United Nations
	21	Mabon (Autumn Equinox)	Wicca/Pagan
	21	Nativity of Mary	Christianity - Russian Orthodox
	23	Ohigan (Fall Equinox)	Japanese National Holiday
	23-27	Gay, Lesbian, Straight Education Network Ally Week	GLSEN
	27	Elevation of the Holy Cross	Christianity - Eastern Orthodox
	27	Feast of the Cross	Christianity - Russian Orthodox
	29	Mahalaya (Durga Puja Festival)	Hinduism
	29-Oct 7	Navratri (Autumn)	Hinduism
	30	Orange Shirt Day	First Nation, Métis, Inuit
	30-Oct 1	Rosh Hashanah*	Judaism

* Denotes Days of Significance/Holy Days that begin *the evening before* the indicated date

NOTE: Days of Significance/Holy Days may vary a few days before or after the indicated date due to incompatibility of calendars from the Western Gregorian calendar, moon sightings, time zones, etc.

Oct 2019 Hispanic Heritage Month (City of Toronto) Islamic Heritage Month Somali Heritage Month Women's History Month	1	International Day of Older Persons	United Nations
	5	World Teachers' Day	United Nations
	3	Maha Panchami (Durga Puja Festival)	Hinduism
	4	Maha Sasthi (Durga Puja Festival)	Hinduism
	5	Maha Saptami (Durga Puja Festival)	Hinduism
	6	Maha Ashtami (Durga Puja Festival)	Hinduism
	7	Maha Nabami (Durga Puja Festival)	Hinduism
	8	Bijaya Dashami (Durga Puja Festival)	Hinduism
	9	Yom Kippur*	Judaism
	7-11	Body Confidence Awareness Week (2 nd Week Oct.)	Toronto District School Board (TDSB)
	9	International Walk to School Day	Highway Safety Research Centre (University of North Carolina, USA)
	10	World Mental Health Day	World Health Organization
	14-18	Week Without Violence	YMCA
	11	International Day of the Girl	United Nations
	14	Thanksgiving Day	Canadian Government
	14-20	Sukkot*	Judaism
	16	World Food Day	United Nations
	17	International Day of the Eradication of Poverty	United Nations
	17	Karva Chauth	Hinduism
	20	Gurgadi of the Holy Scriptures of Guru Granth Sahib Ji as Guru	Sikhism
	21-22	Shemini Atzeret*	Judaism
	22	Simchat Torah*	Judaism
	27	Bandi Chhor Divas	Sikhism
	27	Diwali	Hinduism/Jainism/Sikhism
	27	Kathina Ceremony/Pavāranā Day	Buddhism
	28	New Year (Enlightenment of Gautamswami)	Jainism
	29	Birth of the Bá'b*	Bahá'i
	30	Birth of Bahá'u'lláh*	Bahá'i

Nov 2019 Hindu Heritage Month	1	All Saints Day	Christianity - Eastern Orthodox and Western
	1	Gyana Panchami	Jainism
	1	Samhain*	Wicca/Pagan
	2	Crowning of Emperor Haile Selassie I	Rastafarian Holy Day
	10	Mawlid-al-Nabi*	Islam
	11	Remembrance Day	Canadian Government
	14	World Diabetes Day	United Nations
	16	Louis Riel Day (Toronto)	First Nations, Métis
	<i>To Be Announced</i>	<i>Lokasha Jayanti</i>	<i>Jainism</i>
	17-23	Anti-Bullying Awareness and Prevention Week	Ontario Government
	19	Buddha's Descent from Tushita Heaven	Buddhism -Tibetan
	<i>To Be Announced</i>	<i>Maun Agiyaras (Ekadashi)</i>	<i>Jainism</i>
	20	Universal Children's Day	United Nations
	20	International Transgender Day of Remembrance	Gwendolyn Ann Smith, US Trans Advocate
	24	Martyrdom of Guru Tegh Bahadur	Sikhism
	23	National Holodomor Memorial Day ²	Ukrainian Canadian Congress
	25	International Day for the Elimination of Violence Against Women	United Nations
	26	Day of the Covenant*	Baha'i

² Recognized on the 4th Saturday each November – TDSB recognition is on the preceding Friday

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Days of Significance

May 2019 - December 2020

Dec 2019	1	World AIDS Day	United Nations
	2	International Day of the Abolition of Slavery	United Nations
	1-24	Advent	Christianity
	3	International Day of Persons with Disabilities	United Nations
	4	Presentation of the Blessed Virgin Mary	Christianity - Russian Orthodox
	6	National Day of Remembrance and Action on Violence Against Women	Canadian Government
	8	Bodhi Day (Buddha Enlightenment)	Buddhism
	8	St. Clements of Ohrid Patrons Day	Christianity - Macedonian Orthodox
	10	Human Rights Day	United Nations
	23-30	Hanukkah*	Judaism
	13	Birthday of Imam Aga Khan	Islam
	18	International Migrants Day	United Nations
	21	Yule - Winter Solstice	Wicca/Pagan
	25	Christmas Day	Canadian Government and Christianity
	26	Zarathosht Diso Death	Zoroastrian
	26	Boxing Day	Canadian Government
	Dec 26-Jan 1	Kwanzaa	African Canadian and American Celebration

Jan 2020	1	Gantan-sai New Year	Buddhism - Shinto
Tamil Heritage Month	1	New Year's Day	Canadian Government
	5	Prakash Guru Gobind Singh Ji	Sikhism
	5	Twelfth Night	Christianity
	6	Feast of the Epiphany/Dia de los Reyes	Christianity Eastern Orthodox and Western
	6-7	Pasha Putrada Ekadashi	Hinduism
	7	Ethiopian Christmas	Rastafarian Holy Day
	7	Feast of the Nativity/Orthodox Christmas	Christianity - Russian/Eastern Orthodox
	See Footnote	Theravada Days of Mindfulness ³	Buddhism
	10	Mehergan ⁴	Zoroastrian
	12	Baptism of Jesus	Christianity - Eastern Orthodox and Western
	14	New Year (Gregorian Calendar)	Christianity Eastern Orthodox
	14	Punjabi Lohri	Hinduism/Sikhism
	15	Maghi	Sikhism
	15	Makar Sankranti	Hinduism
	15-18	Thai Pongal	Hinduism/Tamil
	19	Baptism of Jesus	Christianity - Coptic Orthodox
	19	World Religion Day	Baha'i
	20	Buddhist New Year	Buddhism - Mahayana
	21	Feast of the Wedding of Cana	Christianity - Ethiopian Orthodox
	21	Martin Luther King Jr. Day	USA Federal Holiday
	20-24	No Name Calling Week	Gay, Lesbian & Straight Education Network (GLSEN)
	24-30	Chinese New Year (Spring Festival)	Chinese Cultural
	25	Chinese New Year	Buddhism
	26	St. Sava Devine Service	Christianity - Serbian Orthodox
	27	International Day of Commemoration in Memory of the Victims of the Holocaust	United Nations
	29	Vasant Panchami	Hinduism
	30	Jashn-e-Sadeh	Zoroastrian

Feb 2020	1	Imbolc	Wicca/Pagan
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³ There are several Buddhist **Days of Mindfulness** throughout the year – (consult a Buddhist website for further information)

⁴ Mehergan is celebrated on the 1st Full Moon of the year.

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Days of Significance

May 2019 - December 2020

African Heritage Month	3	Setsubun	Buddhism - Shinto
Chinese Heritage Month See Also Asian Heritage (May)	6	Bob Marley Day	Jamaican Canadian Association
Black Queering Month	6	International Day of Zero Tolerance on Female Genital Cutting/Mutilation	World Health Organization
	10-14	Sexual and Reproductive Health Awareness Week	Action Canada for Sexual Health and Rights
	15 (NOTE: Some observe this day on Feb 8 th)	Buddha's Death – (Nirvana Day)	Buddhism – Various Sects
	15	Meeting of Our Lord	Christianity - Russian Orthodox
	17	Family Day	Ontario Government
	20	World Day of Social Justice	United Nations
	21	International Mother Language Day	United Nations
	21	Maha Shivaratri	Hinduism
	25-27	Losar New Year	Buddhism - Tibetan, Nepal, Bhutan
	26	Ash Wednesday (1 st Day of Lent)	Christianity
	Feb 26-29	Ayyám-i-Há	Baha'i

March 2020	2	Clean Monday	Christianity – Eastern Orthodox
Greek Heritage Month	8	International Women's and United Nations Day for Women's Rights and International Peace	United Nations
	9-10	Holi*	Hinduism
	10-12	Holla Mohalla	Sikhism
	10	Purim*	Judaism
	12	Kuan Yin Birthday (Guan Yin)	Buddhism - Taiwanese
	13	L. Ron Hubbard's Birthday	Church of Scientology
	14	Sikh New Year	Sikhism
	20	Ohigan (Spring Equinox)	Japanese National Holiday
	21	International Day for the Elimination of Racial Discrimination	United Nations
	Does Not Occur in 2020	Magha Puja Day/Lantern Festival	Buddhism
	20	Persian New Year (Eid-e-Navroz)	Baha'i/Zoroastrian
	21	Ostara (Spring Equinox)	Wicca/Pagan
	21-22	Persian New Year (National Holiday)	Iranian Government
	22	Isra'a Wal Miraj*	Islam
	22	World Water Day	United Nations
	24	Saka New Year (Nyepi)	Hinduism
	25	Feast of the Annunciation	Christianity – Eastern Orthodox and Western
	21 April	Mid Sha'ban*	Islam
	25	Ugandi (New Year)	Hinduism
	26	Prophet Asho Zartosht's Birthday	Zoroastrian

April 2020	2	Sri Rama Navami	Hinduism
Genocide Awareness Month	7	Laudation of the Mother of God	Christianity - Russian Orthodox
Latin American History Month (see also October Hispanic Heritage Month)	7	Memorial to Christ's Death	Jehovah's Witness
	7	Rwanda (Tutsi) Genocide Memorial Day	Canadian Government
	7	World Health Day	World Health Organization
	8	International Day of Pink (2 nd Wed. in April)	Nova Scotia, High School (Unnamed)
	9-16	Pesach/Passover*	Judaism
	10	Good Friday	Canadian Government Holiday and Christianity - Western
	12	Easter Sunday	Canadian Government Holiday and Christianity - Western
	13	Easter Monday	Canadian Government Holiday and

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			Christianity - Western
	13	Vaisakhi	Sikhism
	14	Puthandu (Tamil New Year)	Buddhism/Taoism
	13	Solar New Year (Mesha Sankranta)	Hinduism
	15	Birthday of Guru Nanak (1 st Guru)	Sikhism
	<i>To Be Announced</i>	<i>International Day of Silence</i>	<i>Gay, Lesbian, Straight Education Network (GLSEN)</i>
	19	Easter (Pascha)	Christianity - Russian Orthodox
	21	Groundation Day	Rastafarian Holy Day
	22	Earth Day (International Mother Earth Day)	United Nations
	23	Day of Remembrance – Toronto Van Attack ⁵	Toronto District School Board
	24	Armenian Genocide Memorial Day	Canadian Government
	24 Apr – 23 May	Ramadan*	Islam
	17	Holy Friday	Christianity - Eastern Orthodox
	19	Easter (Pascha)	Christianity - Eastern Orthodox
	21	Yom HaShoah* (Holocaust Remembrance Day)	Judaism
	25	Feast of St. Mark	Christianity – East Orthodox and Western
	26	Akshaya Tritiya	Hinduism
	28	National Day of Mourning	Canadian Government
	30	Vaisakhi Puja: (Buddha's Birthday)	Buddhism

May 2020	1	Beltane	Wicca/Pagan
Asian Heritage Month	1	Ridván (Holiday Ends: Holiday Begins 19 April '20)	Baha'i
Jewish Heritage Month	3	International Family Equality Day (1 st Sun. in May)	Family Equality Council
Sexual Assault Awareness and Prevention Month	7	Vesak Day	Buddhism
	15	International Day of Families	United Nations
	17	International Day Against Homophobia, Transphobia and Biphobia	IDAHOTB
	18	Queen Victoria Day	Canadian Government Public Holiday
	19	Jumu'ah-tul Wida*	Islam
	19	Laylat al-Qadr*	Islam
	21	Ascension Day	Christianity - Western
	23	Declaration of the Bá'b*	Baha'i
	24	Eid al Fitr* (3 Day Holy Day)	Islam
	25	Africa Day	Member States of the African Union
	25-29	Bike to School Week	Ontario Active School Travel
	28	Ascension Day	Christianity – Eastern Orthodox
	29-30	Shavuot*	Judaism
	29	Ascension of Baha'u'llah*	Baha'i
	31	Pentacost	Judaism, Christianity - Eastern Orthodox and Western
	31	World No Tobacco Day	World Health Organization

June 2020	1	Intergenerational Day	Canadian Network for the Prevention of Elder Abuse
Italian Heritage Month	<i>To Be Announced</i>	<i>Pride Festival</i>	<i>Toronto Pride</i>
National Indigenous History Month	5	World Environment Day (WED)	United Nations
Portuguese Speaking Heritage Month	12	World Day Against Child Labour	United Nations
PRIDE Month (Toronto)	<i>To Be Announced</i>	<i>Saga Dawa Festival</i>	<i>Buddhism - Tibetan</i>
	16	Martyrdom of Guru Arjan Dev Ji	Sikhism
	17	World Day to Combat Desertification and Drought	United Nations
	19	World Sickle Cell Awareness Day	TDSB
	20	World Refugee Day	United Nations

⁵ This remembrance will take place on the 23rd of April each year (or closest weekday to this date)

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Days of Significance

May 2019 - December 2020

	21	Litha/Summer Solstice	Wicca/Pagan
	21	National Aboriginal Day (Canada)	First Nations, Métis, Inuit
	21	World Humanist Day	International Humanist and Ethical Union
	24	Nativity of St. John the Baptist	Christianity - Eastern Orthodox and Western
	24	St. Jean Baptiste Day	Quebec and Francophone Culture
	26	International Day Against Drug Abuse and Illicit Trafficking	United Nations
	26	International Day in Support of Victims of Torture	United Nations
September 2019 - June 2020 School Year Ends			

July 2020	1	Canada Day	Canadian Government
	5	Asalha Puja Day (Dharma Day)	Buddhism
	5	Guru Purnima Day	Buddhism/Jainism
	6	Guru Purnima Day	Buddhism - Tibetan
	10	Martyrdom of the Bá'b*	Baha'i
	11	Imamat Day	Islam
	16	Ethiopian Constitution Day	Rastafarian Holy Day
	18	Nelson Mandela International Day	United Nations
	23	Birthday of Emperor Haile Selassie	Rastafarian Holy Day
	24	Chokhor Ducchën Festival	Buddhism - Tibetan
	July 29-Aug 2	Waqf al Arafa (Hajj)*	Islam
	July 31-Aug 3	Eid al Adha*	Islam
	30	Tishah B'av*	Judaism
	<i>To Be Announced</i>	<i>Jalsa Salana*</i>	<i>Islam</i>

Aug 2020	1	Lughnassadh/Lammas	Wicca/Pagan
	3	Raksha Bandhan	Hinduism
	6	Lord Simcoe Day/Founder's Day	Toronto Municipal Government
	6	Transfiguration of Christ	Christianity - Eastern Orthodox and Western
	9	International Day of the World's Indigenous People	United Nations
	11	Krishna Janmashtami	Hinduism
	12	International Youth Day	United Nations
	13-15	Obon Festival	Buddhism - Shinto
	15	The Dormition of the Mother of God	Christianity – Russian Orthodox
	15	Feast of the Dormition	Christianity - Eastern Orthodox
	16-23	Paryushan Parva	Jainism
	17	Marcus Garvey's Birthday	Rastafarian Holy Day
	19	The Transfiguration of Jesus	Christianity - Russian Orthodox
	20	Al-Hijra New Year*	Islam
	22	Ganesh Chaturthi	Hinduism
	Aug 23 – Sep 1	Daslakshan - Parva	Hinduism
	23	International Day for the Remembrance of the Slave Trade and Its Abolition	United Nations
	23	Samvatsari Parva (Forgiveness Day)	Jainism
	29	Ashura*	Islam

September 2020 – June 2021 School Year Begins			
Sept 2020	1	Anant Chaturdashi	Jainism
	1	Installation of the Holy Scriptures of Guru Granth Sahib Ji	Sikhism
	7	Labour Day	Canadian Government
	8	International Literacy Day	United Nations
	8	Nativity of Mary	Christianity - Russian Orthodox
	11	Martyrdom of St. John the Baptist (also memorialized)	Christianity - Eastern Orthodox and

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Days of Significance

May 2019 - December 2020

		29 August by some Christian Orthodox Denominations)	Western
	11	Coptic New Year	Christianity - Coptic Eastern Orthodox
	11	Ethiopian New Year	Rastafarian Holy Day
	14	Holy Cross Day (Feast of the Cross)	Christianity - Eastern Orthodox and Western
	15	International Day of Democracy	United Nations
	17-25	Navratri (Autumn)	Hinduism
	19-20	Rosh Hashanah*	Judaism
	19	Powley Day	First Nation, Métis
	21	International Day of Peace	United Nations
	21-29	Mabon (Autumn Equinox)	Wicca/Pagan
	22	Ohigan (Fall Equinox)	Japanese National Holiday
	<i>To Be Announced</i>	Gay, Lesbian, Straight Education Network Ally Week	GLSEN
	27	Elevation of the Holy Cross	Christianity - Eastern Orthodox
	30	Orange Shirt Day	First Nation, Métis, Inuit

Oct 2020	1	International Day of Older Persons	United Nations
Hispanic Heritage Month (City of Toronto)	5	World Teachers' Day	United Nations
Islamic Heritage Month	3-9	Sukkot*	Judaism
Somali Heritage Month	4-10	Body Confidence Awareness Week (2 nd Week Oct.)	Toronto District School Board (TDSB)
Women's History Month	7	International Walk to School Day	Highway Safety Research Centre (University of North Carolina, USA)
	10-11	Shemini Atzeret*	Judaism
	10	World Mental Health Day	World Health Organization
	<i>To Be Announced</i>	Week Without Violence	YMCA
	11	International Day of the Girl	United Nations
	11	Simchat Torah*	Judaism
	12	Thanksgiving Day	Canadian Government
	16	World Food Day	United Nations
	17	International Day of the Eradication of Poverty	United Nations
	18	Birth of Bahá'u'lláh*	Bahá'i
	18	Birth of the Bá'b*	Bahá'i
	20	Gurgadi of the Holy Scriptures of Guru Granth Sahib Ji as Guru	Sikhism
	22-26	Mahalaya (Durga Puja Festival)	Hinduism
	<i>To Be Announced</i>	Kathina Ceremony/Paváraná Day	Buddhism
	<i>To Be Announced</i>	New Year (Enlightenment of Gautamswami)	Jainism
	28	Yom Kippur*	Judaism
	29	Mawlid-al-Nabi*	Islam

Nov 2020	1	All Saints Day	Christianity - Eastern Orthodox and Western
Hindu Heritage Month	1	Samhain*	Wicca/Pagan
	2	Crowning of Emperor Haile Selassie I	Rastafarian Holy Day
	4	Karva Chauth	Hinduism
	7	Buddha's Descent from Tushita Heaven	Buddhism -Tibetan
	11	Remembrance Day	Canadian Government
	14	Bandi Chhor Divas	Sikhism
	14	Diwali	Hinduism/Jainism/Sikhism
	14	World Diabetes Day	World Health Organization
	<i>To Be Announced</i>	Louis Riel Day (Toronto)	First Nations, Métis
	<i>To Be Announced</i>	Lokasha Jayanti	Jainism
	15-21	Anti-Bullying Awareness and Prevention Week	Ontario Government
	19	Gyana Panchami	Jainism
	<i>To Be Announced</i>	Maun Agiyaras (Ekadashi)	Jainism
	20	Universal Children's Day	United Nations

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Days of Significance

May 2019 - December 2020

	20	International Transgender Day of Remembrance	Gwendolyn Ann Smith, US Trans Advocate
	21	Presentation of the Blessed Virgin Mary	Christianity – Russian Orthodox
	24	Martyrdom of Guru Tegh Bahadur	Sikhism
	25	International Day for the Elimination of Violence Against Women	United Nations
	26	Day of the Covenant*	Baha'i
	28	National Holodomor Memorial Day ⁶	Ukrainian Canadian Congress
	Nov 29-Dec 24	Advent	Christianity

Dec 2020	1	World AIDS Day	United Nations
	2	International Day of the Abolition of Slavery	United Nations
	3	International Day of Persons with Disabilities	United Nations
	6	National Day of Remembrance and Action on Violence Against Women	Canadian Government
	8	St. Clements of Ohrid Patrons Day	Christianity - Macedonian Orthodox
	10	Human Rights Day	United Nations
	11-18	Hanukkah*	Judaism
	13	Birthday of Imam Aga Khan	Islam
	18	International Migrants Day	United Nations
	21	Yule - Winter Solstice	Wicca/Pagan
	25	Christmas Day	Canadian Government and Christianity
	<i>To Be Announced</i>	Zarathosht Diso Death	Zoroastrian
	26	Boxing Day	Canadian Government
	Dec 26-Jan 1	Kwanzaa	African Canadian and American Celebration

⁶ Recognized on the 4th Saturday each November - TDSB recognition is on the preceding Friday

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Newly Developed Procedure PR729, Student Use of Service Animals in Schools

To: Governance and Policy Committee

Date: 8 January, 2020

Report No.: 01-20-3811

Strategic Directions

- Create a Culture for Student and Staff Well-Being
- Build Strong Relationships and Partnerships Within School Communities to Support Student Learning and Well-Being
- Allocate Human and Financial Resources Strategically to Support Student Needs

Recommendation

It is recommended that the newly developed Student Use of Service Animals in Schools Procedure (PR729) as presented in this report, be received.

Context

On October 30, 2019, the Board approved the Student Use of Service Animals in Schools Policy (P096) which was developed in accordance with the Ministry of Education's directions outlined in the Policy/ Program Memorandum (PPM) 163.

The newly developed Student Use of Service Animals in Schools Procedure (PR729) supports the implementation of the Student Use of Service Animals in Schools Policy (P096). The Procedure outlines detailed processes for the use of service animals by students in schools. The Procedure is based on and incorporates key provisions of the Use of Guide Dogs and Service Animals Administrative Procedure Template (Appendix B), provided to the TDSB and other school boards by the Council of Ontario Directors of Education (CODE).

The Procedure was reviewed by Executive Council and approved on December 10, 2019. The Procedure came into effect on January 1, 2020.

Action Plan and Associated Timeline

The Procedure has been provided to school principals, superintendents and applicable central staff responsible for implementation of the Use of Service Animals in Schools Policy (P096). Training and information sessions will be provided to school administrators on a regular basis and/or upon request.

Resource Implications

No additional resources were allocated by the Ministry of Education for the implementation of the Student Use of Service Animals in Schools Policy and this Procedure. Resource implications will be identified by staff during 2020/21 school year based on the number of accommodation requests.

Communications Considerations

The Student Use of Services Animals in Schools Procedure (PR729) is posted on the Board's internal and external website and will be communicated through the System Leaders' Bulletin and the TDSB Connects.

Board Policy and Procedure Reference(s)

Policies:

- Accessibility Policy (P069)
- Student Health Support Policy (P092)
- Equity Policy (P037)

Procedures:

- Use of Service Animals by the General Public (PR604)

Legislative Acts and Regulations:

- *Accessibility for Ontarians with Disabilities Act (AODA)*
- *Blind Person's Rights Act*
- *Education Act*
- *Occupational Health and Safety Act (OHSA)*
- *Ontario Human Rights Code (OHRC)*

Other Documents:

- Ontario Human Rights Commission's Policy on Accessible Education for Students with Disabilities (2018)
- PPM 163: School Board Policies on Service Animals

Appendices

- Appendix A: Student Use of Service Animals in Schools Procedure (PR729) - New
- Appendix B: Student Use of Guide Dogs and Service Animals Administrative Procedure Template

From

Kathy Witherow, Associate Director, Associate Director, Leadership, Learning and School Improvement at kathy.witherow@tdsb.on.ca or at 416-397-3077.

Jim Spyropoulos, Executive Superintendent, Human Rights and Indigenous Education at jim.spyropoulos@tdsb.on.ca or at 416-397-3678.

Toronto District School Board

Procedure PR729

Title: **STUDENT USE OF SERVICE ANIMALS IN SCHOOLS**

Adopted: December 10, 2019

Effectuated: December 10, 2019

Revised: NA

Reviewed: NA

Authorization: Executive Council

1.0 RATIONALE

- 1.1 Service animals have traditionally been highly trained dogs that assist individuals with various tasks of daily living (Guide Dog, Hearing and Signal Dogs, Mobility Assistance Dogs, Seizure Response Dogs).
- 1.2 In most circumstances, a Guide Dog will be a highly trained dog provided to support the orientation and mobility needs of a student Handler who has a diagnosis of blindness/low vision, and the Guide Dog will provide the student Handler with greater independence, dignity and opportunity for integration.
- 1.3 The term Service Animal is used in the *Accessibility Standards for Customer Service* made under the *Accessibility for Ontarians with Disabilities Act* (AODA), to describe an animal that assists an individual with a disability to be able to access goods and services available to the public. **A school is not a public space and is not generally accessible to the public. The AODA does not apply to a student's use of a Service Dog / Service Animal when accessing education services in school buildings.**
 - (a) Pursuant to the *Code* it is possible that a Service Animal might include different species that provide a therapeutic function (horses), emotional support, sensory function, companionship and/or comfort.
 - (b) The determination of whether the animal is an appropriate accommodation in the school setting to accommodate a demonstrated disability-related learning need is a decision of the Board.
 - (i) Such a decision will consider that animals, other than dogs, are not trained by an Accredited Training Organization and may pose a risk to the safety of students and staff and/or may be disruptive to the

learning environment and/or may act as a distraction in the learning environment.

- 1.4 Due to risks to safety, and risks of disruption and distraction in the learning environment, the TDSB does **not** permit training of potential guide dogs and service dogs in the school setting or during school activities.

2.0 OBJECTIVE

- 2.1 It is the Policy of the TDSB in accordance with its obligations pursuant to the Ontario *Human Rights Code* to provide individualized accommodation to students with disabilities to enable them to have meaningful access to education services in a manner that respects their dignity, maximizes integration and facilitates the development of independence.
- (a) The TDSB utilizes a variety of placements, differentiated programming, and evidence-based interventions and strategies to provide meaningful access to education for students who have disability-related needs that impact their learning.
 - (b) The TDSB does not provide Guide Dogs, Service Dogs or Service Animals to students.
 - (c) The TDSB encourages any family considering the purchase of a Guide Dog, Service Dog or Service Animal to meet with the school principal or superintendent before making a commitment.
- 2.2 This Procedure identifies the individualized process to be followed when a parent or adult student applies to the School Board to have a Guide Dog, Service Dog or Service Animal accompany the student while the student is attending school or a school-related event.
- 2.3 Pursuant to the *Education Act* and regulations, a school building is not a place to which the public is customarily admitted. Pursuant to the *Education Act* and Ontario Regulation 474/00 *Access to School Premises*, the Board requires each school to have a process for visitors.
- 2.4 Any determination of whether a Guide Dog, Service Dog or Service Animal is an appropriate accommodation for a student while receiving education services is a decision of the Board. A regulated health professional cannot unilaterally prescribe that a Guide Dog, Service Dog or Service Animal be a specific accommodation while the student is receiving education services at school.
- 2.5 When an adult student or parent seeks to have their child attend school or school related events with a Guide Dog / Service Dog, both the Guide Dog / Service Dog **and** the Student Handler must be certified as having been successfully trained by an accredited training facility.

- (a) Only in exceptional circumstances subject to the standards of undue hardship pursuant the *Human Rights Code*, will the School Board consider an application for a student who will not be acting as the primary trained Handler of the Guide Dog / Service Dog.
- (b) Only in exceptional circumstances subject to the standards of undue hardship pursuant the *Human Rights Code*, will the School Board consider Service Animals, other than dogs, as an accommodation for a student and only if other reasonable methods of accommodation in the school setting have been unsuccessful in meeting the demonstrated disability-related learning needs of the student.

3.0 DEFINITIONS

For the purpose of this Procedure, the following definitions apply:

Accredited training organization means a guide dog or service dog trainer that is accredited by:

- International Guide Dog Federation (“IGDF”): which develops and ensures compliance with the standards by which Guide Dogs for the blind/low vision are trained by its member organizations;
- Assistance Dogs International (“ADI”): which develops and ensures compliance with the standards by which Guide, Hearing and Service Dogs are trained by its member organizations; or
- A Guide Dog or Service Dog trainer that attests to compliance with the Meghan Search and Rescue Standard in Support of Accessibility: Persons with a Disability Teamed with Service Dogs standard for training (MSAR).

Adult student means a student who is 18 years of age or older or 16 or 17 years of age and has removed him/her/themselves from the care and control of their custodial parent

Disability means:

- (a) any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device,
- (b) a condition of mental impairment or a developmental disability,

- (c) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,
- (d) a mental disorder, or
- (e) an injury or disability for which benefits were claimed or received under the insurance plan established under the *Workplace Safety and Insurance Act, 1997*;

Guide Dog means a dog trained as a guide for a blind person and having the qualifications prescribed by the regulations pursuant to the *Blind Persons' Rights Act*;

Handler refers to the individual trained by an Accredited Training Organization who is managing the Guide Dog / Service Dog and in most cases will be the student for whom the Guide Dog / Service Dog is provided;

Parent means custodial parent of the student or a guardian pursuant to the *Education Act*;

Service Dog means a dog which has been certified after successfully completing a training program provided by an Accredited Training Organization.

Service Animal for the purpose of this Procedure includes a therapy dog, companion animal, comfort animal and emotional support animal and includes a dog or other domesticated animal that may legally reside in an urban, residential home, that is not highly trained to perform particular tasks to assist with a student's disability-related needs, but provides emotional support (and/or companionship, calming influence) for a student with a disability-related mental health and/or psychological need and/or comfort during a difficult period.

4.0 RESPONSIBILITY

Associate Director, Leadership, Learning and School Improvement and Executive Superintendent, Human Rights and Indigenous Education

5.0 APPLICATION AND SCOPE

This Procedure applies to all students, families and staff who are involved in the use, or potential use of Service Animals in schools.

6.0 PROCEDURES

Principals

- 6.1 School principals are responsible for the management of the school premises, the staff providing educational programs and the safety of all students.

- (a) A school principal has authority to exclude any animal, including Guide Dogs / Service Dogs and Service Animals, from entry onto school premises and school building(s), as an accommodation for a student, provided that the student is offered appropriate alternative accommodation to meet the student's demonstrated disability-related learning needs.
 - (b) School principals, before admitting a Guide Dog / Service Dog into the school or on school related activities with the student Handler, shall require a parent/adult student to submit a completed application, included in **Appendix A** of the Procedure.
 - (c) Before admitting a Service Animal, the school principal shall require the parent/adult student to submit a completed application, included in **Appendix B** of the Procedure.
- 6.2 On receipt of an application for a Guide Dog / Service Dog or Service Animal, the school principal shall review the application for completeness and may request any additional information or clarification necessary to assess the request for accommodation.
- 6.3 The school principal shall be responsible for communication with the parent/adult student with respect to the accommodation process, and where approved the implementation and management of the accommodation.
- 6.4 Where a student supported by a Guide Dog / Service Dog / Service Animal, whose parent is the Handler, seeks only to attend a school excursion with the Guide Dog / Service Dog / Service Animal, which is at a location where the public is customarily admitted, efforts will be made to facilitate the student's participation with the Guide Dog / Service Dog / Service Animal and parent as the Handler.
- (a) Inquiries may need to be made regarding competing rights and transportation arrangements.

Parents/Adult Students

- 6.5 Parents or Adult Students are required to provide all necessary documentation and engage in the consultation process for the purpose of considering and implementing, if appropriate, the request that a Guide Dog / Service Dog accompany the student at school and/or on school-related activities. The parent or adult student shall be responsible for:
- (a) submission of **Appendix A**;
 - (b) all costs related to the dog, food, grooming, harness, crate and/or mat and veterinary care;

- (c) obtaining training and maintaining the Guide Dog / Service Dog training to provide the accommodation in a safe manner that does not disrupt student learning;
- (d) providing confirmation of municipal license for the dog (to be updated annually),
- (e) providing confirmation of certificates of training not older than 6 months from an Accredited Training Organization attesting that the dog and student Handler have successfully completed training and may safely engage in a public setting without creating a risk of safety or a risk of disruption within a school setting;
- (a) diagnosis from a registered pediatrician, psychologist, psychiatrist (or other regulated health professional as determined by the School Board) with a recommendation for the use of a Guide Dog / Service Dog;
- (b) a description of the services provided by the Guide Dog / Service Dog to the student, and how those services will accommodate the student's disability-related needs and assist the student in achieving their learning goals and/or goals of daily living while at school;
- (c) a certificate not greater than three (3) months old from a veterinarian qualified to practice veterinary medicine in the Province of Ontario attesting that, the dog is an adult; identifying the age and breed; does not have a disease or illness that might pose a risk to humans; has received all required vaccinations; and is in good health to assist the student (to be updated annually);
- (d) general liability insurance providing coverage in an amount specified by the Board¹ in the event of an injury or death as a result of the Guide Dog / Service Dog's attendance on school property or on a school-related activity (to be updated annually)².

Students

- 6.6 Students will be expected to act as the Guide Dog / Service Dog's primary Handler. The student handler must:
- (a) demonstrate the ability to control the Guide Dog / Service Dog in accordance with the training received;
 - (b) ensure that the Guide Dog / Service Dog is always wearing a vest and leash or harness when the dog is not in its crate.

¹ Note usually 2 million in general liability insurance coverage is requested. This requirement might need to be waived on the basis of equity in the event that it causes financial hardship for a family.

² Note insurance should not pose a barrier to the provision of accommodation as a result of socio-economic factors

- (c) ensure the Guide Dog / Service Dog does not disrupt the learning of others with unnecessary movement, vocalization or other behaviour, including aggressive or threatening behaviour;
- (d) ensure that the Guide Dog / Service Dog's biological needs are addressed;
- (e) transition and maintain at all times the Guide Dog / Service Dog on a leash, harness, mat and/or crate;
- (f) comply with an accommodation plan that addresses the competing rights of others;

Guide Dog / Service Dog

6.7 The Guide Dog / Service Dog:

- (a) shall be a highly trained and certified by Accredited Training Organization;
 - (i) will have evidence of training or re-certification confirming compliance with training requirements within the last 6 months be required;
- (b) must be groomed and clean;
- (c) must at all times while on school property be responsive to commands and demonstrate that it can perform the necessary tasks or accommodation;
- (d) must **not** engage in behaviour that puts at risk the safety of others, including other animals, or that creates disruption or distraction in the learning environment;
 - (i) such behaviour includes, but is not limited to, growling, nipping, barking, attention seeking, eating;
 - (ii) any such behaviour is grounds to prohibit the Guide Dog / Service Dog's attendance on school property and in the school building,
- (e) must have control of its biological functions so as not to soil the inside of buildings, or require feeding during the school day;
- (f) must demonstrate continuous appropriate behaviour with its Handler and others in the school environment to remain eligible for entry in school buildings or school-related events.

6.8 Assessment of the Accommodation Request

- 6.8.1. Once the application and all necessary documentation is received by the school principal, a review will take place by the Board team

supporting the student and a meeting shall be scheduled to review the accommodation request. Every effort will be made to review the documentation and schedule a meeting in a reasonable timeframe.

6.8.2. A meeting with the Board team supporting the student, the parent/adult student and student (as appropriate), the health practitioner recommending the Guide Dog / Service Dog or Service Animal for the student, the trainer of the Guide Dog / Service Dog and of the Handler, and any other individuals who may contribute to the accommodation process may be scheduled to review the request for accommodation.

6.8.3. Each request for a Guide Dog / Service Dog or Service Animal will be addressed on an individual basis giving consideration to:

- (a) the individual learning strengths and needs of the student, the student's IEP goals, safety plan, behaviour plan and/or student's medical plan of care (if any);
 - (i) supporting documents such as psychological assessments, occupational or physical therapy assessments, functional behaviour assessments etc.
- (b) evidence of how the Guide Dog / Service Dog or Service Animal's attendance at school might provide accommodation for a demonstrated disability-related learning need and/or act of daily living necessary while at school;
- (c) assessment information provided by a regulated health professional with expertise regarding the student's disability-related needs supporting the request for a Guide Dog / Service Dog or Service Animal;
- (d) the training and certification of the Guide Dog / Service Dog and student as Handler;
- (e) the impact of the accommodation on the student's dignity, integration and independence;
- (f) whether one or more alternative accommodations can meet the needs of the student;
- (g) whether the student's attendance with a Guide Dog / Service Dog or Service Animal might require an increase in the level of staff support provided to the student;
- (h) whether training will be required for staff and/or the student;
- (i) the impact of the accommodation on the learning environment for the student, other students, including, health, safety, disruption and distraction;

- (j) any competing human rights of students, staff, and community members using the school pursuant to a permit;
 - (i) recommendations for accommodation plans to reconcile competing rights.
- 6.9 The process of accommodation, including inquiries regarding competing rights and notice to the school community, shall respect the student's right to privacy regarding their disability and specific learning needs and/or needs of daily living.
- 6.10 Where the student is not the primary Handler, Board staff must be trained as the Handler(s) and accompany the student and dog at all times. As a result, such requests will be individually considered, in accordance with the duty to accommodate to the point of undue hardship, including consideration of the resources required, alternative accommodations that might meet the student's demonstrated disability-related learning needs and the impact on the staff and other students.
- 6.11 Service Animals shall only be considered when reasonable methods of accommodation in the school setting have been unsuccessful in meeting the demonstrated disability-related learning needs of the student. Parents must complete an application for a Service Animal included in **Appendix B** of the Procedure.
 - (a) The accommodation process following a request by a parent/adult student for a Service Animal shall be consistent with the process noted above, but shall also include any special considerations that may arise if an animal is a species other than a dog, including the ability to be trained, necessary biological functions, the capacity for the animal to respond to commands, whether the animal may be kept on a leash/harness/crate/mat and how such restrictions might impact accommodation.
- 6.12 The determination with respect to the application for a Guide Dog / Service Dog / Service Animal shall be communicated to the parent/adult student in writing in accordance with **Appendix D**.

IMPLEMENTING THE ACCOMMODATION

- 6.13 Where approval is granted, the school principal in consultation with the student's educational team, will do the following:
 - (a) make changes to the student's IEP goals and/or student's medical plan of care;
 - (i) may provide for the accommodation on an interim trial basis, in which case the indicators of success or lack of success for this form of accommodation will be identified before the trial period begins.

- (b) organize an orientation session for school staff, students and the student Handler;
- (c) develop a timetable identifying a bio-break, water break, location/process to be followed during instructional and non-instructional times;
 - (i) access may be limited to certain activities, areas of the school, or certain times of the day, including but not limited to, where exclusion is required pursuant to the *Health Protection and Promotion Act* or the *Food Safety and Quality Act 2001*, which prohibit Service Animals from being in places where food is prepared, processed or handled.
 - (ii) assessment may be required by the School Board's health and safety officer health and safety issues applicable to different areas/activities in the school;
- (d) develop emergency procedures, to include a fire exit plan, lockdown plan, evacuation plan;
- (e) notice to the community via a letter to parents; posting on the school's website / social media; presentation by the trainer of the Guide Dog / Service Dog during a school council meeting or association supporting the use of the Service Animal; signage on the school's front door, gymnasium and library doors; communication to potential occasional staff accepting a position where the Guide Dog / Service Dog or Service Animal may be providing service to the student;
- (f) student assembly for introduction and orientation regarding the Guide Dog / Service Dog or Service Animal;
- (g) arrangements for transportation of the Guide Dog / Service Dog or Service Animal to and from school, if necessary;
 - (i) If the Guide Dog / Service Dog or Service Animal will be accompanying the student on a school vehicle, inquiries must be made regarding competing rights, the transportation plan must specify where the Guide Dog / Service Dog or Service Animal and student will be located; the vehicle shall have a sticker / sign identifying the presence of a Guide Dog / Service Dog or Service Animal is on board;
 - (ii) Documentation about the Guide Dog / Service Dog or Service Animal will be included with the route information so that new or substitute bus drivers are aware of the Guide Dog / Service Dog's or Service Animal's presence.

- (iii) Specialized transportation shall **not** be provided solely for the purpose enabling the Guide Dog / Service Dog or Service Animal to travel to and from school with the student;

Continuous Assessment

- 6.14 A review of the effectiveness of the Guide Dog, Service Dog or Service Animal in supporting the student's learning goals shall be undertaken as part of each review of the student's IEP, in the event of a Violent Incident Report, and as otherwise deemed necessary by the Principal.
- 6.15 Approval may be revoked at any time by the principal if:
 - (a) there are any concerns for the health and safety of students, staff or the Guide Dog / Service Dog / Service Animal;
 - (b) there is behaviour that is distracting, disruptive or aggressive, including making noise, failing to follow commands, growling or nipping. In the event that this behaviour occurs, the Handler will be required to remove the Guide Dog / Service Dog / Service Animal from the classroom immediately and the student's parent/guardian will be called to pick up the Guide Dog / Service Dog / Service Animal from the school. Alternative options for accommodation will be discussed.
 - (c) there has been a change to the student's circumstances or disability-related needs, which had supported the original approval or a change to the needs of students/staff such that there is a new competing right;
 - (d) the Board in its discretion determines that the accommodation is not effective for the student's demonstrated disability-related learning needs or acts of daily living.

Records

- 6.16 A copy of the application and confirmation of approval, as well as any other relevant documents supporting the accommodation shall be retained in the student's Ontario Student Record.
- 6.17 The School Board shall be required to collect, use and disclose the personal information of the student in order to fulfill the accommodation process. Notice of the collection, use and disclosure must be provided to the parent/adult student. Efforts should be made to limit the personal information to only that which is necessary.

- 6.18 The Board is required pursuant to PPM 163 School Board Policies on Service Animals to collect information regarding the implementation of the policy and procedure regarding Guide Dogs and Service Animals, including.
- (a) Total number of requests for students to be accompanied by Guide Dog / Service Dogs / Service Animals;
 - (i) Whether requests are for elementary or secondary school students;
 - (ii) The student's grade;
 - (iii) Whether the student is the Handler;
 - (b) The number of requests approved and denied;
 - (i) If denied, the rationale for the decision, including a description of other supports and/or services provided to the student to support their access to the Ontario Curriculum;
 - (ii) Species of Service Animals requested and approved; and
 - (iii) Types of needs being supported: emotional, social, psychological, physical.

FOOD AREAS

- 6.19 Under Ontario Regulation 562, of *Ontario's Health Promotion and Protection Act*, only Guide Dogs / Service Dogs are allowed to be in areas where food is served, sold, and offered for sale. Other Service Animals are not permitted in school cafeterias. No animals, including Guide Dogs / Service Dogs, are allowed in areas where food is prepared, processed, or handled such as the kitchen of the school cafeteria or the hospitality classroom.

7.0 EVALUATION

This operational procedure will be reviewed at a minimum every four (4) years after the effective date

8.0 APPENDICES

Appendix A: Application for Guide Dog/Service Dog
 Appendix B: Application for Service Animal
 Appendix C: Principal's Checklist for Guide Dog/ Service Dog
 Appendix D: Sample Letters

9.0 REFERENCE DOCUMENTS

Policies:

- Accessibility Policy (P069)
- Student Health Support Policy (P092)
- Equity Policy (P037)

Operational Procedures:

- Use of Service Animals by the General Public (PR604)

Legislative Acts, Regulations and Other Resources:

- *Human Rights Code, RSO 1990, c.H.19*
- *Education Act, RSO 1990, c.E2, s. 170(1), s.265(1); O. Reg. 298, s.11*
- *PPM 163 School Board Policies on Service Animals*
- *J.F. v. Waterloo Catholic District School Board, 2017 HRTO 1121 (CanLII)*
- *Accessibility for Ontarians with Disabilities Act, 2005, SO 2005, c.11*
- *Blind Persons' Rights Act, RSO 1990, c.B7,*
- *Dog Owners' Liability Act, RSO 1990, c.D16*
- *Health Protection and Promotion Act, RSO 1990, c.H7*
- *Food Safety and Quality Act 2001, SO 2001, c.20*

APPLICATION FOR GUIDE DOG/ SERVICE DOG

This Form is to be submitted to the School Principal

School

Grade

Student Name

Address & Home / Cell Telephone Number

Disability-Related Needs to be Accommodated by Guide Dog / Service Dog

- Please attach a copy of the assessment report from a registered pediatrician, psychologist, psychiatrist, optometrist or audiologist containing the student's diagnosis and describing in detail the disability-related learning needs or acts of daily living to be accommodated and how the Guide Dog/ Service Dog will provide accommodation in a school setting.

Municipal License

- Please attached a copy of the municipal license, not more than 12 months old; confirmation to be updated annually.

Veterinary Certificate

- Please attach a certificate from a veterinarian qualified to practice veterinary medicine in the Province of Ontario (confirmation to be updated annually) attesting to:
 - the breed of dog, age of dog and that the dog is an adult;
 - the dog does not have a disease or illness that might pose a risk to humans;
 - the dog has received all required vaccinations;
 - the dog is in good health to assist the student

Certificate of Training

- Please attach a copy of the certificate, not more than 6 months old, confirming the Guide Dog / Service Dog's training by a training organization accredited by the International Guide Dog Federation or Assistance Dogs International or an attestation of compliance with the MSAR standard for training, as defined in the Student Use of Guide Dogs and Service Animal's Procedure [#].
- A letter confirming that the trainer will attend a School Council Meeting to provide a presentation and respond to questions from the school community.
- Please attach a copy of the certificate, not more than 6 months old, confirming the student Handler's training by an accredited training organization by the International Guide Dog Federation or Assistance Dogs International or an attestation of compliance with the MSAR standard for training, as defined in the Student Use of Guide Dogs and Service Animal's Procedure [#].

Student NOT the Handler

Where the student is not the Handler, please describe below what, if any, responsibilities the student is capable of performing independently and the responsibilities you wish to have assumed by a school staff member.

Insurance

Pursuant to *Dog Owners' Liability Act*, RSO 1990, c.D16, the owner of a dog is responsible for any injury or death caused by the dog. Please attach a certificate of home or contents insurance. Where the dog is owned by a registered charity, please provide a letter from the registered charity confirming their ownership of the dog.

This Form is to be submitted to the School Principal

Personal information of the student and parent/guardian is being collected by the ● District School Board in accordance with the *Municipal Freedom of Information and Protection of Privacy Act* to be used to provide education services pursuant to the *Education Act* s.170(1)7 and PPM 163 and the *Human Rights Code*, s.1.

APPLICATION FOR SERVICE ANIMAL**School****Grade****Student Name****Address & Home / Cell Telephone Number****Disability-Related Needs to be Accommodated by Service Animal**

- Please attached a copy of the assessment report from a registered pediatrician, psychologist or psychiatrist, containing the student's diagnosis and describing in detail the disability-related learning needs or acts of daily living to be accommodated and how the Service Animal will provide accommodation in a school setting.

Veterinary Certificate

- Please attach a certificate from a veterinarian qualified to practice veterinary medicine in the Province of Ontario (confirmation to be updated annually) attesting to:
 - the species of animal, age and confirmation that the animal is an adult;
 - the animal does not have a disease or illness that might pose a risk to humans or dogs;
 - the animal has received all required vaccinations; and
 - the animal is in good health to assist the student.

Information regarding Animal

- Describe in detail the tasks or services performed by the animal;
- Identify the oral commands or visual signs to which the animal responds;
- Attestation will be required confirming that the animal does not make vocal noises, does not engage in distracting behaviour, does not exhibit aggression;
- Identify whether the animal will be on a leash/harness or in a crate;
- Describe the biological needs of the animal;

Student

- Can the student independently manage the animal?
- Describe in detail where, when and how the student currently utilizes the animal's services in public spaces for accommodation purposes.
- Please describe below what, if any, responsibilities the student is capable of performing independently.
- Please describe below the responsibilities you wish to have assumed by a school staff member.

Insurance

A parent must provide an insurance certificate identifying that Board as an insured in the event that the animal causes damage to the school or its contents, or causes injury or death to any person accessing the school building or the school grounds. A minimum of two million dollars of coverage will be required.

Personal information of the student and parent/guardian is being collected by the ● District School Board in accordance with the *Municipal Freedom of Information and Protection of Privacy Act* to be used to provide education services pursuant to the *Education Act* s.170(1)7 and PPM 163 and the *Human Rights Code*, s.1.

Principal's Checklist for Guide Dog / Service Dog**School****Grade****Student Name****Application Requirements for Guide Dog / Service Dog**

- ☐ Assessment report with diagnosis and accommodation to be provided
- ☐ Supporting documents (IEP, psychological, occupational therapy, physical therapy, functional behaviour, and/or orientation and mobility assessments)
- ☐ Copy of municipal license [within 12 months]
- ☐ Veterinary certificate [within 3 months]
- ☐ Certificate of training or attestation for Guide Dog / Service Dog [within 6 months]
- ☐ Certificate of training or attestation for student Handler [within 6 months]
- ☐ Letter of confirmation that the trainer will present to School Council
- ☐ Certificate of insurance [within 3 months] or Letter from the registered charity which owns the dog
- ☐ Letter of inquiry with school staff and community using the school pursuant to permit regarding allergies, phobia/fear or cultural sensitivity
- ☐ Assessment by health and safety officer

Implementation Requirements

- ☐ Accommodation plan where there are competing rights (may include restriction of access to areas of school, change in classroom etc.)
- ☐ Timetable identifying bio breaks, when accompanying student, when in crate
- ☐ Emergency procedures (fire exit plan, lockdown plan, evacuation plan)
- ☐ Letter to parents that Guide Dog/Service Dog will be accompanying student
- ☐ Information session during to school council meeting
- ☐ Posting on school website or Facebook that Guide Dog/Service Dog will be accompanying student
- ☐ Signage for front door, gymnasium door and library door advising of Guide Dog / Service Dog
- ☐ Transportation plan (if required)
- ☐ Orientation for school staff and students
- ☐ Training for staff member acting as Handler (if required)
- ☐ Identification of benchmarks for assessment of effectiveness (to be reviewed with IEP)

Sample Letter to Employees and School Permit Holders

Date

To Employees and Permit Holders

This letter is to advise that the school is in the process of planning for a Guide Dog / Service Dog to attend [school] with a student in order to accommodate the student's needs pursuant to the *Human Right Code*.

The Guide Dog / Service Dog is trained to provide service in a manner that does not disrupt the learning environment for others and is identifiable by its vest or harness.

A specific timetable will be created, which identifies where and when the Guide Dog / Service Dog will be at different periods of the school day, and will be shared with you.

We respect the needs of all staff and our community partners in providing a safe and inclusive workplace and environment. Please let us know if you have any specific concerns regarding the presence of a Guide Dog / Service Dog in our school.

Thank you for your on-going cooperation and support.

Sincerely,

Principal

Sample Letter to the School Community

Date

Dear Parents/Guardians

This letter is to advise that a Guide Dog / Service Dog will be attending [school] with a student in order to accommodate the student's needs pursuant to the *Human Right Code*.

The Guide Dog / Service Dog is trained to provide service in a manner that does not disrupt the learning environment for others and is identifiable by its vest or harness.

An information session has been scheduled to take place following the school council meeting on [insert date]. A trainer from [insert] will be present to answer any questions that you might have about the training of Guide Dogs / Service Dogs.

An orientation session will be provided for all students, to explain the role of Guide Dogs / Service Dogs as working animals, not pets, and to identify how the Guide Dog / Service Dog will be integrated into our school community.

We respect the needs of all students in providing a safe and inclusive learning environment. Please let us know if you have any specific concerns regarding the presence of a Guide Dog / Service Dog in our school.

Thank you for your on-going support.

Sincerely,

Principal

Sample Letter to the Parents of Students on School Bus

Date

Dear Parents/Guardians

On [date] the school forwarded a letter home to all parents advising that a Guide Dog / Service Dog would be introduced to our school community.

This letter is to advise that a Guide Dog / Service Dog will riding a student to and from school to accommodate the student's needs pursuant to the *Human Right Code* beginning [insert date].

The Guide Dog / Service Dog and student will be assigned a specific seating area on the bus, and the Guide Dog / Service Dog is trained not to be disruptive while riding on school transportation. It will be identifiable by its vest or harness.

Your child will be participating in an orientation session to explain the role of Guide Dogs / Service Dogs as working animals, not pets, and to identify how the Guide Dog / Service Dog will be integrated into our school community.

We respect the needs of all students in providing a safe and inclusive services for education. Please let us know if you have any specific concerns regarding the presence of a Guide Dog / Service Dog on your child's bus.

Thank you for your on-going support.

Sincerely,

Principal

Sample Letter to the Parents of Students in Class(es)

Date

Dear Parents/Guardians

On [date] the school forwarded a letter home to all parents advising that a Guide Dog / Service Dog would be introduced to our school community.

This letter is to advise that a Guide Dog / Service Dog will be attending [school] with a student in your child's class / [insert course] in order to accommodate the student's needs pursuant to the *Human Right Code* beginning [insert date].

The Guide Dog / Service Dog is trained to provide service in a manner that does not disrupt the learning environment for others and is identifiable by its vest or harness.

Your child has participated in an orientation session to explain the role of Guide Dogs / Service Dogs as working animals, not pets, and to identify how the Guide Dog / Service Dog will be integrated into our school community.

If you have any questions or concerns, please do not hesitate to contact your child's teacher or me.

Thank you for your on-going support.

Sincerely,

Principal

Sample Letter Decision Letter Approving Guide Dog / Service Dog / Service Animal

Date

Dear Parent / Adult Student

I am writing to communicate the decision regarding your request that your child / you attend school with a Guide Dog / Service Dog to provide accommodation for disability-related learning needs / acts of daily living.

I wish to confirm approval of your request.

As we have discussed, your / your child's ability to perform the responsibilities of a Handler, and assessment of benchmarks established for evaluating the effectiveness of the Guide Dog / Service Dog / Service Animal in meeting your / your child's accommodation needs will take place on a regular basis.

You will be responsible for ensuring that the Guide Dog / Service Dog / Service Animal is groomed, has a vest or harness and crate [if necessary], as well as a water bowl. All costs associated will be your responsibility.

If concerns arise regarding the integration of the Guide Dog / Service Dog into the school community and your / your child's class(es), a meeting will be scheduled to review how the issues might be resolved.

In the event that the Guide Dog / Service Dog engages in behaviour that is distracting, disruptive or aggressive, including making noise, failing to follow commands, growling or nipping, you / your child / the Handler will be required to remove the Guide Dog / Service Dog from the classroom immediately and you will be required to arrange for the Guide Dog/ Service Dog to be removed from the school. In such a case, alternative options for accommodation will be reviewed.

Sincerely,

Principal

Sample Letter Decision Letter Declining Guide Dog / Service Dog / Service Animal

Date

Dear Parent / Adult Student

I am writing to communicate the decision regarding your request that your child attend school with a Guide Dog / Service Dog / Service Animal to provide accommodation for disability-related learning needs / acts of daily living.

I wish to communicate that your request is being denied.

As we have discussed, your child is not able to perform the responsibilities of a Handler [and/or the Service Animal is not trained and may be disruptive or a distraction in the school environment], and reasonable alternative accommodations that respect your child's dignity, encourage independence and facilitate integration are available to support your child's learning needs and access to meaningful educational services.

This decision is not subject to appeal; however, if you wish to discuss the alternative accommodation measures available to support your child while at school, please contact me to arrange for a meeting.

Sincerely,

Principal

Student Use of Guide Dogs and Service Animals

ADMINISTRATIVE PROCEDURE

1. PURPOSE

- 1.1 It is the policy of the ● District School Board in accordance with its obligations pursuant to the Ontario *Human Rights Code* to provide individualized accommodation to students with disabilities to enable them to have meaningful access to education services in a manner that respects their dignity, maximizes integration and facilitates the development of independence.
 - (a) The School Board utilizes a variety of placements, differentiated programming, and evidence-based interventions and strategies to provide meaningful access to education for students who have disability-related needs that impact their learning.
 - (b) The School Board does not provide Guide Dogs, Service Dogs or Service Animals to students.
 - (c) The School Board encourages any family considering the purchase of a Guide Dog, Service Dog or Service Animal to meet with the school principal or superintendent before making a commitment.
- 1.2 This Administrative Procedure identifies the individualized process to be followed when a parent or adult student applies to the School Board to have a Guide Dog, Service Dog or Service Animal accompany the student while the student is attending school or a school-related event.
- 1.3 Pursuant to the *Education Act* and regulations, a school building is not a place to which the public is customarily admitted. Pursuant to the *Education Act* and Ontario Regulation 474/00 *Access to School Premises*, the ● District School Board requires each school to have a process for visitors.
- 1.4 Any determination of whether a Guide Dog, Service Dog or Service Animal is an appropriate accommodation for a student while receiving education services is a decision of the School Board. A regulated health professional cannot unilaterally prescribe that a Guide Dog, Service Dog or Service Animal be a specific accommodation while the student is receiving education services at school.
- 1.5 When an adult student or parent seeks to have their child attend school or school related events with a Guide Dog / Service Dog, both the Guide Dog / Service Dog **and** the Student Handler must be certified as having been successfully trained by an accredited training facility.
 - (a) Only in exceptional circumstances subject to the standards of undue hardship pursuant the *Human Rights Code*, will the School Board consider an application for a student who will not be acting as the primary trained Handler of the Guide Dog / Service Dog.
- 1.6 Only in exceptional circumstances subject to the standards of undue hardship pursuant the *Human Rights Code*, will the School Board consider Service Animals, other than dogs, as an accommodation for a student and only if other reasonable methods of accommodation in the school setting have been unsuccessful in meeting the demonstrated disability-related learning needs of the student.

Student Use of Guide Dogs and Service Animals

2. BACKGROUND

- 2.1 Service animals have traditionally been highly trained dogs that assist individuals with various tasks of daily living (Guide Dog, Hearing and Signal Dogs, Mobility Assistance Dogs, Seizure Response Dogs).
- 2.2 In most circumstances, a Guide Dog will be a highly trained dog provided to support the orientation and mobility needs of a student Handler who has a diagnosis of blindness/low vision, and the Guide Dog will provide the student Handler with greater independence, dignity and opportunity for integration.
- 2.3 The term Service Animal is used in the *Accessibility Standards for Customer Service* made under the *Accessibility for Ontarians with Disabilities Act* (AODA), to describe an animal that assists an individual with a disability to be able to access goods and services available to the public. **A school is not a public space and is not generally accessible to the public. The AODA does *not* apply to a student's use of a Service Dog / Service Animal when accessing education services in school buildings.**
 - (a) Pursuant to the *Code* it is possible that a Service Animal might include different species that provide a therapeutic function (horses), emotional support, sensory function, companionship and/or comfort.
 - (b) The determination of whether the animal is an appropriate accommodation in the school setting to accommodate a demonstrated disability-related learning need is a decision of the School Board.
 - (i) Such a decision will consider that animals, other than dogs, are not trained by an Accredited Training Organization and may pose a risk to the safety of students and staff and/or may be disruptive to the learning environment and/or may act as a distraction in the learning environment.
- 2.4 Due to risks to safety, and risks of disruption and distraction in the learning environment, the School Board does ***not*** permit training of potential guide dogs and service dogs in the school setting or during school activities.

3. DEFINITIONS

- 3.1 For the purpose of this Procedure the following definitions apply:

Accredited training organization is a guide dog or service dog trainer that is accredited by:

- International Guide Dog Federation (“IGDF”): which develops and ensures compliance with the standards by which Guide Dogs for the blind/low vision are trained by its member organizations; or
- Assistance Dogs International (“ADI”): which develops and ensures compliance with the standards by which Guide, Hearing and Service Dogs are trained by its member organizations;

Student Use of Guide Dogs and Service Animals

or

- A Guide Dog or Service Dog trainer that attests to compliance with the Meghan Search and Rescue Standard in Support of Accessibility: Persons with a Disability Teamed with Service Dogs standard for training (MSAR).

Adult student shall be defined to mean a student who is 18 years of age or older or 16 or 17 years of age and has removed him/her/themselves from the care and control of their custodial parent

Disability means,

- (a) any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device,
- (b) a condition of mental impairment or a developmental disability,
- (c) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,
- (d) a mental disorder, or
- (e) an injury or disability for which benefits were claimed or received under the insurance plan established under the *Workplace Safety and Insurance Act, 1997*;

Guide Dog means a dog trained as a guide for a blind person and having the qualifications prescribed by the regulations pursuant to the *Blind Persons' Rights Act*;

Handler refers to the individual trained by an Accredited Training Organization who is managing the Guide Dog / Service Dog and in most cases will be the student for whom the Guide Dog / Service Dog is provided;

Parent shall be defined to mean a custodial parent of the student or a guardian pursuant to the *Education Act*;

Service Dog means a dog which has been certified after successfully completing a training program provided by an Accredited Training Organization.

Service Animal for the purpose of this Procedure includes a therapy dog, companion animal, comfort animal and emotional support animal and includes a dog or other domesticated animal that may legally reside in an urban, residential home, that is not highly trained to perform particular tasks to assist with a student's disability-related needs, but provides emotional support (and/or companionship, calming influence) for a student with a disability-related mental health and/or psychological need and/or comfort during a difficult period.

Student Use of Guide Dogs and Service Animals**4. ROLES AND RESPONSIBILITIES****Principals**

- 4.1 School principals are responsible for the management of the school premises, the staff providing educational programs and the safety of all students.
- (a) A school principal has authority to exclude any animal, including Guide Dogs / Service Dogs and Service Animals, from entry onto school premises and school building(s), as an accommodation for a student, provided that the student is offered appropriate alternative accommodation to meet the student's demonstrated disability-related learning needs.
 - (b) School principals, before admitting a Guide Dog / Service Dog into the school or on school related activities with the student Handler, shall require a parent/adult student to submit a completed application, included in **Appendix A** of the Procedure.
 - (c) Before admitting a Service Animal, the school principal shall require the parent/adult student to submit a completed application, included in **Appendix B** of the Procedure.
- 4.2 On receipt of an application for a Guide Dog / Service Dog or Service Animal, the school principal shall review the application for completeness and may request any additional information or clarification necessary to assess the request for accommodation.
- 4.3 The school principal shall be responsible for communication with the parent/adult student with respect to the accommodation process, and where approved the implementation and management of the accommodation.
- 4.4 Where a student supported by a Guide Dog / Service Dog / Service Animal, whose parent is the Handler, seeks only to attend a school excursion with the Guide Dog / Service Dog / Service Animal, which is at a location where the public is customarily admitted, efforts will be made to facilitate the student's participation with the Guide Dog / Service Dog / Service Animal and parent as the Handler.
- (a) Inquiries may need to be made regarding competing rights and transportation arrangements.

Parents/Adult Students

- 4.5 Parents or Adult Students are required to provide all necessary documentation and engage in the consultation process for the purpose of considering and implementing, if appropriate, the request that a Guide Dog / Service Dog accompany the student at school and/or on school-related activities. The parent or adult student shall be responsible for:
- (a) submission of **Appendix A**;
 - (b) all costs related to the dog, food, grooming, harness, crate and/or mat and veterinary care;

Student Use of Guide Dogs and Service Animals

- (c) obtaining training and maintaining the Guide Dog / Service Dog training to provide the accommodation in a safe manner that does not disrupt student learning;
- (d) providing confirmation of municipal license for the dog (to be updated annually),
- (e) providing confirmation of certificates of training not older than 6 months from an Accredited Training Organization attesting that the dog and student Handler have successfully completed training and may safely engage in a public setting without creating a risk of safety or a risk of disruption within a school setting;
- (a) diagnosis from a registered pediatrician, psychologist, psychiatrist (or other regulated health professional as determined by the School Board) with a recommendation for the use of a Guide Dog / Service Dog;
- (b) a description of the services provided by the Guide Dog / Service Dog to the student, and how those services will accommodate the student's disability-related needs and assist the student in achieving their learning goals and/or goals of daily living while at school;
- (c) a certificate not greater than three (3) months old from a veterinarian qualified to practice veterinary medicine in the Province of Ontario attesting that, the dog is an adult; identifying the age and breed; does not have a disease or illness that might pose a risk to humans; has received all required vaccinations; and is in good health to assist the student (to be updated annually);
- (d) general liability insurance providing coverage in an amount specified by the Board¹ in the event of an injury or death as a result of the Guide Dog / Service Dog's attendance on school property or on a school-related activity (to be updated annually)².

Students

4.6 Students will be expected to act as the Guide Dog / Service Dog's primary Handler. The student Handler must:

- (a) demonstrate the ability to control the Guide Dog / Service Dog in accordance with the training received;
- (b) ensure that the Guide Dog / Service Dog is always wearing a vest and leash or harness when the dog is not in its crate.
- (c) ensure the Guide Dog / Service Dog does not disrupt the learning of others with unnecessary movement, vocalization or other behaviour, including aggressive or threatening behaviour;

¹ Note usually 2 million in general liability insurance coverage is requested. This requirement might need to be waived on the basis of equity in the event that it causes financial hardship for a family.

² Note insurance should not pose a barrier to the provision of accommodation as a result of socio-economic factors

Student Use of Guide Dogs and Service Animals

- (d) ensure that the Guide Dog / Service Dog's biological needs are addressed;
- (e) transition and maintain at all times the Guide Dog / Service Dog on a leash, harness, mat and/or crate;
- (f) comply with an accommodation plan that addresses the competing rights of others;

Guide Dog / Service Dog

4.7 The Guide Dog / Service Dog:

- (a) shall be a highly trained and certified by Accredited Training Organization;
 - (i) will have evidence of training or re-certification confirming compliance with training requirements within the last 6 months be required;
- (b) must be groomed and clean;
- (c) must at all times while on school property be responsive to commands and demonstrate that it can perform the necessary tasks or accommodation;
- (d) must **not** engage in behaviour that puts at risk the safety of others, including other animals, or that creates disruption or distraction in the learning environment;
 - (i) such behaviour includes, but is not limited to, growling, nipping, barking, attention seeking, eating;
 - (ii) any such behaviour is grounds to prohibit the Guide Dog / Service Dog's attendance on school property and in the school building,
- (e) must have control of its biological functions so as not to soil the inside of buildings, or require feeding during the school day;
- (f) must demonstrate continuous appropriate behaviour with its Handler and others in the school environment to remain eligible for entry in school buildings or school-related events.

5. ASSESSMENT OF THE ACCOMMODATION REQUEST

- 5.1 Once the application and all necessary documentation is received by the school principal, a review will take place by the Board team supporting the student and a meeting shall be scheduled to review the accommodation request. Every effort will be made to review the documentation and schedule a meeting in a reasonable timeframe.
- 5.2 A meeting with the Board team supporting the student, the parent/adult student and student (as appropriate), the health practitioner recommending the Guide Dog / Service Dog or Service Animal for the student, the trainer of the Guide Dog / Service Dog and of the Handler, and any other individuals who may contribute to the accommodation process may be scheduled to review the request for accommodation.

Student Use of Guide Dogs and Service Animals

- 5.3 Each request for a Guide Dog / Service Dog or Service Animal will be addressed on an individual basis giving consideration to:
- (a) the individual learning strengths and needs of the student, the student's IEP goals, safety plan, behaviour plan and/or student's medical plan of care (if any);
 - (i) supporting documents such as psychological assessments, occupational or physical therapy assessments, functional behaviour assessments etc.
 - (b) evidence of how the Guide Dog / Service Dog or Service Animal's attendance at school might provide accommodation for a demonstrated disability-related learning need and/or act of daily living necessary while at school;
 - (c) assessment information provided by a regulated health professional with expertise regarding the student's disability-related needs supporting the request for a Guide Dog / Service Dog or Service Animal;
 - (d) the training and certification of the Guide Dog / Service Dog and student as Handler;
 - (e) the impact of the accommodation on the student's dignity, integration and independence;
 - (f) whether one or more alternative accommodations can meet the needs of the student;
 - (g) whether the student's attendance with a Guide Dog / Service Dog or Service Animal might require an increase in the level of staff support provided to the student;
 - (h) whether training will be required for staff and/or the student;
 - (i) the impact of the accommodation on the learning environment for the student, other students, including, health, safety, disruption and distraction;
 - (j) any competing human rights of students, staff, and community members using the school pursuant to a permit;
 - (i) recommendations for accommodation plans to reconcile competing rights.
- 5.4 The process of accommodation, including inquiries regarding competing rights and notice to the school community, shall respect the student's right to privacy regarding their disability and specific learning needs and/or needs of daily living.
- 5.5 Where the student is not the primary Handler, Board staff must be trained as the Handler(s) and accompany the student and dog at all times. As a result, such requests will be individually considered, in accordance with the duty to accommodate to the point of undue hardship, including consideration of the resources required, alternative accommodations that might meet the student's demonstrated disability-related learning needs and the impact on the staff and other students.

Student Use of Guide Dogs and Service Animals

- 5.6 Service Animals shall only be considered when reasonable methods of accommodation in the school setting have been unsuccessful in meeting the demonstrated disability-related learning needs of the student. Parents must complete an application for a Service Animal included in **Appendix B** of the Procedure.
- (a) The accommodation process following a request by a parent/adult student for a Service Animal shall be consistent with the process noted above, but shall also include any special considerations that may arise if an animal is a species other than a dog, including the ability to be trained, necessary biological functions, the capacity for the animal to respond to commands, whether the animal may be kept on a leash/harness/crate/mat and how such restrictions might impact accommodation.
- 5.7 The determination with respect to the application for a Guide Dog / Service Dog / Service Animal shall be communicated to the parent/adult student in writing in accordance with **Appendix D**.

6. IMPLEMENTING THE ACCOMMODATION

- 6.1 Where approval is granted, the school principal in consultation with the student's educational team, will do the following:
- (a) make changes to the student's IEP goals and/or student's medical plan of care;
- (i) may provide for the accommodation on an interim trial basis, in which case the indicators of success or lack of success for this form of accommodation will be identified before the trial period begins.
- (b) organize an orientation session for school staff, students and the student Handler;
- (c) develop a timetable identifying a bio-break, water break, location/process to be followed during instructional and non-instructional times;
- (i) access may be limited to certain activities, areas of the school, or certain times of the day, including but not limited to, where exclusion is required pursuant to the *Health Protection and Promotion Act* or the *Food Safety and Quality Act 2001*, which prohibit Service Animals from being in places where food is prepared, processed or handled.
- (ii) assessment may be required by the School Board's health and safety officer health and safety issues applicable to different areas/activities in the school;
- (d) develop emergency procedures, to include a fire exit plan, lockdown plan, evacuation plan;
- (e) notice to the community via a letter to parents; posting on the school's website / social media; presentation by the trainer of the Guide Dog / Service Dog during a school council meeting or association supporting the use of the Service Animal; signage on the school's front door, gymnasium and library doors; communication to potential

Student Use of Guide Dogs and Service Animals

occasional staff accepting a position where the Guide Dog / Service Dog or Service Animal may be providing service to the student;

- (f) student assembly for introduction and orientation regarding the Guide Dog / Service Dog or Service Animal;
- (g) arrangements for transportation of the Guide Dog / Service Dog or Service Animal to and from school, if necessary;
 - (i) If the Guide Dog / Service Dog or Service Animal will be accompanying the student on a school vehicle, inquiries must be made regarding competing rights, the transportation plan must specify where the Guide Dog / Service Dog or Service Animal and student will be located; the vehicle shall have a sticker / sign identifying the presence of a Guide Dog / Service Dog or Service Animal is on board;
 - (ii) Documentation about the Guide Dog / Service Dog or Service Animal will be included with the route information so that new or substitute bus drivers are aware of the Guide Dog / Service Dog's or Service Animal's presence.
 - (iii) Specialized transportation shall **not** be provided solely for the purpose enabling the Guide Dog / Service Dog or Service Animal to travel to and from school with the student;

7. CONTINUOUS ASSESSMENT

- 7.1 A review of the effectiveness of the Guide Dog, Service Dog or Service Animal in supporting the student's learning goals shall be undertaken as part of each review of the student's IEP, in the event of a Violent Incident Report, and as otherwise deemed necessary by the Principal.
- 7.2 Approval may be revoked at any time by the principal if:
 - (a) there are any concerns for the health and safety of students, staff or the Guide Dog / Service Dog / Service Animal;
 - (b) there is behaviour that is distracting, disruptive or aggressive, including making noise, failing to follow commands, growling or nipping. In the event that this behaviour occurs, the Handler will be required to remove the Guide Dog / Service Dog / Service Animal from the classroom immediately and the student's parent/guardian will be called to pick up the Guide Dog / Service Dog / Service Animal from the school. Alternative options for accommodation will be discussed.
 - (c) there has been a change to the student's circumstances or disability-related needs, which had supported the original approval or a change to the needs of students/staff such that there is a new competing right;
 - (d) the Board in its discretion determines that the accommodation is not effective for the student's demonstrated disability-related learning needs or acts of daily living.

Student Use of Guide Dogs and Service Animals

8. RECORDS

- 8.1 A copy of the application and confirmation of approval, as well as any other relevant documents supporting the accommodation shall be retained in the student's Ontario Student Record.
- 8.2 The School Board shall be required to collect, use and disclose the personal information of the student in order to fulfill the accommodation process. Notice of the collection, use and disclosure must be provided to the parent/adult student. Efforts should be made to limit the personal information to only that which is necessary.
- 8.3 The Board is required pursuant to PPM 163 School Board Policies on Service Animals to collect information regarding the implementation of the policy and procedure regarding Guide Dogs and Service Animals, including.
 - (a) Total number of requests for students to be accompanied by Guide Dog / Service Dogs / Service Animals;
 - (i) Whether requests are for elementary or secondary school students;
 - (ii) The student's grade;
 - (iii) Whether the student is the Handler;
 - (b) The number of requests approved and denied;
 - (i) If denied, the rationale for the decision, including a description of other supports and/or services provided to the student to support their access to the Ontario Curriculum;
 - (ii) Species of Service Animals requested and approved; and
 - (iii) Types of needs being supported: emotional, social, psychological, physical.

9. FOOD AREAS

Under Ontario Regulation 562, of *Ontario's Health Promotion and Protection Act*, only Guide Dogs / Service Dogs are allowed to be in areas where food is served, sold, and offered for sale. Other Service Animals are not permitted in school cafeterias. No animals, including Guide Dogs / Service Dogs, are allowed in areas where food is prepared, processed, or handled such as the kitchen of the school cafeteria or the hospitality classroom.

10. SOURCES

Human Rights Code, RSO 1990, c.H.19

Education Act, RSO 1990, c.E2, s. 170(1), s.265(1); O. Reg. 298, s.11

PPM 163 School Board Policies on Service Animals

J.F. v. Waterloo Catholic District School Board, 2017 HRTO 1121 (CanLII)

Accessibility for Ontarians with Disabilities Act, 2005, SO 2005, c.11

Student Use of Guide Dogs and Service Animals

Blind Persons' Rights Act, RSO 1990, c.B7,
Dog Owners' Liability Act, RSO 1990, c.D16
Health Protection and Promotion Act, RSO 1990, c.H7
Food Safety and Quality Act 2001, SO 2001, c.20

11. RELATED FORMS & LETTERS

Forms

Appendix A Application Request for Guide Dog / Service Dog
 Appendix B Application Request for Service Animal
 Appendix C Checklist for principals

Letters

Appendix D
 Sample Letter to Employees & School Permit Holders
 Sample Letter to the School Community
 Sample Letter to the Parents of Students on the School Bus
 Sample Letter to the Parents of Students in the Class(es)
 Sample Letter Approving the Guide Dog / Service Dog / Service Animal
 Sample Letter Denying the Guide Dog / Service Dog / Service Animal



Parent and Community Involvement Policy (P023) Review – Update

To: Governance and Policy Committee

Date: 08 January, 2020

Report No.: 01-20-3810

Strategic Directions

1. Transform Student Learning
2. Create a Culture for Student and Staff Well-Being
3. Build Strong Relationships and Partnerships Within School Communities to Support Student Learning and Well-Being

Recommendation

It is recommended that the Critical Path for review of the Parent and Community Involvement Policy, as presented in this report, be received.

Context

The Parent and Community Involvement Policy (P023) (the “Policy”) was adopted on November 25, 1998 and most recently revised on February 3, 2010. The Policy outlines the framework for building and supporting parent and community involvement in the TDSB, including through establishment of the Board’s community advisory committees.

The Policy is being reviewed in accordance with the Policy Review Schedule and the policy review process approved by the Board of Trustees on February 6, 2019. The scope of the review will also address the direction of the Board of Trustees of December 4, 2017, requiring Director of Education to review mandates of the Board’s community advisory committees and present report with recommendations. The scope of the review along with the approved policy work plan approved by the Board at its meeting on June 19, 2019 can be reviewed in Appendix A-Policy Review Work Plan.

This report is to inform Trustees of the critical path to undertake the review. P023 is a critical policy that will not only define the way all families and other key stakeholders of

the Board engages with the Board but it will also begin the work of clarifying the goal of engagement for Trustees and the tools and medium used by the Board of Trustees and Trustees to engages with families, constituents and the public.

During the design process of the review conversations were held with the Parent Involvement Advisory Committee (PIAC) to identify opportunities for their engagement in the implementation of the policy review. There were three areas identified as appropriate opportunities for PIAC:

- i. Co-facilitation of ward consultations with Trustees, where feasible
- ii. Review/provide feedback on drafted policy statements, and;
- iii. Co-host online forums

While co-facilitation of ward consultations with PIAC and Trustees provides an ideal opportunity for collaboration challenges of scheduling and resources needs to be considered.

As part of the review, staff will also consult with Community Advisory Committees, Student Senate and the Special Education Advisory Committee (SEAC) of the Board as stipulated in Governance Procedure PR501.

The Critical Path is outlined in APPENDIX B- P023-Policy Review Critical Path and is presented for the Committee's information.

Action Plan and Associated Timeline

Subject to the Governance and Policy Committee and Board directions, staff will implement the review of the Policy in accordance with the Critical Path and the Policy Review Work Plan. With a focus on operationalizing the Boards equity commitments into the review, there will be extensive public consultations utilizing online and offline mediums that will provide opportunities for wide stakeholder participation, while ensuring the engagement of families identified within the Multi-year Strategic Plan.

The consultations are expected to take up to 60 days in order to provide an ample opportunity for school communities and all Community Advisory Committees of the Board to share their feedback and recommendations. The revised draft Policy is expected to be presented to the Governance and Policy Committee for consideration in spring 2020.

Resource Implications

To enhance our online capabilities and gather insight from varying stakeholder utilizing modern tools we have utilized the Boards Request for Quotation (Policy 017 – Purchasing) process to retain strategic guidance and services of Bang the Table an organization that features a tool called Engagement HQ a platform that will enable

online engagement that goes beyond surveys to include an array of engagement tools ranging from forums, ideas and places (geo-spatial polling) to polls. While this medium is new to the Board it is a worldwide tool being used widely by Municipalities for engaging the public. We will also be supported by groundswell a consulting group with a specialty and expertise in applying Design Thinking in community/public engagement.

Communications Considerations

Following Board approval, Policy Review Critical Path will be broadly communicated to the TDSB stakeholders, shared with staff through System Leaders' Bulletin, and posted on the Board's public website.

Board Policy and Procedure Reference(s)

- Community Engagement Policy (P078)
- Parent and Community Involvement Procedure (PR558)

Appendices

- Appendix A: Policy Review Work Plan
- Appendix B: Policy Review Critical Path

From

Colleen Russell-Rawlins, Associate Director, Equity, Well-Being and School Improvement, at colleen.russell-rawlins@tdsb.on.ca or 416-397-3187

Routing

Governance and Policy Committee
Board of Trustees

01/08/20
TBD

POLICY REVIEW WORK PLAN

Date: [May 15, 2019](#)

All policies will be reviewed to ensure consistency with the TDSB's Mission, Values and Goals Policy (P002), the Equity Policy (P037) and the Board's Multi-Year Strategic Plan.

POLICY INFORMATION

Policy Title and Policy Number: [Parent and Community Involvement Policy \(P023\)](#)

Review during fiscal year: [2018/19](#)

Last reviewed: [July 13, 2005](#)

Director's Council member responsible for this Policy review: [Associate Director, Equity, Well-Being and School Improvement](#)

Phase I. PLANNING AND OBTAINING TRUSTEES' DIRECTIONS

This Policy Review Plan has been discussed with the Policy Coordinator:

☒ Yes

☐ No

This Policy Review Plan will be discussed at the Governance and Policy Committee meeting held on: [May 29, 2019](#)

Phase II. REVISIONS**Formatting Changes**

The Policy will be reformatted to ensure alignment with the current Policy Template (Operational Procedure PR501, Policy Development and Management):

☒ Yes

☐ No

Content Changes

The Policy requires content revisions:

☒ Yes

☐ No

The content changes are due to the following reason(s):

- ☐ Legislation
- ☒ Government directives/policies
- ☒ Board decisions
- ☒ Multi-Year Strategic Plan requirements
- ☒ Operational requirements
- ☒ Simplify and/or update using plain language
- ☒ Alignment with Equity Policy

Detailed information on the proposed content changes, including findings of the policy equity assessment:

[Review the scope of the revised Policy, to enhance and explore:](#)

[Evaluation of Parental Engagement Activities](#)

[Evaluating current parental engagement activities and developing measures to improve their overall effectiveness](#)

[Parent and Community Engagement in the School Improvement Process \(SIP\)](#)

- [At its meeting on November 28, 2018 the Board approved that policy and procedures be developed to create the way by which parents, students, community and trustees are informed and involved in the School Improvement Process.](#)

[Consideration of Parent Engagement Standards](#)

- [Embed the MYSP-Build Strong Relationships and Partnerships Within School Communities to Support Student Learning and Well-Being by exploring engagement standards for the system.](#)

[Community Advisory Committees \(CACs\)](#)

- [Consider revision of the governance model for Board's \(CACs\) through alignment with the:](#)
 - [Equity Policy;](#)
 - [mandate of CACs as per Board directions from December 4, 2017 \(please see appendix B for reference\).](#)
 - [Board's Multi-Year Strategic Plan and its five key goals:](#)
 - [\(1\) Transform Student Learning;](#)
 - [\(2\) Create a Culture for Student and Staff Well-Being;](#)
 - [\(3\) Provide Equity of Access to Learning Opportunities for All Students;](#)

(4) Allocate Human and Financial Resources Strategically to Support Student Needs;

(5) Build Strong Relationships and Partnerships within School Communities to Support Student Learning and Well-Being;

- ensuring that the CACs role, membership and reporting relationship with the Board are clearly defined;
- adopting a common CAC governance model;
- ensuring that that CAC mandates and terms of reference are consistent with the Board's Bylaws, policies and procedures.

Definition and Usage of the term Parent or Family

- Align with the Boards Equity Policy, Ontario Human Rights Family Status Code grounds, the Ontario Humans Rights Commission directives and the Truth and Reconciliation Recommendations.

Separating Community Engagement & Family Engagement

- Consider parent engagement as outlined within the *Parent Engagement Policy for Ontario Schools*.

Volunteers

- Define the role of volunteers
- Explore guidelines for volunteering that aligns with TDSB's best practices.

☒ A review of leading practices for similar policies across jurisdictions has been completed and is included with this Work Plan.

Phase III. INTERNAL REVIEWS AND SIGN-OFFS

The Policy review will include TDSB divisions affected by the Policy:

- ☐ Business Operations and Service Excellence
- ☒ Equity, Well-Being and School Improvement
- ☒ Human Rights and Indigenous Education
- ☒ Learning and School Improvement
- ☒ School Operations and Service Excellence

In addition, the following departments will be required to sign-off on the proposed Draft Policy:

- ☒ Legal Services
- ☒ Governance and Board Services

☒ Government, Public and Community Relations

A sign-off from the Director of Education will be obtained before proceeding with external consultations and/or Committee/Board approval.

☒ Director of Education

Phase IV. EXTERNAL CONSULTATIONS

Are external consultations applicable to this Policy?

☒ Yes

☐ No (*Ministry of Education mandated policy or corporate policy without external stakeholders*)

Mandatory external consultations will include, at a minimum:

1. Posting of the working draft Policy on TDSB website for public feedback (45 days minimum): [60 Days](#)

2. Extending invitations for consultation to:

☒ Student Senate

and

all Community Advisory Committees of the Board and conducting consultations with the Community Advisory Committees that expressed interest (either individually with each interested committee or collectively with representatives of all interested committees): [November 2019 – March 2020](#)

☒ Aboriginal Community Advisory Committee

☒ Alternative Schools Community Advisory Committee

☒ Black Student Achievement Community Advisory Committee

☒ Community Use of Schools Community Advisory Committee

☒ Early Years Community Advisory Committee

☒ Environmental Sustainability Community Advisory Committee

☒ Equity Policy Community Advisory Committee

☒ French-as-a-Second-Language Community Advisory Committee

- ☒ Inner City Community Advisory Committee
- ☒ Parent Involvement Advisory Committee (PIAC)
- ☒ Special Education Advisory Committee (SEAC)
- ☒ Urban Indigenous Community Advisory Committee

In addition to mandatory consultations, other external participants and projected dates of consultation(s) include:

- ☒ School Councils
- ☒ Professional Associations and Unions
- ☐ Other: [\[provide details\]](#)

The following methods will be applied in the external consultations: [\[at least two or more methods must be selected\]](#)

- ☒ Public meeting ([ward forums](#))
- ☒ Facilitated focus group
- ☒ Call for public delegations
- ☐ Expert panel discussion
- ☒ Survey
- ☒ Posting on the TDSB website
- ☐ Other:

Phase V. COMMITTEE/BOARD APPROVALS

Following external consultations and revisions, the working draft Policy will be presented to the Governance and Policy Committee on the following date: [April-May 2020](#)

Following recommendation by the Governance and Policy Committee, the revised Policy will be presented to the Board on the following date: [May-June 2020](#)

Once approved, the revised Policy will replace the existing policy on the TDSB website.

Phase VI. IMPLEMENTATION

Following Board approval, the final revised Policy will be communicated through:

- ☒ Posting of the revised Policy on the TDSB website through the Policy Coordinator
- ☒ Sharing with staff through the System Leaders' Bulletin

-
- ☒ Informing departments at staff meetings and channeling information to the school principals through respective superintendents
 - ☒ Implementation of a broad communication plan for internal and external audiences, include summary of policy revisions and expected outcomes

Policy implementation will include:

- ☒ Conducting information/training sessions to TDSB staff affected by the Policy

The projected time for conducting information/training sessions to staff will be:
[Fall 2020](#)

- ☒ Review of associated procedures: [Summer 2020](#)

P023: PARENT & COMMUNITY ENGAGEMENT POLICY REVIEW CRITICAL PATH		
ACTION	AUDIENCE	ANTICIPATED TIMELINE
Online Engagement Strategies <ul style="list-style-type: none"> Online Survey Online Discussion Forum Co-Hosted by Staff and PIAC Members 		
	All families, school council chairs	January – February 2020
	All families, school councils (to be determined)	To be determined
In-Person Engagement Strategies <ul style="list-style-type: none"> Focus Groups Focus Groups led by Community Support Workers in Learning Centres Ward Meetings (at the request of Trustees) Open House – Charest-Style Session (Central) Staff Survey and/or Charest-Style (or Open Space) 	Community Advisory Committee Members, PIAC & SEAC Model Schools, Parents/Guardians of Children with Special Education Needs (e.g., Deaf & Hard of Hearing Programs, Congregated Sites) Families and community members, school councils Community members Representatives from staff groups	January 2020 – March 2020
Indigenous Community Engagement	As determined by the Urban Indigenous Community Advisory Committee & Principal Tanya Senk	Ongoing
Development of Draft Policy & Presentation at Governance & Policy Committee	Governance & Policy Committee	April 2020
Policy Consultation – as per June 19, 2019 Report to the Board of Trustees	Not applicable	May 2020 – June 2020

COMMUNITY ENGAGEMENT & COMMUNITY ADVISORY COMMITTEE REVIEW CRITICAL PATH		
ACTION	AUDIENCE	ANTICIPATED TIMELINE
Online Survey	Trustees Members of CACs Staff Leads & Clerical Support	January 2020
CAC Focus Group Feedback	Members of CACs	January 2020 - February 2020
Background Data Collection <ul style="list-style-type: none"> • Scan of <i>Governance Models</i> for Community Advisory Committees • Analysis of <i>Organizational Documentation</i> 	Not applicable	December 2019 – February 2020
Presentation of the Draft at Governance & Policy Committee	Governance & Policy Committee	April 2020
Policy Consultation – as described in June 19, 2019 Report to the Board of Trustees	Not applicable	May 2020 – June 2020

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P048, Occupational Health and Safety Policy: Annual Review

To: Governance and Policy Committee

Date: 8 January, 2020

Report No.: 01-20-3801

Strategic Directions

- Create a Culture for Student and Staff Well-Being

Recommendation

It is recommended that the Occupational Health and Safety Policy (P048), as presented in this report, be approved.

Context

The Occupational Health and Safety Policy (P048) (the “Policy”) was last reviewed on March 20, 2019 with no substantial changes, and last revised on February 7, 2018 to align with the amendments to the *Occupational Health and Safety Act* and Ontario Regulation 297/13 – Occupational Health and Safety Awareness and Training.

The *Occupational Health and Safety Act* requires school boards to review their policies related to occupational health and safety annually. In accordance with the Board’s Policy Development and Management Procedure (PR501), section 6.17: “policies that are mandated by legislation to be reviewed on an annual basis may undergo a simplified review process annually and a complete process every four years (e.g., Occupational Health and Safety Policy, Workplace Violence Prevention Policy, etc.). Under the simplified process, the policy may be exempted from consultation requirement if no substantive changes to the policy are being proposed”.

Upon reviewing the governing legislation and other school board policies, no substantial changes are being recommended to the current Policy. It is therefore proposed that the simplified review process be applied. Appendix A outlines the housekeeping changes being recommended to the Policy.

In compliance with the *Occupational Health and Safety Act*, the Occupational Health and Safety Policy (P048) is being provided for the Committee's review and approval.

Action Plan and Associated Timeline

Subject to the Governance and Policy Committee's approval, the Policy will be presented to the Board of Trustees on February 5, 2020 for final approval.

Resource Implications

No additional resources will be required for the review of this Policy.

Communications Considerations

Following Board approval, the Policy will be posted on the Board's public website. In addition, a message will be circulated to the System Leaders' Bulletin instructing site management and school principals throughout the TDSB system to post the Policy in a conspicuous location within their workplace.

Board Policy and Procedure Reference(s)

- Employee Accident or Injury Procedure (PR659)
- Equity Policy (P037)
- Respectful Learning and Working Environment Policy (P073)
- Workplace Harassment Prevention Policy (P034)
- Workplace Harassment Procedure (PR515)
- Workplace Violence Prevention Policy (P072)

Appendices

- Appendix A: Occupational Health and Safety Policy (P048) –Track Changes

From

Carlene Jackson, Associate Director, Business Operations and Service Excellence at carlene.jackson@tdsb.on.ca or at 416-397-3188

Steve Shaw, Executive Officer, Facility Services, Sustainability and Planning at steve.shaw@tdsb.on.ca or at 416-393-8780.

Patrick Mohammed, Senior Manager, Occupational Health and Safety at patrick.mohammed@tdsb.on.ca or at 416-397-3460.

Toronto District School Board

Policy P048

Title: **OCCUPATIONAL HEALTH AND SAFETY**

Adopted: August 26, 1998

Effectuated: August 26, 1998

Revised: February 7, 2018, March 20, 2019; **[new date]**

Reviewed: January 26, 2016; February 7, 2018; March 20, 2019; **[new date]**

Authorization: Board of Trustees

1.0 RATIONALE

The Occupational Health and Safety Policy (the “Policy”) supports the legislative requirements of the *Occupational Health and Safety Act* and affirms the Toronto District School Board’s (TDSB) commitment to maintaining safe and healthy working environments.

2.0 OBJECTIVE

To establish the Board’s commitment to the well-being of its employees through the promotion of health and safety in the workplace and active participation of all employees in the prevention of accidents.

3.0 DEFINITIONS

Board is the Toronto District School Board, which is also referred to as the “TDSB”.

Employer under the *Occupational Health and Safety Act* is a person who employs one or more workers or contracts for the services of one or more workers and includes a contractor or subcontractor who performs work or supplies services and a contractor or subcontractor who undertakes with an owner, constructor, contractor or subcontractor to perform work or supply services.

Employee is 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 and contract employees.

Hazard is any source of potential damage, harm or adverse health effects on something or someone under certain conditions at work. Examples include workplace violence and

harassment, toxic chemicals, moving machinery parts, working at heights, high voltage electricity, temperature extremes or slippery work surfaces.

Internal Responsibility System is a system recognized by the Ministry of Labour and fundamental to the successful working of the *Occupational Health and Safety Act*, whereby employers and employees are mutually responsible for health and safety in the workplace through the identification and elimination of hazards and development of strategies for the protection of workers.

Joint Health and Safety Committee (JHSC) is a committee established by the employer in accordance with the requirements of Section 9 of the *Occupational Health and Safety Act*.

Supervisor under the *Occupational Health and Safety Act* is a person who has charge of a workplace or authority over an employee.

TDSB is the Toronto District School Board, which is also referred to as the "Board."

Workplace under the *Occupational Health and Safety Act* is any land, premises, location or thing at, upon, in or near which an employee works. For the purpose of this Policy it also includes any place where individuals perform work or work-related duties or functions. Schools and school-related activities, such as extra-curricular activities and excursions comprise the workplace, as do Board offices and facilities (including eating, lounge/changing areas and vehicles used for work purposes or on work property). Conferences, workshops, training sessions and staff functions (e.g., staff parties, retirement celebrations) also fall within the scope of this Policy.

4.0 RESPONSIBILITY

The Director of Education holds primary responsibility for implementation of this Policy.

Within the Director's Office, the responsibility for the coordination and day-to-day management of the Policy is assigned to the Associate Director, Business Operations and Service Excellence, and the Executive Officer, Facilities and Planning

5.0 APPLICATION AND SCOPE

This Policy applies to all employees of the TDSB.

6.0 POLICY

General

- 6.1. The TDSB values learning and working environments that are safe, nurturing, positive and respectful.
- 6.2. The TDSB is committed to providing and maintaining a healthy and safe working environment through the development, promotion and implementation of programs designed to improve employee well-being and prevent occupational illness and injury, workplace violence and harassment.
- 6.3. The TDSB endorses the Internal Responsibility System which recognizes health and safety as a shared responsibility of both the employer and its employees, and as such, encourages the active participation of all employees in the prevention of accidents and the promotion of health and safety in the workplace.

Roles and Responsibilities

- 6.4. The TDSB recognizes the role of all parties, including designated staff who represent the employer, TDSB employees, Joint Health and Safety Committee members as well as Ministry of Labour inspectors and/or other health and safety representatives in the monitoring of workplace safety and overall well-being of employees.
- 6.5. The Board and its employees will comply with the legislative requirements as outlined in the *Occupational Health and Safety Act*.
- 6.6. The Director of Education will assign responsibility for Occupational Health and Safety and will ensure that the Board's program is implemented and maintained, through:
 - implementing and operationalizing applicable policy and/or procedure;
 - ensuring all employees are provided with ongoing information and training on safe work practices;
 - ensuring information, policies, procedures and training for employees are developed in consultation with the Joint Health and Safety Committee(s); and
 - ensuring every precaution reasonable in the circumstances is taken for the protection of an employee.
- 6.7. The employer is responsible for establishment and promotion of the Internal Responsibility System to ensure that it can function successfully. The Internal Responsibility System is an important element of a strong health and safety culture in a workplace. Senior management and supervisors (including Associate Directors, Executive Officers,

APPENDIX A

Supervisory Officers, Principals and Managers) will actively model and promote efforts that lead to healthy and safe learning and working environments.

- 6.8. The employer, through senior management and supervisors, will implement applicable Board health and safety policies and programs; comply with the *Occupational Health and Safety Act* and regulations; and will ensure that workplaces under their direct control are kept in a healthy and safe condition.
- 6.9. Supervisors will be held accountable for the health and safety of workers under their supervision, including but not limited to responsibility for receiving and investigating health and safety concerns, responding to findings, and taking corrective actions in consultation with other parties as appropriate.
- 6.10. All employees are required to complete the mandatory training required by the Board and Ontario Regulation 297/13 under the *Occupational Health and Safety Act* and its regulations
- 6.11. Employees have a common responsibility for their own health and safety and that of others and are required to adhere to safe work practices and to report to their supervisor any unsafe or unhealthy conditions or practices.
- 6.12. Employees have the right to know about hazards in their workplace and to receive information, instruction and supervision to protect their health and safety on the job. Employees have the right to participate in identifying and solving workplace health and safety problems through either a health and safety representative or an employee member of the Joint Health and Safety Committee. In accordance with the *Occupational Health and Safety Act* and related regulations, employees have the right to refuse work in situations they believe would be dangerous to their health and safety or to that of any other employee in the workplace.

Joint Health and Safety Committee

- 6.13. The TDSB will maintain a Joint Health and Safety Committee(s) in accordance with Section 9 of the *Occupational Health and Safety Act*.
- 6.14. The TDSB acknowledges the integral role of the Joint Health and Safety Committee(s) in bringing the Internal Responsibility System into practice and will support and/or cooperate with its functions and authority under the *Occupational Health and Safety Act*.

7.0 SPECIFIC DIRECTIVES

The Director of Education is authorized to issue operational procedures to implement this Policy.

8.0 EVALUATION

This Policy will be reviewed every year in accordance with the *Occupational Health and Safety Act*.

9.0 APPENDICES

N/A

10.0 REFERENCE DOCUMENTS

Policies and Operational Procedures:

- Employee Accident or Injury Procedure (PR659)
- Equity Policy (P037)
- Respectful Learning and Working Environment (P073)
- Workplace Harassment Prevention Policy (P034)
- Workplace Harassment Procedure (PR515)
- Workplace Violence Prevention Policy (P072)

Legislative Acts and Regulations:

- *Occupational Health and Safety Act* (OHSA)
- Regulations under the *Occupational Health and Safety Act*
- *Ontario Human Rights Code*

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P072, Workplace Violence Prevention Policy: Annual Review

To: Governance and Policy Committee

Date: 8 January, 2020

Report No.: 01-20-3802

Strategic Directions

- Create a Culture for Student and Staff Well-Being

Recommendation

It is recommended that the Workplace Violence Prevention Policy (P072), as presented in this report, be approved.

Context

The Workplace Violence Prevention Policy (P072) (the “Policy”) was last reviewed on March 20, 2019 with no substantial changes, and last revised on April 18, 2018 to align with the amendments to the *Occupational Health and Safety Act*.

The *Occupational Health and Safety Act* requires school boards to review their policies related to occupational health and safety annually. In accordance with the Board’s Policy Development and Management Procedure (PR501), section 6.17: “policies that are mandated by legislation to be reviewed on an annual basis may undergo a simplified review process annually and a complete process every four years (e.g., Occupational Health and Safety Policy, Workplace Violence Prevention Policy, etc.). Under the simplified process, the policy may be exempted from consultation requirement if no substantive changes to the policy are being proposed”.

Upon reviewing the governing legislation and other school board policies, no substantial changes are being recommended to the current Policy. It is therefore proposed that the simplified review process be applied. Appendix A outlines the housekeeping changes being recommended to the Policy.

In compliance with the *Occupational Health and Safety Act*, the Workplace Violence Prevention Policy (P072) is being provided for the Committee’s review and approval.

Action Plan and Associated Timeline

Subject to the Governance and Policy Committee's approval, the Policy will be presented to the Board of Trustees on February 5, 2020 for final approval.

Resource Implications

No additional resources will be required for the review of this Policy.

Communications Considerations

Following Board approval, the Policy will be posted on the Board's public website. In addition, a message will be circulated to the System Leaders' Bulletin instructing site management and school principals throughout the TDSB system to post the Policy in a conspicuous location within their workplace.

Board Policy and Procedure Reference(s)

- Employee Accident or Injury Procedure (PR659)
- Equity Policy (P037)
- Human Rights Policy (P031)
- Occupational Health and Safety (P048)
- Respectful Learning and Working Environment Policy (P073)
- Workplace Harassment Prevention Policy (P034)
- Workplace Harassment Procedure (PR515)

Appendices

- Appendix A: Workplace Violence Prevention Policy (P072) –Track Changes

From

Carlene Jackson, Associate Director, Business Operations and Service Excellence at carlene.jackson@tdsb.on.ca or at 416-397-3188

Steve Shaw, Executive Officer, Facility and Planning at steve.shaw@tdsb.on.ca or at 416-393-8780.

Patrick Mohammed, Senior Manager, Occupational Health and Safety at patrick.mohammed@tdsb.on.ca or at 416-397-3460.

Toronto District School Board

Policy P072

Title: **WORKPLACE VIOLENCE PREVENTION**

Adopted: June 23, 2010

Effectuated: June 23, 2010

Revised: April 18, 2018; March 20, 2019; [\[insert new date\]](#)

Reviewed: October 11, 2011; September 1, 2013; October 6, 2015;

April 18, 2018; March 20, 2019; [\[insert new date\]](#)

Authorization: Board of Trustees

1.0 RATIONALE

The Workplace Violence Prevention Policy (the “Policy”) affirms the Toronto District School Board’s (TDSB) commitment to providing a safe, nurturing, positive learning and working environment, free of workplace violence, where every individual is treated with dignity and respect.

This Policy complies with the Board’s obligations under the *Occupational Health and Safety Act* (OHSA) and is consistent with the Board’s Mission, Values, and Goals Policy (P002) and Respectful Learning and Working Environment Policy (P073).

2.0 OBJECTIVE

- To establish the framework for the Board’s compliance with the *Occupational Health and Safety Act* related to workplace violence prevention; and
- To demonstrate the Board’s commitment in providing a work environment that is safe and free of workplace violence.

3.0 DEFINITIONS

Board is the Toronto District School Board, which is also referred to as the “TDSB”.

Employer is the Toronto District School Board and defined under the *Occupational Health and Safety Act* as a person who employs one or more employees or contracts for the services of one or more employees and includes a contractor or subcontractor who performs work or supplies services and a

contractor or subcontractor who undertakes with an owner, constructor, contractor or subcontractor to perform work or supply services;

Employee is 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 and contract employees.

TDSB is the Toronto District School Board, which is also referred to as the “Board.”

Workplace under the *OHSA* is any land, premises, location or thing at, upon, in or near which an employee works. For the purpose of this policy it also includes any place where individuals perform work or work-related duties or functions. Schools and school-related activities, such as extra-curricular activities and excursions comprise the workplace, as do Board offices and facilities (including eating, lounge/changing areas and vehicles used for work purposes or on work property). Conferences, workshops, training sessions and staff functions (e.g., staff parties, retirement celebrations) also fall within the scope of this policy.

Workplace Violence under the *OHSA* is a) the exercise of physical force by a person against an employee, in a workplace that causes or could cause physical injury to the employee; b) an attempt to exercise physical force against an employee, in a workplace, that could cause physical injury to the employee; and c) a statement or behaviour that is reasonable for an employee to interpret as a threat to exercise physical force against an employee in a workplace that could cause physical injury to the employee.

4.0 RESPONSIBILITY

The Director of Education holds primary responsibility for implementation of this Policy.

Within the Director’s Office, the responsibility for the day-to-day management and coordination of the Policy is assigned to the Associate Director, Business Operations and Service Excellence and Executive Officer, Facilities and Planning.

5.0 APPLICATION AND SCOPE

This Policy applies to all TDSB employees and Trustees.

The Policy also covers students, parents/guardians, volunteers, permit holders, contractors, customers of the Board and other members of organizations and includes all activities that occur in Board workplaces or while engaging in Board related functions or social events.

6.0 POLICY

- 6.1. The Board believes in the prevention of violence and is committed to promoting a violence-free workplace in which all people respect one another and work together to achieve common goals.
- 6.2. The Board will take every precaution reasonable in the circumstances for the protection of an employee in accordance with its duties and responsibilities as outlined in the *Occupational Health and Safety Act* and corresponding regulations.
- 6.3. The Board will make every reasonable effort to ensure that all steps are taken to protect employees from workplace violence through the implementation of procedures and programs which includes requirements for incident reporting and investigation, reduction of violent incidents and risk assessment, prevention and control measures, communication and system training.
- 6.4. The Board will ensure that this Policy is posted in conspicuous workplace location(s) and that all employees receive information and instruction about violence in the workplace.
- 6.5. The Board will ensure that employees of the TDSB do not experience reprisal as a result of incident reporting, in accordance with the *Occupational Health and Safety Act*.

7.0 SPECIFIC DIRECTIVES

The Director of Education has authority to issue operational procedures to implement this Policy.

8.0 EVALUATION

This Policy will be reviewed annually, in accordance with the *Occupational Health and Safety Act*.

9.0 APPENDICES

N/A

10.0 REFERENCE DOCUMENTS

Legislative Acts and Regulations:

- *Occupational Health and Safety Act*

Policies:

- Mission, Values and Goals (P002)
- Respectful Learning and Working Environment (P073)
- Health and Safety Guidelines (Workplace Violence):
 - Domestic Violence Administration
 - Handling Cash
 - Home Visits by TDSB Staff
 - Risk Reduction for Staff
 - Community Outings/Field Trips
 - Work Refusal
 - Road Rage



Newly Developed Procedure (PR728), Reporting and Responding to Racism and Hate Incidents Involving or Impacting Students in Schools, and Revisions to Procedure (PR515), Workplace Harassment Prevention and Human Rights

To: Governance and Policy Committee

Date: 8 January, 2020

Report No.: 1-20-3812

Strategic Directions

- Create a Culture for Student and Staff Well-Being
- Build Strong Relationships and Partnerships Within School Communities to Support Student Learning and Well-Being
- Allocate Human and Financial Resources Strategically to Support Student Needs

Recommendation

It is recommended that the newly developed Reporting and Responding to Racism and Hate Incidents Involving or Impacting Students in Schools Procedure (PR728) and the revised Workplace Harassment Prevention and Human Rights Procedure (PR515), as presented in this report, be received.

Context

The Reporting and Responding to Racism and Hate Incidents Involving or Impacting Students in Schools Procedure (PR728) was developed in response to a Board decision on June 19, 2019, which directed staff to set clear expectations about the processes to be followed and the Board's responsibilities in situations where there are acts of racism and hate.

As per the decision that was made in response to a motion submitted to the Committee of the Whole on June 12, 2019, the newly developed Procedure (PR728) (Appendix A) sets out expectations to track all incidents and actions related to acts of racism and hate; actions to include communication and follow-up to the specific incidents with the

students and parents/caregivers within the school; and the Director presenting an annual report documenting incidents and actions with regard to dealing with racism and hate in schools and how students learned from such. PR728 also requires use of a new online Racism, Bias and Hate reporting form and tool (RBH Portal) that enables principals to report three types of occurrences – hate crimes, hate/bias incidents and racism incidents – in a consistent and detailed manner. The RBH portal also allows Superintendents and the Human Rights Office to review these reports, and for Superintendents, where necessary in consultation with an Organizational Response Team, to propose action plans and communication plans, and articulate lessons learned, all with an eye toward preventing reoccurrences of these incidents.

Staff also undertook a review of the Workplace Harassment Prevention and Human Rights Procedure (PR515). The revisions to PR515 (Appendix B) include the following:

- Deletion of Section 6.8 (“Hate Motivated Activity”), since this is being replaced by this new (PR728) Procedure;
- Elimination of reference to the Hate Activity Interim Report Form (Form 515B) in the appendices, since this is being replaced by the new online (RBH Portal) reporting form.

The Procedures were reviewed by Executive Council and approved on December 17, 2019. Both Procedures are being provided to the Committee for information.

Action Plan and Associated Timeline

Subject to the Procedures being received at the Governance and Policy Committee, the revised Procedures will be provided to the Board of Trustees on February 5, 2020 for receipt.

Both Procedures will be in effect by the end of January, 2020.

Resource Implications

No additional resources will be required for the implementation of the Procedures.

Communications Considerations

The newly developed Reporting and Responding to Racism and Hate Incidents Involving or Impacting Students in Schools Procedure and the revised Workplace Harassment Prevention and Human Rights Procedure (PR515) will be communicated through the System Leaders’ Bulletin, TDSB Connects, and will be posted on the Board’s internal and external website.

Board Policy and Procedure Reference(s)

Policies

- Human Rights Policy (P013)
- Workplace Harassment Prevention Policy (P034)

Appendices

- Appendix A: Responding to Racism and Hate Incidents Involving or Impacting Students in Schools Procedure (PR728) – newly developed
- Appendix B: Workplace Harassment Prevention and Human Rights Procedure (PR515) – revised with track changes
- Appendix C: Workplace Harassment Prevention and Human Rights Procedure (PR515)– revised clean version

From

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Toronto District School Board

Procedure PR728

Title: **Reporting and Responding to Racism and Hate Incidents Involving or Impacting Students in Schools**

Adopted: December 17, 2019
Effectuated: January 20, 2020
Revised: NA
Reviewed: NA
Authorization: Executive Council

1.0 RATIONALE

The Reporting and Responding to Racism and Hate Incidents Procedure (the "Procedure") supports the implementation of the Human Rights Policy (P031).

The Procedure details steps and processes for responding to racism incidents, hate/bias incidents and hate crimes involving students in TDSB schools/learning environments. This includes incidents that take place at a school or school-related activity, and incidents involving a TDSB student, parent/guardian, staff person, or TDSB community member that impacts the school/learning environment.

2.0 OBJECTIVES

- To build system capacity to identify, document, respond to, remedy, prevent and learn from racism incidents, hate/bias incidents, and hate crimes.
- To help inform, guide and support consistent, timely and appropriate responses to, and communications about, racism incidents, hate/bias incidents and hate crimes in TDSB schools/learning environments.
- To track and monitor racism incidents, hate/bias incidents and hate crimes in TDSB schools/learning environments, and responses to these occurrences, to enable and support compliance with this procedure, early resolution, identification of potential local and systemic trends and gaps, and inform remedial and proactive prevention measures.

- To establish clear individual and organizational roles, responsibilities, expectations and accountabilities in the course of addressing these occurrences.

3.0 DEFINITIONS

Board refers to the Toronto District School Board, which is also referred to as “TDSB.”

Hate Crimes refer to criminal offences that are committed against persons or property which are motivated in whole or in part by hatred or bias based on the victim’s 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 crimes committed against persons who are associated, or perceived to be associated, with persons who belong to the aforementioned Code-protected groups (see Appendix A for examples of hate crimes).

Hate/Bias Incident refers to non-criminal conduct – which does not involve violence, threats or property damage – that is motivated in whole or in part by hatred or bias based on the real or perceived identity or group affiliation of a victim or victims. For the purposes of this procedure, this includes the grounds of disability, gender identity, gender expression, sex, sexual orientation, family status, marital status, socio-economic status, and religion or creed (Note: hate/bias incidents based on race-related grounds, which may sometimes also include religion or creed, are addressed under the category “racism incidents”). A hate/bias incident can also encompass situations in which conduct is directed against people associated with individuals and groups identified with these grounds. The conduct can be verbal, nonverbal or written, and may manifest itself in the form of slurs, insults, harassment, abusive gestures, taunting, display of offensive materials, or other acts which may intimidate, denigrate and/or marginalize the victim or victims (see Appendix A for examples of hate/bias incidents).

RBH Portal refers to the Racism, Bias and Hate online reporting portal.

Parent/Guardian refers to an individual who is on record with the school as a parent or legal guardian of a student at the school.

Racism Incident refers to non-criminal conduct – which does not involve violence, threats or property damage – that is motivated in whole or in part by, or is in effect, racism based on the real or perceived identity or group affiliation of a victim or victims, inclusive of the grounds of race and/or race-related grounds such as colour, ancestry, ethnic origin, place of origin, citizenship, religion or

creed. This includes hate/bias incidents based on the above race related grounds, but excludes hate crimes based on race, which are to be classified as hate crimes. A racism incident can also encompass situations in which conduct is directed against people associated with individuals and groups identified with these grounds. The conduct can be verbal, nonverbal or written, and may manifest itself in the form of slurs, insults, harassment, abusive gestures, taunting, display of offensive materials, or other acts which may intimidate, denigrate and/or marginalize the victim or victims (see Appendix A for examples of racism incidents).

TDSB refers to the Toronto District School Board, which is also referred to as the "Board."

4.0 RESPONSIBILITY

Executive Superintendent, Human Rights and Indigenous Education

5.0 APPLICATION AND SCOPE

This procedure applies to racism incidents, hate/bias incidents and hate crimes involving or impacting students, either as victims or alleged perpetrators. This includes incidents that take place at a school or school-related activity, and incidents involving a TDSB student, parent/guardian, staff person, or TDSB community member that impacts the school/learning environment.

Note: For student and parent/guardian complaints of discrimination (including but not limited to allegations of racism or hate) against any Board employee, see PR515 (Workplace Harassment Prevention and Human Rights).

6.0 PROCEDURES

This Procedure is but one aspect of a broader systemic approach to increase the capacity of the TDSB to effectively identify, respond to, remedy, and prevent racism, hate and discrimination in TDSB learning and working spaces. It is recognized that systemic forms of racism and discrimination are not reducible to interpersonal conflicts or "incidents," and that such a broader approach beyond what is prescribed in this Procedure is required to effectively address institutional and systemic forms of racism and discrimination.

6.1 Mandatory Notification and Reporting

(a) Any TDSB *service user* (including students, parents, and community members) who witnesses or becomes aware of a racism incident, hate/bias incident or hate crime should report it to a TDSB employee or supervisor.

(b) Any TDSB *employee* (including contract, temporary, permanent and occasional employees) who witnesses or otherwise becomes aware of a racism inci-

dent, a hate/bias incident or a hate crime involving or impacting a student must immediately report it to the school Principal or Vice-Principal, or next level workplace supervisor not involved or implicated in the incident.

(c) The Principal, or next level supervisor not involved or implicated in the incident, must, upon being notified or otherwise becoming aware of a *hate crime*, (i) notify the Superintendent of Education (henceforth “Superintendent”) as soon as possible, (ii) contact the police as soon as possible, and (iii) report the incident and initial response through the Racism, Bias and Hate (RBH) Portal within 24 hours (wherever possible, before the end of the school day).

(d) The Principal, or next level supervisor not involved or implicated in the incident, must, upon being notified or otherwise becoming aware of a *hate/bias incident* or *racism incident*, (i) notify the Superintendent and (ii) report the incident and initial response through the RBH Portal to the Superintendent and Human Rights Office. Both steps must be done within 24 hours of the incident.

(e) In addition to the steps outlined in (c) or (d), Principals who are not involved or implicated in the incident must, as soon as possible:

- Address the immediate, and potentially ongoing, safety needs of all impacted parties
- Gather information from relevant parties and witnesses to determine what occurred
- Document and preserve any relevant evidence.

(f) In specific cases, as appropriate, the Superintendent will notify the Executive Superintendent of their Learning Centre, the appropriate Associate Director, the Director of Education and the local Trustee about the incident and response. Such notification is mandatory when (i) a hate crime occurs, or (ii) a hate/bias incident or racism incident entails police involvement, the issuance of medical reports, and/or generates substantial public interest.

(g) If the Principal is directly involved or implicated in the incident, then the above-mentioned reporting duties (6.1 [a] to [f]) become incumbent upon the next level supervisor not involved or implicated in the incident.

6.2 Consultation with Organizational Response Team

(a) The Superintendent, in the event of a reported hate crime, will convene an organizational response team within three (3) working days of receiving a Hate Crime Incident Report (as outlined in 6.1[c]), which may include, but is not limited to:

- Administration and staff at the affected school

- Human Rights Office (including but not limited to Senior Human Rights Officer for Learning Centre)
- Executive Superintendent(s)
- Caring and Safe Schools
- Associate Director(s)
- Equity staff (Superintendent, Student Equity Program Advisors, Coaches, etc.)
- Health & Safety
- Legal Services
- Communications
- Parent and Community Engagement
- Employee Services
- Critical friends, subject matter experts and community advisory members
- Other parties (e.g. Director, Executive Superintendent, Associate Director, etc.) as may be needed based on the nature of the incident and required subject matter expertise.

Note: if the Superintendent is involved or implicated in the incident, then the duty of convening an organizational response team, and related duties, will be taken up by the next level supervisor not so involved or implicated. In addition, the Director, Associate Director or Executive Superintendent (or Executive Officer) that oversees the Superintendent may at any time exercise their management prerogative to take leadership over the duties herein prescribed to the Superintendent, if and whenever they deem necessary.

(b) Any racism or hate/bias incident that (i) involves police; (ii) results in the issuance of a medical report pertaining to one or more parties; and/or (iii) involves victims or alleged perpetrators who have been involved in previous incidents, will require the Superintendent to consult with the Human Rights Office, Caring and Safe Schools, and others as need be, within three (3) working days of receiving a Racism or Hate/Bias Incident Report.

(c) In the event of any other racism incident or hate/bias incident, the Superintendent may convene an organizational response team, which may include, but is not limited to, the entities listed in (a). Here, relevant considerations for whether or not to convene an organizational response team include (but are not necessarily limited to) the:

- Scale, extent and intensity of the impact of the incident
- Number of parties involved or impacted
- Occurrence of a previous incident at the school, or previous involvement of the same alleged victim and/or perpetrator
- Risks to persons and/or property
- Legal and/or reputational risks to the TDSB
- Public interest and impact

- Personnel capacity, subject matter expertise, and experience handling such matters
- Requirements to report to and consult particular parties under other relevant policies or procedures (e.g. Caring and Safe Schools Policy – P051)

Note: Where it is decided by the Superintendent in such cases to convene an organizational response team, it should be convened within three (3) working days of receiving a Racism or Hate/Bias Incident Report. Where another TDSB Policy or Procedure requires an earlier response, the earlier timeline will take precedence.

(d) The Human Rights Office may require the Superintendent to convene an organizational response team inclusive of the Human Rights Office within (3) working days of receiving a Racism or Hate/Bias Incident Report. The Human Rights Office will consider criteria set out in 6.2 (c) when deciding if such consultation is required.

(e) If convened, the organizational response team will advise the Superintendent, including by making recommendations for appropriate responses and action plans pertaining to (i) safety and supports for students, staff and/or parents as required; (ii) addressing inappropriate behaviours; (iii) corrective and preventative measures (e.g. training/education); and (iv) communications strategies.

(f) The Superintendent or their delegate will prepare a summary of recommended actions by response team members. Each member of the response team must approve their specific individual recommended action(s) in the Summary of Response Team Recommended Actions.

(g) The Superintendent or their delegate will make the final decision about the appropriate response and course(s) of action. This decision will give due consideration to the response team's recommendations.

6.3 Coordinated Response and Monitoring

(a) The Superintendent will assign lead roles and responsibilities for any action plan items, as needed, within five (5) working days of convening an organizational response team.

(b) The Superintendent or their delegate will monitor (i) implementation of action plan items; (ii) follow-up actions, if required; and (iii) any continuing or new incidents that impact the school or learning environment.

(c) The Superintendent will use the RBH Portal to (i) correct any inaccuracies in the incident report; (ii) capture recommendations of the response team; (iii) formulate and monitor action plans and communications; and (iv) identify any poten-

tial lessons learned, good/best practices, future preventative measures required, and any other systemic considerations.

(d) The Director, appropriate Associate Director, Executive Superintendent and any other Senior Leaders or management/supervisory staff may access online Incident Reports, on a need to know basis, to obtain current status information to help advise and direct actions accordingly, provided they are not involved or implicated in the incident.

6.4 Communications and Debrief

(a) Communications and follow up with affected students and parents/caregivers in a timely manner, for the purposes of providing relevant updates, supports and to inform appropriate responses, is mandatory.

(b) The Superintendent and/or Principal will determine appropriate communications to the school community. Where appropriate, communications should be planned in collaboration with the organizational response team.

6.5 Data Collection, Analysis and Reporting

(a) The Human Rights Office will:

- Monitor and track reported incidents and responses in the RBH Portal
- Analyze data bi-annually to identify trends
- Support and advise Superintendents and other Senior Leaders and administrators on appropriate action plans to address identified trends of concern, lessons learned, preventative actions and best practices
- Prepare reports for the Director's office bi-annually for discussion and review with the senior management team
- Review and revise this procedure as required

(b) The Director will present an Annual Report to the Board of Trustees documenting aggregate (de-identified) statistical trends with respect to incidents of, and responses to, racism and hate in schools, and how students and the Board learned from such.

(c) A summary version of the Director's Annual Report, summarizing aggregate statistical trends in a de-identified manner will be posted publicly on the Board's website.

6.6 Organizational Learning and Growth

(a) The Superintendent and Principal, and other relevant parties as appropriate (e.g. organizational response team members, affected parties, etc.) will debrief about the incident and response, following response implementation, including

any lessons learned, good/best practices, and potential systemic preventative measures going forward.

(b) Executive Superintendents will (i) review, at least on a bi-annual basis, HRO analyses of aggregate trends within their Learning Centres and any lessons learned or good/best practices identified within their Learning Centres; (ii) determine organizational learning, capacity building and systemic change required on a go-forward basis in response to identified trends, and information featured in Annual Reports; and (iii) direct and oversee implementation of any remedial or preventative action plans required within their Learning Centres and/or, as needed, across the entire system.

7.0 EVALUATION

This operational procedure will be reviewed and amended, as required. At a minimum, it will be reviewed every four (4) years after the effective date.

8.0 APPENDICES

Appendix A: Examples of Racism Incidents, Hate/Bias Incidents and Hate Crimes

9.0 REFERENCE DOCUMENTS

Policies:

- Human Rights Policy (P031)

Operational Procedures:

- Workplace Harassment Prevention and Human Rights (PR515)

Forms:

- Workplace Harassment and Human Rights Complaint Form (515A)
- See RBH Portal for the Racism, Bias and Hate online reporting forms for Principals and Superintendents

Appendix A: Examples of Hate Crimes, Hate/Bias Incidents and Racism Incidents

Hate Crimes

- During a field trip, a student wearing a three-percenter T-shirt approaches a Muslim student, aggressively shoves her against a wall, and states, “your time is just about up in this country – get it?”
- Early one morning a school employee discovers anti-Semitic graffiti, consisting of multiple swastikas, spray-painted on a row of lockers.
- A student brings a half-burned rainbow flag to school, breaks into the locker of a gay student and places the flag in the locker as an expression of hostility toward LGBTQ+ students.

Hate/Bias Incidents

- Upon transferring to a new school, a transgender student becomes the target of a small group of students who often refer to him (his preferred pronoun) as “she” or “it.” Occasionally, they also sit across from him in the lunch room while reading, out loud, inflammatory passages from the writings of transphobic social commentators.
- In a classroom, a student with Tourette Syndrome is repeatedly subjected to taunting and teasing by another student. The same student consistently encourages other students to exclude him from recess activities, stating that he is “different” and “weird.”

Racism Incidents

- An Indigenous student returns to class from lunch and discovers that a printout of the Washington Redskins logo has been placed on her desk, accompanied by the message “I love the name of this NFL team – and you should too!”
- The N-word* is found scrawled in pencil on a school bathroom stall; there are no accompanying words or symbols indicating that a hate group is responsible for the slur.

*Note: Unlike a swastika, which is a symbol identified with specific, discrete, organized groups promoting hate and violence, the use of the N-word, in and of itself, is not necessarily indicative of the action of a specific, discrete, organized hate group. If, however, writing of the N-word is accompanied by reference to a hate group (e.g. Soldiers of Odin), and/or a threat of violence, then the incident would be classified as a hate crime, rather than a racism incident. Following the same standard, with respect to anti-Semitic messaging, discovery of the slur “k-ke” written on school property, with no reference to a hate group or threat of violence, would be classified as a racism incident, rather than a hate crime.

Toronto District School Board

Operational Procedure PR515

Title: **WORKPLACE HARASSMENT PREVENTION AND HUMAN RIGHTS**

Adopted: June 29, 2001
Effected: June 29, 2001
Revised: October 24, 2017, **December 10, 2019**
Reviewed: October 24, 2017, **December 10, 2019**
Authorization: Executive Council

1.0 RATIONALE

The Toronto District School Board (TDSB or the Board), is committed to providing an equitable, safe, nurturing, positive learning and working environment, free of harassment and discrimination, where every individual is treated with dignity and respect.

This operational procedure is designed to support the implementation of the Workplace Harassment Prevention Policy (P034) and Human Rights Policy (P031) and fulfills the Board's requirements under the *Occupational Health and Safety Act (OHSA)* and Ontario *Human Rights Code* (the *Code*).

2.0 OBJECTIVE

To provide information and instruction, regarding the process for how to effectively prevent and, where necessary, address harassment and unlawful discrimination. All parties involved in a matter under these procedures (including staff, management, union/federation/association and Human Rights Office) must work together to prevent and address harassment and unlawful discrimination.

3.0 DEFINITIONS

Allegation is an unproven claim or assertion that someone has done something wrong based on one's belief that a violation of the Board's Harassment/Discrimination policies has occurred.

Balance of Probabilities is the standard of proof which is satisfied where a proposition is reasonable, more probable than not and more probable than any other proposition based on all the evidence.

Board is the Toronto District School Board (also referred to as TDSB). The TDSB is an employer, as defined by the OHSA.

Complainant is anyone who makes a complaint under the Board's harassment/discrimination policies, alleging that harassment/unlawful discrimination has occurred.

Discrimination is any practice or behaviour, whether intentional or not, which has a negative effect on an individual or group because of any of the prohibited grounds of the *Code* including race, ancestry, place of origin, ethnic origin, colour, citizenship, creed (religion), sex, gender identity, gender expression, sexual orientation, age, marital status, family status, disability/perceived disability, or receipt of public assistance (applies to the social area of housing only).

Discrimination may arise as a result of direct differential treatment or it may result from the unequal effect of treating individuals and groups in the same way. If the effect of the behaviour on the individual or group is to withhold or limit full, equal and meaningful access to, for example, goods, services, facilities, employment, housing, accommodation, that is available to other members of society, it is discrimination.

Employee and Family Assistance Program (EFAP) is a confidential and voluntary support service that offers assistance to eligible employees of the Board and their families, as set out in the applicable terms and conditions of employment, for any work, life or health concern. This may include immediate and confidential support regarding workplace challenges, addictions, managing relationships/ family and achieving well-being.

Harassment is a course of vexatious comment or conduct known or ought reasonably to be known to be unwelcome.

Human Rights Office (HRO) is an office within the TDSB, that is mandated to be neutral and unbiased and is a resource to all covered under this procedure. The HRO implements the Board's policies and procedure on harassment and discrimination, as well as supports adherence to the associated laws as they relate to harassment and discrimination (e.g., *Ontario Human Rights Code and the Occupational Health & Safety Act*).

Mediation is a confidential voluntary process that parties to a complaint may agree to participate in, whereby a neutral unbiased third party facilitator is in direct communication between the parties to a complaint, to effect an agreed upon resolution. It is an opportunity to resolve disputes in a mutually respectful manner.

Reprisal is any harassment, intimidation, threats, or discipline against a person (e.g., complainant, respondent, witness or investigator) for making a report to the Board regarding an incident/complaint of alleged harassment/discrimination. It can also include retaliation against someone who has participated in or is believed to have participated in a

process to address a matter under the Board's harassment and discrimination policies and associated procedure. Reprisal is prohibited under the Board's harassment/discrimination policies and procedure.

Respondent is anyone who has a complaint made against them under the Board's harassment/discrimination policies.

Student is anyone regardless of age, who is enrolled in any educational program offered by the Board.

Supervisor is a person who has charge of a workplace or authority over workers, in accordance with the OHSA.

Systemic Discrimination is discrimination that arises from policies, procedures, practices, and conduct which may not be discriminatory in their intent but adversely impact individuals or groups protected by the prohibited grounds of the *Code*.

Vexatious is conduct that is inappropriate, unnecessary and that a reasonable person would consider offensive, distressing or demeaning.

Vexatious complaints are complaints that are brought forward without sufficient merit, solely to cause annoyance or distress. Vexatious complaints are prohibited under the Board's harassment/discrimination policies and procedure.

Workplace under the *OHSA* is any land, premises, location or thing at, upon, in or near which a worker works. For the purpose of this procedure it also includes any place where individuals perform work or work-related duties or functions. Schools and school-related activities, such as extra-curricular activities and excursions comprise the workplace, as do Board offices and facilities (including eating, lounge/changing areas and vehicles used for work purposes or on work property). Conferences, workshops, training sessions and staff functions (e.g., staff parties, retirement celebrations), fall within the scope of this procedure.

Workplace Harassment under the *OHSA* is engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome, or is workplace sexual harassment.

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

4.0 RESPONSIBILITY

Executive Superintendent Equity, Engagement and Well-being

5.0 APPLICATION AND SCOPE

This procedure applies to all employees (including contract, temporary, permanent and occasional employees).

It addresses harassment and unlawful discrimination from all sources including volunteers, students, trustees, as well as members of the public.

The Board also has policies/procedures in place to deal with other forms of harassment or offensive conduct. See section 9.0 for a complete list of other relevant policies and procedures.

6.0 PROCEDURES

6.1. General

All persons covered under this procedure are responsible for creating, maintaining and contributing to a climate of understanding and mutual respect for the rights and dignity of each person.

Anyone within the scope of these procedures who has a concern regarding potential harassment or discrimination may attempt the following before filing a formal complaint:

- (a) If possible and practical, make it known to the person who is causing the offense, that the behaviour is unwelcome and ask that all offensive behaviour stop.
If approached in the above manner it is expected that the individual will work with the person raising the concern to make all reasonable efforts to resolve the matter. If an individual is not comfortable approaching the person causing offense or an individual is approached and the behaviour does not stop, discuss the concerns with your immediate supervisor or another member of management;
- (b) Seek advice from a union/federation/association representative (where applicable);
- (c) Contact the Human Rights Office (HRO) to consult, even if there is no intent to file a complaint;
- (d) If eligible, utilize the TDSB Employee and Family Assistance Program (EFAP);
- (e) Do not discuss the complaint or intent to file a complaint with colleagues unless they are your support person (see section 6.3), as this could adversely impact the investigative process, if an investigation is required.

6.2. Dual Processes

Nothing in these procedures denies or limits access to other avenues of redress available under the Ontario *Human Rights Code*, *Occupational Health & Safety Act* and/or through filing a grievance.

The TDSB's internal formal complaint resolution process provides for an investigation appropriate in the circumstances, resulting from an incident/complaint of harassment/discrimination. The HRO, in consultation with the Executive Officer, Employee Services, may decide to postpone, suspend, or cancel any process/investigation regarding a complaint if the continuance of the process/investigation would duplicate or prejudice (damage) another proceeding. In coming to a decision these factors will be considered:

- (a) The Board's responsibility to resolve harassment and discrimination complaints;
- (b) The recognition that grievances may be filed simultaneously with complaints in order to comply with timelines. In such cases one matter may be held in abeyance until the other process is complete, as determined in consultation with Employee Services and with agreement from the union as it pertains to grievances; and/or
- (c) Other legal procedures that may be initiated in order to protect statutory rights, e.g., the Human Rights Tribunal of Ontario (HRTO).

In all such cases the complainant will be advised of the decision to postpone, suspend, or hold in abeyance their complaint and the reasons why.

6.3. Support Person for Complainants, Respondents and Witnesses

- (a) Prior to initiating a complaint and throughout the complaints process complainants, respondents and witnesses have a right to assistance from a support person. A support person may include a:
 - Colleague
 - Family Member
 - Union/Federation/Association/Network Representative (in accordance with the practices/policies of the respective organization)
 - Joint Health & Safety Committee Representative
 - Parent/Guardian or Other Caregiver
 - School Support Staff
 - Student
 - Teacher
 - Translator/Interpreter

- (b) All persons acting as a support person within the scope of these procedures must keep any information regarding the complaint confidential. Some support persons may be required to sign a confidentiality agreement when attending investigation interviews. (TDSB staff or union/federation/association/network representatives are not required to sign an agreement)
- (c) The role of the support person is to be available to a party to an investigation to provide assurance, console and/or general emotional support or advice. Unions/Associations and Federations may have other responsibilities to their members in this capacity; however, all support persons must not answer questions on behalf of the interviewee or obstruct in any way, the investigation process. The investigator reserves the right to discontinue any investigation interview whereby any party to a complaint or the support person is uncooperative.
- (d) Investigation participants (complainants, respondents and witnesses) and support persons who are staff of the Board, are entitled to be permitted time away from work with pay, providing the appropriate arrangements (including supervisory/management approval), are made with their direct Supervisor or next level management, if the Supervisor is the subject of the complaint. These arrangements should be made by staff and may involve the support of their union/association/federation/network representative, as required.

6.4. Complaint Procedures

Employees

- Employee incidents/complaints of alleged harassment or discrimination should be made to an immediate supervisor, or the Human Rights Office. Reports can be made verbally; however, it is preferred that the appropriate Workplace Harassment and Human Rights Incident Reporting Form (see Appendix A) is completed. All incidents/complaints of harassment/discrimination whether verbal or in writing must be investigated in a manner deemed appropriate in the circumstances. Employees may also consult with their union/association/federation/network representative when reporting an incident/complaint.
- If the employee complaint is regarding their supervisor or the employer the complaint should be made directly to the Human Rights Office at HumanRightsOffice@tdsb.on.ca

Students

- Student complaints of alleged harassment/discrimination should be reported to the school administration and will be addressed through the appropriate school policy or procedure (e.g., Caring and Safe Schools Policy, Bullying Prevention and Intervention Procedure, Sexual Misconduct by Students Procedure, Parent Concern Protocol).
- Student complaints against the administration should be forwarded to the Board's Human Rights Office. The complaint will be addressed through the

appropriate school policy or procedure (e.g., Caring and Safe Schools, Parent Concern Protocol) in cases of systemic concerns, the matter may be referred to an external investigator.

Human Rights Office

- Incidents/Complaints of harassment/discrimination regarding the Human Rights Office will be forwarded to the Executive Superintendent, Equity, Engagement and Well-being.

Trustees

- Incidents/complaints against a Trustee, alleging harassment and/or discrimination will be forwarded to the Board's Integrity Commissioner and will be addressed under the Board Member Code of Conduct policy and procedure.

Executives

- Incidents/Complaints against a Board Executive, alleging harassment and/or discrimination will be forwarded to the Director of Education, who will seek advisement from the Board's General Counsel in engaging the services of a third party external investigator, as deemed appropriate.

Director of Education

- Incidents/Complaints against the Director of Education, alleging harassment and/or discrimination will be forwarded to the Chair of the Board, who will seek advisement from the Board's General Counsel in engaging the services of a third party external investigator, as deemed appropriate.

Members of the public

- Incidents/Complaints of alleged harassment/discrimination against a member of the public by Board staff will be forwarded to the immediate supervisor of the affected area the Respondent was working or participating in at the time of the alleged incident, or the Board's Human Rights Office.

All staff responsible for receiving complaints of harassment/discrimination under these procedures must ensure they are aware of the appropriate procedures for responding to a complaint (section 6.5 and 6.6 of these procedures). They may also consult with the Board's Human Rights Office regarding appropriate next steps, if required.

6.5. Managerial Response to an Incident / Complaint of harassment / discrimination

- (a) Supervisory /managerial staff may become aware of incidents of harassment or discrimination in the working or learning environment in different ways. They may observe it directly or receive a report from the individual affected. They may even hear about it from a third party. It is important that supervisory and

managerial staff pay attention to symptoms of possible harassment or discrimination (e.g., decreased productivity, absenteeism), and intervenes.

- (b) Those experiencing harassment or discrimination may be reluctant or embarrassed to come forward. A timely resolution of an incident/complaint of harassment/discrimination can prevent escalation of a matter and further negative consequences while promoting the restoration of a healthy learning or working environment.
- (c) In all cases, supervisory and managerial staff has a duty to respond to and take action to resolve any alleged or suspected incidents/complaints involving harassment/discrimination.
- (d) The OHSA requires that any incident/complaint of workplace harassment requires an investigation deemed appropriate in the circumstances. For the purposes of this procedure that includes (at a minimum), interviewing the complainant and interviewing the respondent and any relevant witnesses, and making a determination if harassment occurred.
- (e) When an incident/complaint of harassment/discrimination comes to the attention of managerial/supervisory staff they should ensure the well-being of the parties involved, document any pertinent information provided and advise that the matter is taken seriously, will be looked into and supervisory staff will get back to them regarding next steps (generally, within 7 days).
- (f) Generally, supervisory/managerial staff will investigate workplace harassment incidents/complaints. Human Rights Code based harassment or discrimination complaints may be investigated by supervisory/managerial staff depending on the complexity of the matter and nature of the allegations. Supervisory/managerial staff should consult with the HRO in order to make that determination.
- (g) **If supervisory/managerial staff conducts an investigation it should be done in accordance with section 6.7 of these procedures.**

6.6. HRO Response to an Incident/Complaint of Harassment/Discrimination

- (a) The HRO is neutral and unbiased and is a resource for all covered under this procedure. The HRO will work to prevent workplace harassment and unlawful discrimination as well as respond to inquiries, incidents and complaints.
- (b) The HRO will respond to complaints by conducting preliminary assessments of incidents/complaints of harassment/discrimination, in order to determine if on the face of the complaint the allegation(s) meet the definition of harassment/discrimination and to determine appropriate next steps to deal with an incident/complaint, in a manner deemed appropriate in the circumstances.

This may include re-directing matters to another department of the Board, as deemed appropriate by the HRO. Actions taken or fact-finding conducted for the purposes of an assessment will be deemed an investigation appropriate in the circumstances for purposes of the OHSA, if the assessment determines that on the face of the complaint no further investigation of the matter is warranted.

- (c) If it is determined that on the face of the complaint it rises to the definition of harassment/discrimination, the HRO will retain carriage of the complaint and assign it to an investigator (HRO investigator, appropriate Supervisory or Managerial staff, or in some cases an external third party investigator). Generally, Workplace Harassment investigations will be completed by Supervisory or Managerial staff, as well as some Human Rights complaints, depending on complexity. Generally, the HRO will investigate Human Rights complaints that are more complex and potentially Workplace Harassment complaints that are more complex, depending on the circumstances. External Third Party investigators may be used for various reasons, including but not limited to the complexity or size of a complaint/investigation; availability of internal resources etc.

In certain circumstances, the HRO may determine that the matter is more appropriately investigated by an investigation team, in which case a lead investigator will be assigned.

- (d) If on the face of the complaint the allegations do not meet the definition of harassment/discrimination, the HRO may forward the complaint to another area of the Board to address (e.g., appropriate supervisory/managerial staff, employee services in cases involving alleged culpable behaviour, Health & Safety in matters relating to workplace violence), or the HRO may recommend Mediation in cases involving workplace conflict or as deemed appropriate in the circumstances. In such cases, supervisory staff in conjunction with the union/association/federation/network representative and the affected employee(s) should give consideration to whether a third party mediator (agreeable to all parties), is appropriate.

In some cases, the HRO may determine that no further action is required.

- (e) Where it is determined by the HRO that the matter is more appropriately dealt with by another department of the Board, the complainant will be notified prior to forwarding the complaint. In such cases, the alleged Respondent is typically not notified by the HRO.
- (f) The HRO may also determine that the matter complained of has already been dealt with through another forum (i.e., grievance/arbitration, employee services disciplinary process). In such cases, the complainant will be advised of this by the HRO prior to file closure.

- (g) The HRO has discretion to limit the allegations in any complaint due to duplication of information or in order to streamline the complaint, without loss of any substantive information.
- (h) Anonymous complaints against an individual or group will be treated in a manner deemed appropriate in the circumstances by the HRO, including exploring other alternatives to address the matter, including, but not limited to, the use of workplace environmental scans, generalized training for staff, or feedback provided to the individual/group. This will be done in consultation with Employee Services and/or Management of the affected area. No formal summary in writing will be provided to any party to an anonymous complaint.
- (i) Group Complaints are very challenging situations for all involved. The HRO recommends that those who have concerns under these procedures should submit their concerns separately. Approaching someone to participate in a group complaint, whereby an issue had not been identified by them previously can potentially create other issues in the workplace that may not have otherwise been present. This is in no way to limit any staff from coming forward with concerns. In situations involving multiple parties to a complaint, employees are encouraged to confidentially speak with their respective union/association/federation/network representative or contact the HRO and encourage others with concerns to individually do the same.

6.7. Investigation Process

(a) Responsibility

- (i) Supervisory/Managerial staff investigating a matter under this procedure, has responsibility for ensuring they are following this procedure and are appropriately trained to investigate the matter. If in doubt, please contact the HRO for advice.
- (ii) All persons investigating matters under this procedure, including external investigators, will have regard for these procedures. Slight variations in process may be acceptable, as deemed appropriate by the HRO.
- (iii) The person conducting the investigation, whether internal or external to the workplace, must not be directly involved in the alleged incident(s) or complaint(s) of harassment/discrimination, and must not be under the direct control of the alleged harasser, in accordance with the OHSA.

(b) Confidentiality

Any person reporting an incident or complaint of harassment/discrimination or who participates in a process to resolve a matter under this procedure (including investigators), must keep that information confidential and not disclose or release to anyone any information about the incident/complaint except to the extent necessary to

protect an employee (s) (e.g., safety plan or separation of parties through the Administration/Board Health & Safety office), to investigate the incident/complaint (e.g., make arrangements for release time, questioning witnesses etc.), to take corrective action (e.g., consultation with employee services regarding appropriate action based on investigation findings), or as otherwise required by law (e.g., Tribunal or other court proceedings), in accordance with the OHSA. This extends to details of a complaint (including its existence), meetings about an incident/complaint, identifying information about a person including names of witnesses, contact made with an investigator etc. This is a continuous obligation that extends beyond employment with the TDSB.

Seeking advice from an employee's own union/association/federation/network or legal representative in addressing harassment/discrimination is permitted, and may be required by some Collective Agreements and/or Terms and Conditions of Employment. While staff may seek advisement from their own legal representative, at their own cost, the HRO only recognizes an employee's union/association/federation/ representatives as the employee's legal representative. The HRO will not communicate directly, with a staff's lawyer.

Note: The HRO may be required to advise other areas of the Board with regards to the existence of a complaint in order to avoid a duplication of processes. In such cases, only the minimum information required will be provided, as determined by the HRO. For example, upon receipt of a harassment or discrimination grievance Employee Services may inquire with the HRO, as to the existence of a complaint in the HRO regarding the matter and the status of the complaint.

Notwithstanding the above, additional information may be required for legal proceedings with the appropriate formalized request to the HRO (e.g., letter requesting production of documents, HRTD Application response required etc.). HRTD proceedings require disclosure of the complaint and the resolution, if any. The HRO will not provide any complete file to any area of the Board unless required by law.

(c) Written notification of complaint

All parties to a complaint will be notified in writing, as soon as practical and prior to an investigation interview, as to the existence of the complaint, the allegations, who filed the complaint and who it was filed against (if multiple persons, each person will be advised individually without advising of the other parties named in the complaint).

If an incident/complaint of harassment/discrimination is reported to managerial/supervisory staff or the HRO, in the absence of a formal written complaint, the Board is still required to investigate, in which case a general statement of the allegations or some other form of written notification may be provided to parties (complainant/Respondent).

All written notification to parties (complainants, respondents and witnesses) by the investigator, should include cautions regarding maintaining confidentiality and not engaging in reprisal/threats of reprisal. The notification should include copies of the Board's Human Rights and Workplace Harassment Prevention Policies and procedure, regardless to the type of complaint being investigated (workplace harassment, human rights etc.)

(d) Safety and Separation of parties (Interim Measures)

All investigators will explore with parties whether there are any immediate concerns for physical safety or whether separation of parties needs to be arranged as an interim measure during the course of the investigation.

Any decision around separation of parties will be made with the supervisory or next level up managerial staff in consultation with Employee Services. The appropriate union/federation/association/network will be contacted as deemed appropriate. Supervisory staff/Employee Services may also consult the HRO regarding the general nature of the complaint/allegations to assist in their decision-making.

Considerations will include, but are not limited to the following:

- Whether the continued presence of the respondent will impair the complainant's ability to function at school or work
- Whether the Respondent poses a risk to the complainant or others
- Whether there has been a reprisal or a real threat of reprisal exists

Where supervisory staff determines, (in consultation with Employee Services), that separation of parties is appropriate and required the parties shall be separated, pending the final disposition of the complaint. Separation of parties may include:

- Working in the same physical location with strict parameters around having no contact with each other (this must be put in writing)
- Temporarily relocating one party to the complaint, by moving to an alternate location (generally, the respondent will be the party moved; however, given certain circumstances it may be appropriate for the complainant to be moved, as determined by supervisory staff and Employee Services. (Consideration should also be given to the complainant's preference.)
- In rare occasions, a party may be placed on home assignment without loss of wages or benefits. Students may be excluded from their school(s) in accordance with Board procedure governing student behaviour, and the Education Act.
- To the extent practicable, complainants and respondents using Board premises or premises where Board programs take place shall be required to have no contact either direct or indirect with each other until the investigation has been concluded and recommendations acted upon.
- Parties to a complaint who have been moved or on home assignment as per above, may be moved back or resume their previous position as soon as Supervisory staff/ Management determines (in consultation with the

complainant and respondent and Employee Services), that separation is no longer necessary.

- A separation of parties pursuant to these procedures does not constitute “discipline” or a “transfer” within the meaning of any Collective Agreement or Terms and Conditions of Employment and is not considered to be Reprisal in the meaning of this procedure.

(e) Timelines

- (i) Complaints made under these procedures must be made within one year of the date of the alleged incident(s) or the last incident of harassment/discrimination in a series of incidents. Permission to proceed with a complaint outside of this timeline may be obtained in consultation with the Human Rights Office. The HRO must be satisfied that the delay was incurred in good faith and no substantial prejudice or unfairness will result to any person affected by the delay. Complaints regarding sexual harassment/assault will also be assessed on a case by case basis.
- (ii) Incidents/complaints brought to the attention of Supervisory staff or the HRO will be acknowledged in writing within seven (7) business days of receipt or knowledge of the incident/complaint.
- (iii) The complainant will be advised by supervisory staff or the HRO of the next steps regarding their complaint within ten (10) business days of acknowledging the incident/complaint.
- (iv) Generally, matters assigned for investigation will be investigated within 90 (and up to 150) days of being assigned, depending on the availability of parties to the complaint, complexity of the matter – number of parties, nature of allegations, time of year the complaint is received (e.g., summer for school-based complaints) etc. Any delays in timelines will be communicated to complainants and respondents including the reasons for the delay.
- (v) While the process may begin for complaints received in May/June or throughout the summer for school-based complaints, ultimately the complaint may be held in abeyance until the following September due to the lack of availability of school based staff, representatives etc. during that time. In such cases, the HRO/Supervisory staff will advise the parties as soon as practical.
- (vi) If an investigation is initiated, the investigator will prepare a written draft summary of the findings of the investigation and forward to the complainant and respondent (if multiple parties, each will receive individual summaries). Parties will have seven (7) business days to respond.
- (vii) The investigator will take any responses to the draft summary into consideration and issue a final summary to the parties within seven (7) business days of the draft response due date.

- (viii) Final summaries will also be forwarded to the next level manager for the complainant and respondent at the time the final summary is provided to them, along with any recommendations to follow-up with Employee Services if findings are made or other specific follow-up is otherwise required.
- (ix) Any actions that will be taken as a result of the findings of the investigation must be communicated in writing to the Complainant and Respondent within ten (10) business days of supervisory/managerial staff receiving the summary of findings.
- (x) Any action (disciplinary or remedial etc.), that will be taken by supervisory/managerial staff as a result of the findings of an investigation must be outlined on the Action Plan Template sent by the HRO, signed and sent back to the HRO within ten (10) business days of receiving the summary of findings.
- (xi) The HRO will monitor the Action Plans to ensure the agreed upon action is taken by supervisory/managerial staff.
- (xii) Supervisory staff, the HRO and any investigator conducting an investigation under this procedure, will have regard for these timelines. From time to time there may be delays; however, it is incumbent upon the responsible party (supervisory staff, HRO or other investigator) to advise the parties of the delay and any reasons why.

(f) Investigation Fact-finding Process

- (i) Parties to a complaint should be invited to an investigation interview within a reasonable time, if possible. They should be advised that they may bring a representative/support person. Complainants should be advised that they should check to see if their association/federation/network offers representation for complainants, as some do not. Conversely, as a Respondent some Collective Agreements require that a Respondent must have representation.

Investigators should confirm with the interviewee in advance of the interview, who their support person will be (if any), to ensure there is no conflict of interest with their choice. It is up to the investigator to determine if there is a conflict of interest with the choice of support person/representative.

- (ii) Generally, in most circumstances it is appropriate to interview the complainant first, followed by the respondent. Parties should be asked for witnesses who may have relevant information and any relevant witnesses should then be interviewed (separately), as determined by the investigator.
- (iii) Investigators should prepare questions in advance of the interview and take detailed notes in the interview and allow the interviewee to review the notes and sign/initial to confirm accuracy.

- (iv) The investigator is responsible for determining the appropriateness of the questions being asked. Information outside of the initial written notification of the complaint may come to the attention of the investigator during the course of the investigation, or the investigator may learn new information from witnesses. Relevant parties to the complaint are entitled to know of this new information and have a full opportunity to respond.
- (v) All interview notes maintained by the investigator are the property of TDSB. External investigators must provide their notes and documentation to the HRO upon conclusion of the investigation (unless legally privileged).
- (vi) An investigator conducting an investigation under this procedure has authority to access documents or materials (i.e., video footage) relevant to the complaint. This does not include legally privileged documents or documents otherwise protected (e.g., information regarding juvenile criminal records).
- (vii) The investigator will consider all of the evidence gathered and determine whether or not an incident(s) of alleged harassment/discrimination took place and whether it amounts to a breach of the human rights or workplace harassment prevention policy, using the standard of proof called the “balance of probabilities.”
- (viii) The investigator will prepare a written summary of the matter and send to the complainant and respondent respectively. If the parties are represented by a union/association/federation/network a copy of the summary should be provided to them as well. A PDF document watermarked “draft” is recommended and the complainant (s)/ respondent (s) will have 7 business days to respond to the draft summary.
- (ix) The investigator will consider any responses to the draft summaries and determine if edits to the summary are warranted or further investigation required in order to close any perceived gaps. The summaries will then be finalized and sent to the respective parties and their representatives (if represented by a union/association/federation/network). Only one (1) draft written summary will be issued and one (1) final written summary (watermark removed). The final summary will indicate who will follow-up with the respective parties regarding the actions taken/to be taken as a result of the investigation findings.
- (x) Final written summaries or a report of an investigation will be sent to the next level manager of the parties or supervisory staff responsible for determining/implementing any actions required.
- (xi) Upon receipt of a written summary or report of findings of an investigation, supervisory/managerial staff must make a determination (in consultation with Employee Services), as to whether any disciplinary or remedial action is required.

Having regard for the Board's commitment to Equity and Inclusion, **to the extent possible**, any disciplinary or remedial action taken with a student/employee as a result of the findings of an investigation under these procedures, should be done with an equity lens, utilizing the TDSB Equity Framework.

(xii) In accordance with the OHSA, any actions that will be taken as a result of the findings of the investigation must be communicated to the complainant and respondent in writing. This should be done within ten (10) business days of the responsible supervisor/manager receiving the investigation summary letter. Information shared with complainants regarding actions taken with a respondent should not specify the exact discipline; however, should note if formal corrective action has been or will be taken, as well as measures put in place to prevent the matter from taking place again.

(xiii) Investigation Action Plan templates must be completed and signed by the supervisory/managerial staff responsible for taking action and forwarded to the HRO within ten (10) days of receiving the investigation summary (in consultation with Employee Services).

(xiv) The HRO will monitor the Action Plans to ensure the agreed upon action is taken.

(g) Medical/Other leaves during an investigation

If a complainant or respondent is on medical/other leave at any point during the complaints process (including during an investigation), it is incumbent upon them or their representative (if applicable) to advise the investigator and indicate whether the party is able to participate in the complaint/investigative process while on leave.

For medical leaves, if the party is still able to participate in the complaint/investigative process they must provide the Human Rights Office or appropriate supervisory/managerial staff with medical documentation advising the employee is medically fit to participate in the complaint/investigative process while on leave.

If the party to the complaint is not able to participate or otherwise advise the investigator of the leave, the matter may be held in abeyance or the process may be otherwise delayed, as determined by the investigator, until the return from leave.

Any medical documentation forwarded to the HRO will be kept securely in a locked file cabinet.

(h) Addressing incidents/complaints of harassment/discrimination in the absence of a formal written complaint:

It may come to the Board's attention that there is alleged harassment/discrimination where the alleged victim(s) do not wish to/have not come forward. Or, a complainant may determine that they do not wish to proceed with a complaint or may withdraw a

complaint. In those circumstances, the Board may request a reason for withdrawing a complaint or may determine an investigation deemed appropriate in the circumstances is required in the absence of a formal written complaint, or may initiate an investigation with the intent of determining if harassment/discrimination is occurring and stopping it, in order to fulfil the Board's legislated requirement in providing a workplace free of harassment/discrimination.

(i) Potential Investigation Outcomes

- (i) An investigation may determine that, on a balance of probabilities, an alleged incident (s) took place; however, upon investigation did not amount to harassment/discrimination;
- (ii) An investigation may determine that, on a balance of probabilities, an incident(s) took place and amounts to harassment/discrimination;
- (iii) An investigation may determine that, on a balance of probabilities, there is insufficient evidence to conclude whether an incident(s) took place, and consequently whether or not harassment/discrimination occurred;
- (iv) An investigation may determine that, on a balance of probabilities, the incident(s) did not take place and there is no finding of harassment/discrimination;
- (v) An investigation may determine that the complaint is vexatious/frivolous.

(j) Request for Review of A Final Investigation

A complainant or respondent may request to the Executive Superintendent Equity, Engagement and Well-being, that a Review of the Investigation be undertaken. The intent to submit a formal "Request for Review" must be made to the Human Rights Office in writing within seven (7) business days of the issuance of the final written summary of investigation findings. The actual document to be submitted for consideration of a review, outlining the ground(s) for the review (see below), and all relevant details must be submitted to the Human Rights Office within 15 business days of notifying the HRO of the intent to request a review.

The grounds for review are:

- The investigators did not comply with these procedures
- New evidence has become known to the complainant or respondent after the final decision but before the expiry of the seven (7) days limitation period for requesting a review.

No review of the final decision will be undertaken with regard to the claim that the conclusions drawn by the investigator(s) based on findings of fact were incorrect.

The Executive Superintendent Equity, Engagement and Well-being shall convene a reviewer(s) and the reviewer will report its findings to the Executive Superintendent Equity, Engagement and Well Being who will affirm or amend a final decision or require that a new investigation be undertaken. The decision of the Executive Superintendent, Equity, Engagement and Well Being is final.

A response from the Executive Superintendent Equity, Engagement and Well Being regarding the Request for Review, shall be forwarded to the requester within 30 days of convening a reviewer.

Wherever possible and appropriate, where a party to a complaint is facing disciplinary action as a result of investigation findings and has requested a review of the investigation, the disciplinary action shall be postponed until the outcome of the review.

(k) Potential Disciplinary Action

Student Respondents

The Principal will follow the appropriate procedures for addressing student misconduct, as outlined in the Education Act and other specific Board policies and procedures.

Employee Respondents

The appropriate supervisory/managerial staff shall impose formal discipline (in consultation with Employee Services), as deemed appropriate based on the findings of the investigation (e.g., written warning, suspension, up to and including termination of employment with the Board).

In all cases where a complaint is substantiated and a determination is made to proceed with formal discipline, the appropriate supervisory/managerial staff shall ensure that a record (i.e., letter) of the disciplinary action is placed in the employee respondent's official personnel file. The supervisor/manager should keep their written notes of any non-disciplinary responses locked in their own files. Coaching letters or letters of counsel are not deemed formal discipline and are not included in an employee's personnel file.

No other information or documentation regarding a harassment/discrimination complaint (other than disciplinary action), should be included in an employee's official personnel file.

Members of the Public Respondents

Dependent upon the circumstances, parents, contractors etc. may be issued letters of disapproval/warning, revoking of permits/contracts, or an issuing of a no trespass warning.

(l) Potential Remedial Action

- Education or Training

- Counselling for the parties
- Customized workshops for staff/students
- Application of strategies to restore a positive working/learning environment
- Mediation
- Permanent separation of parties

(m) Actions related to Systemic Discrimination

Where systemic discrimination is found or suspected, proactive steps will be taken to ameliorate such conditions by:

- Conducting employment systems reviews
- Departmental re-organization
- Applying Employment Equity goals and timetables in specific areas
- Replacing learning/working materials
- In-service training for appropriate staff
- Reconsidering the assessment and placement procedures for students

(n) Informal Resolutions

(i) Informal Resolutions are an important element in addressing alleged harassment/discrimination. Informal resolution is a potential alternative only after an initial fact-finding investigation, (at minimum speak to complainant and speak to respondent), has taken place and the investigator determines informal resolution is appropriate in the circumstances (in accordance with the OHSA).

Any form of informal resolution (e.g., apology, mediation) should be agreed to and signed off on by the parties to the complaint (complainant (s), respondent(s)).

In certain circumstances parties to a complaint or their representatives may request an informal resolution; however, that decision remains with supervisory/managerial staff or the Board's Human Rights Office, bearing in mind that all parties are expected to work together to prevent and address matters under these procedures.

(ii) Member to Member concerns: In cases where members of the same union/association/federation/network are involved in a matter related to these procedures, the respective union/association/federation/network may wish to work with the parties involved to resolve the matter prior to it becoming a formal complaint. Those efforts are encouraged; however, if they are not successful or the matter is deemed to be too complex, the respective union, association, federation, network representative may wish to counsel/assist the member in bringing the report forward to their Principal, manager, supervisor or the HRO. It is understood that in some cases this may not be possible due to legal or internal policy/procedural requirements of the respective union, association, federation or network.

(iii) Mediation

Mediation involves an unbiased third party acting as a facilitator to resolve disputes. Mediation is typically more appropriate when a matter is deemed to be workplace conflict. In cases where an investigation has commenced in regards to harassment/discrimination, mediation may be attempted during the course of the investigation only after an initial fact-finding process takes place (in accordance with the OHSA), and the investigator determines it is an appropriate form of resolution. All mediation and mediated resolutions should involve the parties respective union/association/federation/network representative and must be provided to parties to a complaint in writing and signed off by the parties. The mediator should be mutually agreeable to both parties.

If mediation is attempted during the course of an investigation and is unsuccessful, the investigation will resume and the parties will be advised by supervisory/managerial staff or the mediator, that information obtained during mediation, or any attempted settlement arising from mediation cannot be introduced as evidence in any subsequent formal proceeding.

Mediation may not appropriate in the following circumstances; however, may be evaluated on a case by case basis:

- All parties are not committed to the process;
- One of the parties is in a position to confer, grant or deny a benefit;
- Students involved in disputes with employees or members of the public, including parents and community covered by this procedure.

The HRO may be consulted when considering a trained mediator, acceptable to both parties. In no circumstance shall a mediator be used who is involved in any capacity in the same learning or working environment/site as the parties with the exception of student peer mediators.

Student-led mediation using trained “peer mediators” may be used to facilitate an informal resolution between students, if acceptable to the parties. Principals shall ensure that any terms agreed to are met.

In all cases of mediated or informal resolution, supervisory/managerial staff is responsible for monitoring the situation to ensure the effectiveness of the resolution.

~~6.8. Hate-Motivated Activity~~

- ~~(a) All persons covered under this Procedure who witness or otherwise become aware of any hate motivated violence or any incitement to hate motivated violence shall immediately report it to the administration, supervisory or managerial staff. Supervisory or managerial staff that witness or otherwise become aware of any hate motivated violence or any incitement to hate motivated violence shall immediately~~

- ~~involve the Police and, subject to Police agreement, conduct a site-based investigation in accordance with these procedures:~~
- ~~(b) If there are any symbols displayed or other representations clearly identified with groups which promote hate and violence, supervisory or managerial staff shall report the matter to the police and in **all cases** shall investigate the matter in accordance with these procedures.~~
 - ~~(c) Physical evidence of hate activity shall not be destroyed or disturbed prior to investigation by supervisory or managerial staff or police. Materials and incidents related to hate activity should be preserved and duly recorded. An investigation shall commence as soon as possible such that any offensive materials or symbols can be subsequently removed in order to minimize the impact of the offensive materials, symbols etc. on others.~~
 - ~~(d) The Hate Activity Interim Report Form must be completed in all cases above (see Appendix B), and a copy forwarded to their immediate supervisor and a copy forwarded to the HRO. This information will be combined with a report form to be generated by the Board's school safety committee.~~
- ~~In all cases where it is determined that the above activities have taken place by students, employees or members of the public, action shall be taken in accordance with section 6.7 (k-m) of these procedures.~~
- ~~(e) Support and Assistance should be provided to groups or individuals targeted by hate activity. The appropriate supervisory or managerial staff shall consider one or more of the following:

 - ~~○ Inform the parent, community and employees, and advise it will not be tolerated~~
 - ~~○ Design proactive programs with students and staff~~
 - ~~○ Promote the human rights policy and procedures and encourage staff and students to report all hate-motivated activity~~
 - ~~○ For eligible employees they can also make use of the Board's Employee and Family Assistance Program (EFAP).~~
 - ~~○ Students may also seek support from a member of the Board's Equity team.~~~~

6.9.6.8. Records

All correspondence and other documents generated under these procedures and related policies must, subject to the Municipal Freedom and Information and Protection of Privacy Act, be marked, "PRIVATE AND CONFIDENTIAL" and must be stored in a locked and secure file in the office of management/supervisory staff or in a locked and secure file cabinet in the Human Rights Office. This includes, but is not limited to, copies of the complaint, details regarding the incident/complaint, investigation notes, statements, summaries or reports.

No information regarding incidents/complaints of alleged harassment/discrimination shall be placed in an employee's personnel file unless they have been found to have breached the harassment/discrimination policies/procedure and discipline is issued. The discipline will be the only documentation that remains on the employee's file for the duration applicable as per the relevant Collective Agreement or Terms and Conditions of Employment.

These records shall be kept for a period of 15 years from file closure, and if at that time there is no litigation, investigation or further activity under these procedures or other related policies involving a party to the original complaint, all records of the complaint (paper and electronic will be shredded or erased). A record of the type of document destroyed, by whom and when should be kept in accordance with Privacy legislation.

Please note that it is unlawful for an employer to destroy any evidence or potential evidence that may be required in a matter that is currently, or that you may be aware may result in litigation. Contact TDSB legal services or the HRO, if in doubt.

Statistics may be derived from information collected under these procedures and related policies; however, in all cases it will be presented in aggregate form without the use of names or other personal identifiable information.

7.0 EVALUATION

In order to ensure the effectiveness of these procedures they will be reviewed as required, and at least annually, in accordance with the OHSA.

8.0 APPENDICES

- Appendix A: Workplace Harassment and Human Rights Incident Reporting Form (Form 515A)
- ~~Appendix B: Hate Activity Interim Report Form (Form 515B)~~

9.0 REFERENCE DOCUMENTS

Policies:

- Acceptable Use of Information Technology Resources (P088)
- Board Member Code of Conduct (P075)
- Caring and Safe Schools (P051)
- Gender-Based Violence (P071)
- Human Rights (P031)
- Occupational Health and Safety (P048)
- Reporting of Suspected Wrongdoing (Whistleblowing) (P066)

- Respectful Learning and Working Environment (P073)
- Workplace Violence Prevention (P072)

Operational Procedures:

- Board Code of Conduct (PR585)
- Bullying Prevention and Intervention (PR703)
- Code of On-line Conduct (PR571)
- Complaint Protocol for the Board Member Code of Conduct (PR708)
- E-mail Usage (PR572)
- Parent Concern Protocol (PR505)
- Promoting a Positive School Climate (PR697)
- Sexual Misconduct by Students (PR608)

Legislative Acts and Regulations:

- *Municipal Freedom of Information and Protection of Privacy Act*
- *Occupational Health and Safety Act*
- *Ontario Human Rights Code*

Workplace Harassment and Human Rights INCIDENT REPORTING FORM

NAME OF COMPLAINANT:

First name: _____ Last name: _____ Employee# _____

School/Department/Worksite: _____ Home/Cell Phone No: _____

Status of complainant: ☐ Student ☐ Employee Job Title: _____ ☐ Other _____

Preferred Email address: _____

Unionized: ☐ Yes ☐ No If yes, please specify: _____

Please indicate Union Representative and phone number: _____

NAME OF RESPONDENT (PERSON (S) ACCUSED):

Status of Respondent(s): ☐ Student ☐ Employee Job Title: _____ ☐ Other _____

School/Department/Worksite: _____

Please indicate type of complaint:

Description of Alleged Harassment/Discrimination: (Please consult the Board's Human Rights Policy, Workplace Harassment Prevention Policy, and Workplace Harassment Prevention and Human Rights Procedure before completing this section).

1. ☐ Human Rights Code (Code) Harassment/Discrimination

Definition of Harassment under the Code and Board's Human Rights Policy:

"a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome."

The vexatious comment or conduct must be because of a Prohibited Ground of the Code (see below)

Discrimination under the Code: People have the right to equal treatment and opportunities, without discrimination in the areas covered by the Code. Not all unfair treatment and not all harassment are covered by the Code. Code based harassment/discrimination requires that the harassment/discrimination must have been based on or because of a Prohibited Ground covered by the Code (see below).

Prohibited grounds under the Ontario Human Rights Code:

- | | |
|---|---|
| <input type="checkbox"/> Age | <input type="checkbox"/> Gender Identity |
| <input type="checkbox"/> Ancestry | <input type="checkbox"/> Marital status (includes same sex partnership) |
| <input type="checkbox"/> Citizenship | <input type="checkbox"/> Place of origin (where one was born) |
| <input type="checkbox"/> Colour | <input type="checkbox"/> Race |
| <input type="checkbox"/> Creed (religion) | <input type="checkbox"/> Sex (including pregnancy, sexual harassment) |
| <input type="checkbox"/> Disability or perceived disability
(Including mental or physical illness or injuries,
and some addictions) | <input type="checkbox"/> Sexual orientation |
| <input type="checkbox"/> Ethnic origin | <input type="checkbox"/> Record of Offences - Provincial Offences or
Pardoned Federal Offences (in employment
only) |
| <input type="checkbox"/> Family status | |
| <input type="checkbox"/> Gender Expression | |

Ensure that you include (check off), the grounds upon which the complaint is based and why you believe so.
If you are unsure of the ground(s) simply indicate that in the description of the incident in the box below.

2. ☐ **Workplace Harassment (Includes Sexual Harassment)**

Definition of Workplace Harassment under the *Occupational Health & Safety Act (OHSA)* and Board's Workplace Harassment Prevention Policy:

"engaging in a course of vexatious comment or conduct **against a worker, in a workplace** that is known or ought reasonably to be known to be unwelcome" or is Sexual Harassment

Definition of Sexual Harassment under the *Occupational Health and Safety Act* and Board's Workplace Harassment Prevention Policy:

"Engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome", or

"making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome";

When describing the incident(s) that you believe was harassment or discrimination please include:

What happened? **Who** was involved? **When** did it happen and time)? **Where** did it happen? Were there any witnesses? Please do not name witnesses, refer to them as Witness A, Witness B, etc.

Incident 1:

• Date:	Time:	Location:
• Witness(es): _____		
• Description of Incident:		

Incident 2:

####• Date:	Time:	Location:
####• Witness(es): _____		
####• Description of Incident:		



PRIVATE & CONFIDENTIAL

Has this complaint been reported previously? ☐ Yes ☐ No

If Yes, to who was it reported, and what actions were taken?

If No, please indicate why.

Have you filed any other complaint regarding these incidents (e.g., grievance, human rights tribunal)?

☐ Yes ☐ No

Please provide details:

Desired Resolution (What would you like to see happen?):

Would you consider mediation as a form of early resolution to your concerns?

☐ Yes ☐ No

Please Explain

Complainant's Signature: _____ Date: _____

The information contained in this form is of a highly confidential nature and will be protected in accordance with the provisions of the ***Municipal Freedom of Information and Protection of Privacy Act***.

If the incident meets the threshold assessment for a complaint, the respondent will be notified in writing about the complaint and the allegations in accordance with the Workplace Harassment Prevention and Human Rights Operational Procedure PR 515.

INSTRUCTIONS FOR HANDLING THIS FORM: Please place this form in a sealed envelope marked "**PRIVATE AND CONFIDENTIAL**" and send it to the Human Rights Office, Toronto District School Board, 5050 Yonge Street, 4th Floor, Toronto, M2N 5N8 or email it to HumanRightsOffice@tdsb.on.ca



HATE ACTIVITY INTERIM REPORT FORM

Private and Confidential

This form is used by the supervisory and managerial personnel to report hate activity under the Human Rights Policy and Procedures.

School/Department/Work Site: _____

Name of Person Reporting: _____

☐ Student ☐ Employee Job Title: _____ ☐ Other _____

Date of Occurrence: _____

Nature of Activity:

☐ Leafleting ☐ Postering ☐ Electronically transmitted materials ☐ Recruiting

☐ Graffiti ☐ Display of symbols ☐ Harassment ☐ Threats/Assault ☐ Other

Concise Description: _____

_____ ☐ Copy/copies included

Report to Police: ☐ Yes _____ Date Reported to Police _____

_____ Name and badge number of Police Officer: _____

_____ Police Response: _____

_____ Action taken by supervisory and managerial personnel: _____

Other Comments: _____

Signature: _____ Date: _____

DISTRIBUTION: _____ Supervisory Officer
 _____ Human Rights Office

Toronto District School Board

Operational Procedure PR515

Title: **WORKPLACE HARASSMENT PREVENTION AND HUMAN RIGHTS**

Adopted: June 29, 2001
Effected: June 29, 2001
Revised: October 24, 2017, **December 10, 2019**
Reviewed: October 24, 2017, **December 10, 2019**
Authorization: Executive Council

1.0 RATIONALE

The Toronto District School Board (TDSB or the Board), is committed to providing an equitable, safe, nurturing, positive learning and working environment, free of harassment and discrimination, where every individual is treated with dignity and respect.

This operational procedure is designed to support the implementation of the Workplace Harassment Prevention Policy (P034) and Human Rights Policy (P031) and fulfills the Board's requirements under the *Occupational Health and Safety Act (OHSA)* and Ontario *Human Rights Code* (the *Code*).

2.0 OBJECTIVE

To provide information and instruction, regarding the process for how to effectively prevent and, where necessary, address harassment and unlawful discrimination. All parties involved in a matter under these procedures (including staff, management, union/federation/association and Human Rights Office) must work together to prevent and address harassment and unlawful discrimination.

3.0 DEFINITIONS

Allegation is an unproven claim or assertion that someone has done something wrong based on one's belief that a violation of the Board's Harassment/Discrimination policies has occurred.

Balance of Probabilities is the standard of proof which is satisfied where a proposition is reasonable, more probable than not and more probable than any other proposition based on all the evidence.

Board is the Toronto District School Board (also referred to as TDSB). The TDSB is an employer, as defined by the OHSA.

Complainant is anyone who makes a complaint under the Board's harassment/discrimination policies, alleging that harassment/unlawful discrimination has occurred.

Discrimination is any practice or behaviour, whether intentional or not, which has a negative effect on an individual or group because of any of the prohibited grounds of the *Code* including race, ancestry, place of origin, ethnic origin, colour, citizenship, creed (religion), sex, gender identity, gender expression, sexual orientation, age, marital status, family status, disability/perceived disability, or receipt of public assistance (applies to the social area of housing only).

Discrimination may arise as a result of direct differential treatment or it may result from the unequal effect of treating individuals and groups in the same way. If the effect of the behaviour on the individual or group is to withhold or limit full, equal and meaningful access to, for example, goods, services, facilities, employment, housing, accommodation, that is available to other members of society, it is discrimination.

Employee and Family Assistance Program (EFAP) is a confidential and voluntary support service that offers assistance to eligible employees of the Board and their families, as set out in the applicable terms and conditions of employment, for any work, life or health concern. This may include immediate and confidential support regarding workplace challenges, addictions, managing relationships/ family and achieving well-being.

Harassment is a course of vexatious comment or conduct known or ought reasonably to be known to be unwelcome.

Human Rights Office (HRO) is an office within the TDSB, that is mandated to be neutral and unbiased and is a resource to all covered under this procedure. The HRO implements the Board's policies and procedure on harassment and discrimination, as well as supports adherence to the associated laws as they relate to harassment and discrimination (e.g., *Ontario Human Rights Code and the Occupational Health & Safety Act*).

Mediation is a confidential voluntary process that parties to a complaint may agree to participate in, whereby a neutral unbiased third party facilitator is in direct communication between the parties to a complaint, to effect an agreed upon resolution. It is an opportunity to resolve disputes in a mutually respectful manner.

Reprisal is any harassment, intimidation, threats, or discipline against a person (e.g., complainant, respondent, witness or investigator) for making a report to the Board regarding an incident/complaint of alleged harassment/discrimination. It can also include retaliation against someone who has participated in or is believed to have participated in a

process to address a matter under the Board's harassment and discrimination policies and associated procedure. Reprisal is prohibited under the Board's harassment/discrimination policies and procedure.

Respondent is anyone who has a complaint made against them under the Board's harassment/discrimination policies.

Student is anyone regardless of age, who is enrolled in any educational program offered by the Board.

Supervisor is a person who has charge of a workplace or authority over workers, in accordance with the OHSA.

Systemic Discrimination is discrimination that arises from policies, procedures, practices, and conduct which may not be discriminatory in their intent but adversely impact individuals or groups protected by the prohibited grounds of the *Code*.

Vexatious is conduct that is inappropriate, unnecessary and that a reasonable person would consider offensive, distressing or demeaning.

Vexatious complaints are complaints that are brought forward without sufficient merit, solely to cause annoyance or distress. Vexatious complaints are prohibited under the Board's harassment/discrimination policies and procedure.

Workplace under the *OHSA* is any land, premises, location or thing at, upon, in or near which a worker works. For the purpose of this procedure it also includes any place where individuals perform work or work-related duties or functions. Schools and school-related activities, such as extra-curricular activities and excursions comprise the workplace, as do Board offices and facilities (including eating, lounge/changing areas and vehicles used for work purposes or on work property). Conferences, workshops, training sessions and staff functions (e.g., staff parties, retirement celebrations), fall within the scope of this procedure.

Workplace Harassment under the *OHSA* is engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome, or is workplace sexual harassment.

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

4.0 RESPONSIBILITY

Executive Superintendent Equity, Engagement and Well-being

5.0 APPLICATION AND SCOPE

This procedure applies to all employees (including contract, temporary, permanent and occasional employees).

It addresses harassment and unlawful discrimination from all sources including volunteers, students, trustees, as well as members of the public.

The Board also has policies/procedures in place to deal with other forms of harassment or offensive conduct. See section 9.0 for a complete list of other relevant policies and procedures.

6.0 PROCEDURES

6.1. General

All persons covered under this procedure are responsible for creating, maintaining and contributing to a climate of understanding and mutual respect for the rights and dignity of each person.

Anyone within the scope of these procedures who has a concern regarding potential harassment or discrimination may attempt the following before filing a formal complaint:

- (a) If possible and practical, make it known to the person who is causing the offense, that the behaviour is unwelcome and ask that all offensive behaviour stop.
If approached in the above manner it is expected that the individual will work with the person raising the concern to make all reasonable efforts to resolve the matter. If an individual is not comfortable approaching the person causing offense or an individual is approached and the behaviour does not stop, discuss the concerns with your immediate supervisor or another member of management;
- (b) Seek advice from a union/federation/association representative (where applicable);
- (c) Contact the Human Rights Office (HRO) to consult, even if there is no intent to file a complaint;
- (d) If eligible, utilize the TDSB Employee and Family Assistance Program (EFAP);
- (e) Do not discuss the complaint or intent to file a complaint with colleagues unless they are your support person (see section 6.3), as this could adversely impact the investigative process, if an investigation is required.

6.2. Dual Processes

Nothing in these procedures denies or limits access to other avenues of redress available under the Ontario *Human Rights Code*, *Occupational Health & Safety Act* and/or through filing a grievance.

The TDSB's internal formal complaint resolution process provides for an investigation appropriate in the circumstances, resulting from an incident/complaint of harassment/discrimination. The HRO, in consultation with the Executive Officer, Employee Services, may decide to postpone, suspend, or cancel any process/investigation regarding a complaint if the continuance of the process/investigation would duplicate or prejudice (damage) another proceeding. In coming to a decision these factors will be considered:

- (a) The Board's responsibility to resolve harassment and discrimination complaints;
- (b) The recognition that grievances may be filed simultaneously with complaints in order to comply with timelines. In such cases one matter may be held in abeyance until the other process is complete, as determined in consultation with Employee Services and with agreement from the union as it pertains to grievances; and/or
- (c) Other legal procedures that may be initiated in order to protect statutory rights, e.g., the Human Rights Tribunal of Ontario (HRTTO).

In all such cases the complainant will be advised of the decision to postpone, suspend, or hold in abeyance their complaint and the reasons why.

6.3. Support Person for Complainants, Respondents and Witnesses

- (a) Prior to initiating a complaint and throughout the complaints process complainants, respondents and witnesses have a right to assistance from a support person. A support person may include a:
 - Colleague
 - Family Member
 - Union/Federation/Association/Network Representative (in accordance with the practices/policies of the respective organization)
 - Joint Health & Safety Committee Representative
 - Parent/Guardian or Other Caregiver
 - School Support Staff
 - Student
 - Teacher
 - Translator/Interpreter

- (b) All persons acting as a support person within the scope of these procedures must keep any information regarding the complaint confidential. Some support persons may be required to sign a confidentiality agreement when attending investigation interviews. (TDSB staff or union/federation/association/network representatives are not required to sign an agreement)
- (c) The role of the support person is to be available to a party to an investigation to provide assurance, console and/or general emotional support or advice. Unions/Associations and Federations may have other responsibilities to their members in this capacity; however, all support persons must not answer questions on behalf of the interviewee or obstruct in any way, the investigation process. The investigator reserves the right to discontinue any investigation interview whereby any party to a complaint or the support person is uncooperative.
- (d) Investigation participants (complainants, respondents and witnesses) and support persons who are staff of the Board, are entitled to be permitted time away from work with pay, providing the appropriate arrangements (including supervisory/management approval), are made with their direct Supervisor or next level management, if the Supervisor is the subject of the complaint. These arrangements should be made by staff and may involve the support of their union/association/federation/network representative, as required.

6.4. Complaint Procedures

Employees

- Employee incidents/complaints of alleged harassment or discrimination should be made to an immediate supervisor, or the Human Rights Office. Reports can be made verbally; however, it is preferred that the appropriate Workplace Harassment and Human Rights Incident Reporting Form (see Appendix A) is completed. All incidents/complaints of harassment/discrimination whether verbal or in writing must be investigated in a manner deemed appropriate in the circumstances. Employees may also consult with their union/association/federation/network representative when reporting an incident/complaint.
- If the employee complaint is regarding their supervisor or the employer the complaint should be made directly to the Human Rights Office at HumanRightsOffice@tdsb.on.ca

Students

- Student complaints of alleged harassment/discrimination should be reported to the school administration and will be addressed through the appropriate school policy or procedure (e.g., Caring and Safe Schools Policy, Bullying Prevention and Intervention Procedure, Sexual Misconduct by Students Procedure, Parent Concern Protocol).
- Student complaints against the administration should be forwarded to the Board's Human Rights Office. The complaint will be addressed through the

appropriate school policy or procedure (e.g., Caring and Safe Schools, Parent Concern Protocol) in cases of systemic concerns, the matter may be referred to an external investigator.

Human Rights Office

- Incidents/Complaints of harassment/discrimination regarding the Human Rights Office will be forwarded to the Executive Superintendent, Equity, Engagement and Well-being.

Trustees

- Incidents/complaints against a Trustee, alleging harassment and/or discrimination will be forwarded to the Board's Integrity Commissioner and will be addressed under the Board Member Code of Conduct policy and procedure.

Executives

- Incidents/Complaints against a Board Executive, alleging harassment and/or discrimination will be forwarded to the Director of Education, who will seek advisement from the Board's General Counsel in engaging the services of a third party external investigator, as deemed appropriate.

Director of Education

- Incidents/Complaints against the Director of Education, alleging harassment and/or discrimination will be forwarded to the Chair of the Board, who will seek advisement from the Board's General Counsel in engaging the services of a third party external investigator, as deemed appropriate.

Members of the public

- Incidents/Complaints of alleged harassment/discrimination against a member of the public by Board staff will be forwarded to the immediate supervisor of the affected area the Respondent was working or participating in at the time of the alleged incident, or the Board's Human Rights Office.

All staff responsible for receiving complaints of harassment/discrimination under these procedures must ensure they are aware of the appropriate procedures for responding to a complaint (section 6.5 and 6.6 of these procedures). They may also consult with the Board's Human Rights Office regarding appropriate next steps, if required.

6.5. Managerial Response to an Incident / Complaint of harassment / discrimination

- (a) Supervisory /managerial staff may become aware of incidents of harassment or discrimination in the working or learning environment in different ways. They may observe it directly or receive a report from the individual affected. They may even hear about it from a third party. It is important that supervisory and

managerial staff pay attention to symptoms of possible harassment or discrimination (e.g., decreased productivity, absenteeism), and intervenes.

- (b) Those experiencing harassment or discrimination may be reluctant or embarrassed to come forward. A timely resolution of an incident/complaint of harassment/discrimination can prevent escalation of a matter and further negative consequences while promoting the restoration of a healthy learning or working environment.
- (c) In all cases, supervisory and managerial staff has a duty to respond to and take action to resolve any alleged or suspected incidents/complaints involving harassment/discrimination.
- (d) The OHSA requires that any incident/complaint of workplace harassment requires an investigation deemed appropriate in the circumstances. For the purposes of this procedure that includes (at a minimum), interviewing the complainant and interviewing the respondent and any relevant witnesses, and making a determination if harassment occurred.
- (e) When an incident/complaint of harassment/discrimination comes to the attention of managerial/supervisory staff they should ensure the well-being of the parties involved, document any pertinent information provided and advise that the matter is taken seriously, will be looked into and supervisory staff will get back to them regarding next steps (generally, within 7 days).
- (f) Generally, supervisory/managerial staff will investigate workplace harassment incidents/complaints. Human Rights Code based harassment or discrimination complaints may be investigated by supervisory/managerial staff depending on the complexity of the matter and nature of the allegations. Supervisory/managerial staff should consult with the HRO in order to make that determination.
- (g) **If supervisory/managerial staff conducts an investigation it should be done in accordance with section 6.7 of these procedures.**

6.6. HRO Response to an Incident/Complaint of Harassment/Discrimination

- (a) The HRO is neutral and unbiased and is a resource for all covered under this procedure. The HRO will work to prevent workplace harassment and unlawful discrimination as well as respond to inquiries, incidents and complaints.
- (b) The HRO will respond to complaints by conducting preliminary assessments of incidents/complaints of harassment/discrimination, in order to determine if on the face of the complaint the allegation(s) meet the definition of harassment/discrimination and to determine appropriate next steps to deal with an incident/complaint, in a manner deemed appropriate in the circumstances.

This may include re-directing matters to another department of the Board, as deemed appropriate by the HRO. Actions taken or fact-finding conducted for the purposes of an assessment will be deemed an investigation appropriate in the circumstances for purposes of the OHSA, if the assessment determines that on the face of the complaint no further investigation of the matter is warranted.

- (c) If it is determined that on the face of the complaint it rises to the definition of harassment/discrimination, the HRO will retain carriage of the complaint and assign it to an investigator (HRO investigator, appropriate Supervisory or Managerial staff, or in some cases an external third party investigator). Generally, Workplace Harassment investigations will be completed by Supervisory or Managerial staff, as well as some Human Rights complaints, depending on complexity. Generally, the HRO will investigate Human Rights complaints that are more complex and potentially Workplace Harassment complaints that are more complex, depending on the circumstances. External Third Party investigators may be used for various reasons, including but not limited to the complexity or size of a complaint/investigation; availability of internal resources etc.

In certain circumstances, the HRO may determine that the matter is more appropriately investigated by an investigation team, in which case a lead investigator will be assigned.

- (d) If on the face of the complaint the allegations do not meet the definition of harassment/discrimination, the HRO may forward the complaint to another area of the Board to address (e.g., appropriate supervisory/managerial staff, employee services in cases involving alleged culpable behaviour, Health & Safety in matters relating to workplace violence), or the HRO may recommend Mediation in cases involving workplace conflict or as deemed appropriate in the circumstances. In such cases, supervisory staff in conjunction with the union/association/federation/network representative and the affected employee(s) should give consideration to whether a third party mediator (agreeable to all parties), is appropriate.

In some cases, the HRO may determine that no further action is required.

- (e) Where it is determined by the HRO that the matter is more appropriately dealt with by another department of the Board, the complainant will be notified prior to forwarding the complaint. In such cases, the alleged Respondent is typically not notified by the HRO.
- (f) The HRO may also determine that the matter complained of has already been dealt with through another forum (i.e., grievance/arbitration, employee services disciplinary process). In such cases, the complainant will be advised of this by the HRO prior to file closure.

- (g) The HRO has discretion to limit the allegations in any complaint due to duplication of information or in order to streamline the complaint, without loss of any substantive information.
- (h) Anonymous complaints against an individual or group will be treated in a manner deemed appropriate in the circumstances by the HRO, including exploring other alternatives to address the matter, including, but not limited to, the use of workplace environmental scans, generalized training for staff, or feedback provided to the individual/group. This will be done in consultation with Employee Services and/or Management of the affected area. No formal summary in writing will be provided to any party to an anonymous complaint.
- (i) Group Complaints are very challenging situations for all involved. The HRO recommends that those who have concerns under these procedures should submit their concerns separately. Approaching someone to participate in a group complaint, whereby an issue had not been identified by them previously can potentially create other issues in the workplace that may not have otherwise been present. This is in no way to limit any staff from coming forward with concerns. In situations involving multiple parties to a complaint, employees are encouraged to confidentially speak with their respective union/association/federation/network representative or contact the HRO and encourage others with concerns to individually do the same.

6.7. Investigation Process

(a) Responsibility

- (i) Supervisory/Managerial staff investigating a matter under this procedure, has responsibility for ensuring they are following this procedure and are appropriately trained to investigate the matter. If in doubt, please contact the HRO for advice.
- (ii) All persons investigating matters under this procedure, including external investigators, will have regard for these procedures. Slight variations in process may be acceptable, as deemed appropriate by the HRO.
- (iii) The person conducting the investigation, whether internal or external to the workplace, must not be directly involved in the alleged incident(s) or complaint(s) of harassment/discrimination, and must not be under the direct control of the alleged harasser, in accordance with the OHSA.

(b) Confidentiality

Any person reporting an incident or complaint of harassment/discrimination or who participates in a process to resolve a matter under this procedure (including investigators), must keep that information confidential and not disclose or release to anyone any information about the incident/complaint except to the extent necessary to

protect an employee (s) (e.g., safety plan or separation of parties through the Administration/Board Health & Safety office), to investigate the incident/complaint (e.g., make arrangements for release time, questioning witnesses etc.), to take corrective action (e.g., consultation with employee services regarding appropriate action based on investigation findings), or as otherwise required by law (e.g., Tribunal or other court proceedings), in accordance with the OHSA. This extends to details of a complaint (including its existence), meetings about an incident/complaint, identifying information about a person including names of witnesses, contact made with an investigator etc. This is a continuous obligation that extends beyond employment with the TDSB.

Seeking advice from an employee's own union/association/federation/network or legal representative in addressing harassment/discrimination is permitted, and may be required by some Collective Agreements and/or Terms and Conditions of Employment. While staff may seek advisement from their own legal representative, at their own cost, the HRO only recognizes an employee's union/association/federation/ representatives as the employee's legal representative. The HRO will not communicate directly, with a staff's lawyer.

Note: The HRO may be required to advise other areas of the Board with regards to the existence of a complaint in order to avoid a duplication of processes. In such cases, only the minimum information required will be provided, as determined by the HRO. For example, upon receipt of a harassment or discrimination grievance Employee Services may inquire with the HRO, as to the existence of a complaint in the HRO regarding the matter and the status of the complaint.

Notwithstanding the above, additional information may be required for legal proceedings with the appropriate formalized request to the HRO (e.g., letter requesting production of documents, HRTD Application response required etc.). HRTD proceedings require disclosure of the complaint and the resolution, if any. The HRO will not provide any complete file to any area of the Board unless required by law.

(c) Written notification of complaint

All parties to a complaint will be notified in writing, as soon as practical and prior to an investigation interview, as to the existence of the complaint, the allegations, who filed the complaint and who it was filed against (if multiple persons, each person will be advised individually without advising of the other parties named in the complaint).

If an incident/complaint of harassment/discrimination is reported to managerial/supervisory staff or the HRO, in the absence of a formal written complaint, the Board is still required to investigate, in which case a general statement of the allegations or some other form of written notification may be provided to parties (complainant/Respondent).

All written notification to parties (complainants, respondents and witnesses) by the investigator, should include cautions regarding maintaining confidentiality and not engaging in reprisal/threats of reprisal. The notification should include copies of the Board's Human Rights and Workplace Harassment Prevention Policies and procedure, regardless to the type of complaint being investigated (workplace harassment, human rights etc.)

(d) Safety and Separation of parties (Interim Measures)

All investigators will explore with parties whether there are any immediate concerns for physical safety or whether separation of parties needs to be arranged as an interim measure during the course of the investigation.

Any decision around separation of parties will be made with the supervisory or next level up managerial staff in consultation with Employee Services. The appropriate union/federation/association/network will be contacted as deemed appropriate. Supervisory staff/Employee Services may also consult the HRO regarding the general nature of the complaint/allegations to assist in their decision-making.

Considerations will include, but are not limited to the following:

- Whether the continued presence of the respondent will impair the complainant's ability to function at school or work
- Whether the Respondent poses a risk to the complainant or others
- Whether there has been a reprisal or a real threat of reprisal exists

Where supervisory staff determines, (in consultation with Employee Services), that separation of parties is appropriate and required the parties shall be separated, pending the final disposition of the complaint. Separation of parties may include:

- Working in the same physical location with strict parameters around having no contact with each other (this must be put in writing)
- Temporarily relocating one party to the complaint, by moving to an alternate location (generally, the respondent will be the party moved; however, given certain circumstances it may be appropriate for the complainant to be moved, as determined by supervisory staff and Employee Services. (Consideration should also be given to the complainant's preference.)
- In rare occasions, a party may be placed on home assignment without loss of wages or benefits. Students may be excluded from their school(s) in accordance with Board procedure governing student behaviour, and the Education Act.
- To the extent practicable, complainants and respondents using Board premises or premises where Board programs take place shall be required to have no contact either direct or indirect with each other until the investigation has been concluded and recommendations acted upon.
- Parties to a complaint who have been moved or on home assignment as per above, may be moved back or resume their previous position as soon as Supervisory staff/ Management determines (in consultation with the

complainant and respondent and Employee Services), that separation is no longer necessary.

- A separation of parties pursuant to these procedures does not constitute “discipline” or a “transfer” within the meaning of any Collective Agreement or Terms and Conditions of Employment and is not considered to be Reprisal in the meaning of this procedure.

(e) Timelines

- (i) Complaints made under these procedures must be made within one year of the date of the alleged incident(s) or the last incident of harassment/discrimination in a series of incidents. Permission to proceed with a complaint outside of this timeline may be obtained in consultation with the Human Rights Office. The HRO must be satisfied that the delay was incurred in good faith and no substantial prejudice or unfairness will result to any person affected by the delay. Complaints regarding sexual harassment/assault will also be assessed on a case by case basis.
- (ii) Incidents/complaints brought to the attention of Supervisory staff or the HRO will be acknowledged in writing within seven (7) business days of receipt or knowledge of the incident/complaint.
- (iii) The complainant will be advised by supervisory staff or the HRO of the next steps regarding their complaint within ten (10) business days of acknowledging the incident/complaint.
- (iv) Generally, matters assigned for investigation will be investigated within 90 (and up to 150) days of being assigned, depending on the availability of parties to the complaint, complexity of the matter – number of parties, nature of allegations, time of year the complaint is received (e.g., summer for school-based complaints) etc. Any delays in timelines will be communicated to complainants and respondents including the reasons for the delay.
- (v) While the process may begin for complaints received in May/June or throughout the summer for school-based complaints, ultimately the complaint may be held in abeyance until the following September due to the lack of availability of school based staff, representatives etc. during that time. In such cases, the HRO/Supervisory staff will advise the parties as soon as practical.
- (vi) If an investigation is initiated, the investigator will prepare a written draft summary of the findings of the investigation and forward to the complainant and respondent (if multiple parties, each will receive individual summaries). Parties will have seven (7) business days to respond.
- (vii) The investigator will take any responses to the draft summary into consideration and issue a final summary to the parties within seven (7) business days of the draft response due date.

- (viii) Final summaries will also be forwarded to the next level manager for the complainant and respondent at the time the final summary is provided to them, along with any recommendations to follow-up with Employee Services if findings are made or other specific follow-up is otherwise required.
- (ix) Any actions that will be taken as a result of the findings of the investigation must be communicated in writing to the Complainant and Respondent within ten (10) business days of supervisory/managerial staff receiving the summary of findings.
- (x) Any action (disciplinary or remedial etc.), that will be taken by supervisory/managerial staff as a result of the findings of an investigation must be outlined on the Action Plan Template sent by the HRO, signed and sent back to the HRO within ten (10) business days of receiving the summary of findings.
- (xi) The HRO will monitor the Action Plans to ensure the agreed upon action is taken by supervisory/managerial staff.
- (xii) Supervisory staff, the HRO and any investigator conducting an investigation under this procedure, will have regard for these timelines. From time to time there may be delays; however, it is incumbent upon the responsible party (supervisory staff, HRO or other investigator) to advise the parties of the delay and any reasons why.

(f) Investigation Fact-finding Process

- (i) Parties to a complaint should be invited to an investigation interview within a reasonable time, if possible. They should be advised that they may bring a representative/support person. Complainants should be advised that they should check to see if their association/federation/network offers representation for complainants, as some do not. Conversely, as a Respondent some Collective Agreements require that a Respondent must have representation.

Investigators should confirm with the interviewee in advance of the interview, who their support person will be (if any), to ensure there is no conflict of interest with their choice. It is up to the investigator to determine if there is a conflict of interest with the choice of support person/representative.

- (ii) Generally, in most circumstances it is appropriate to interview the complainant first, followed by the respondent. Parties should be asked for witnesses who may have relevant information and any relevant witnesses should then be interviewed (separately), as determined by the investigator.
- (iii) Investigators should prepare questions in advance of the interview and take detailed notes in the interview and allow the interviewee to review the notes and sign/initial to confirm accuracy.

- (iv) The investigator is responsible for determining the appropriateness of the questions being asked. Information outside of the initial written notification of the complaint may come to the attention of the investigator during the course of the investigation, or the investigator may learn new information from witnesses. Relevant parties to the complaint are entitled to know of this new information and have a full opportunity to respond.
- (v) All interview notes maintained by the investigator are the property of TDSB. External investigators must provide their notes and documentation to the HRO upon conclusion of the investigation (unless legally privileged).
- (vi) An investigator conducting an investigation under this procedure has authority to access documents or materials (i.e., video footage) relevant to the complaint. This does not include legally privileged documents or documents otherwise protected (e.g., information regarding juvenile criminal records).
- (vii) The investigator will consider all of the evidence gathered and determine whether or not an incident(s) of alleged harassment/discrimination took place and whether it amounts to a breach of the human rights or workplace harassment prevention policy, using the standard of proof called the “balance of probabilities.”
- (viii) The investigator will prepare a written summary of the matter and send to the complainant and respondent respectively. If the parties are represented by a union/association/federation/network a copy of the summary should be provided to them as well. A PDF document watermarked “draft” is recommended and the complainant (s)/ respondent (s) will have 7 business days to respond to the draft summary.
- (ix) The investigator will consider any responses to the draft summaries and determine if edits to the summary are warranted or further investigation required in order to close any perceived gaps. The summaries will then be finalized and sent to the respective parties and their representatives (if represented by a union/association/federation/network). Only one (1) draft written summary will be issued and one (1) final written summary (watermark removed). The final summary will indicate who will follow-up with the respective parties regarding the actions taken/to be taken as a result of the investigation findings.
- (x) Final written summaries or a report of an investigation will be sent to the next level manager of the parties or supervisory staff responsible for determining/implementing any actions required.
- (xi) Upon receipt of a written summary or report of findings of an investigation, supervisory/managerial staff must make a determination (in consultation with Employee Services), as to whether any disciplinary or remedial action is required.

Having regard for the Board's commitment to Equity and Inclusion, **to the extent possible**, any disciplinary or remedial action taken with a student/employee as a result of the findings of an investigation under these procedures, should be done with an equity lens, utilizing the TDSB Equity Framework.

(xii) In accordance with the OHSA, any actions that will be taken as a result of the findings of the investigation must be communicated to the complainant and respondent in writing. This should be done within ten (10) business days of the responsible supervisor/manager receiving the investigation summary letter. Information shared with complainants regarding actions taken with a respondent should not specify the exact discipline; however, should note if formal corrective action has been or will be taken, as well as measures put in place to prevent the matter from taking place again.

(xiii) Investigation Action Plan templates must be completed and signed by the supervisory/managerial staff responsible for taking action and forwarded to the HRO within ten (10) days of receiving the investigation summary (in consultation with Employee Services).

(xiv) The HRO will monitor the Action Plans to ensure the agreed upon action is taken.

(g) Medical/Other leaves during an investigation

If a complainant or respondent is on medical/other leave at any point during the complaints process (including during an investigation), it is incumbent upon them or their representative (if applicable) to advise the investigator and indicate whether the party is able to participate in the complaint/investigative process while on leave.

For medical leaves, if the party is still able to participate in the complaint/investigative process they must provide the Human Rights Office or appropriate supervisory/managerial staff with medical documentation advising the employee is medically fit to participate in the complaint/investigative process while on leave.

If the party to the complaint is not able to participate or otherwise advise the investigator of the leave, the matter may be held in abeyance or the process may be otherwise delayed, as determined by the investigator, until the return from leave.

Any medical documentation forwarded to the HRO will be kept securely in a locked file cabinet.

(h) Addressing incidents/complaints of harassment/discrimination in the absence of a formal written complaint:

It may come to the Board's attention that there is alleged harassment/discrimination where the alleged victim(s) do not wish to/have not come forward. Or, a complainant may determine that they do not wish to proceed with a complaint or may withdraw a

complaint. In those circumstances, the Board may request a reason for withdrawing a complaint or may determine an investigation deemed appropriate in the circumstances is required in the absence of a formal written complaint, or may initiate an investigation with the intent of determining if harassment/discrimination is occurring and stopping it, in order to fulfil the Board's legislated requirement in providing a workplace free of harassment/discrimination.

(i) Potential Investigation Outcomes

- (i) An investigation may determine that, on a balance of probabilities, an alleged incident (s) took place; however, upon investigation did not amount to harassment/discrimination;
- (ii) An investigation may determine that, on a balance of probabilities, an incident(s) took place and amounts to harassment/discrimination;
- (iii) An investigation may determine that, on a balance of probabilities, there is insufficient evidence to conclude whether an incident(s) took place, and consequently whether or not harassment/discrimination occurred;
- (iv) An investigation may determine that, on a balance of probabilities, the incident(s) did not take place and there is no finding of harassment/discrimination;
- (v) An investigation may determine that the complaint is vexatious/frivolous.

(j) Request for Review of A Final Investigation

A complainant or respondent may request to the Executive Superintendent Equity, Engagement and Well-being, that a Review of the Investigation be undertaken. The intent to submit a formal "Request for Review" must be made to the Human Rights Office in writing within seven (7) business days of the issuance of the final written summary of investigation findings. The actual document to be submitted for consideration of a review, outlining the ground(s) for the review (see below), and all relevant details must be submitted to the Human Rights Office within 15 business days of notifying the HRO of the intent to request a review.

The grounds for review are:

- The investigators did not comply with these procedures
- New evidence has become known to the complainant or respondent after the final decision but before the expiry of the seven (7) days limitation period for requesting a review.

No review of the final decision will be undertaken with regard to the claim that the conclusions drawn by the investigator(s) based on findings of fact were incorrect.

The Executive Superintendent Equity, Engagement and Well-being shall convene a reviewer(s) and the reviewer will report its findings to the Executive Superintendent Equity, Engagement and Well Being who will affirm or amend a final decision or require that a new investigation be undertaken. The decision of the Executive Superintendent, Equity, Engagement and Well Being is final.

A response from the Executive Superintendent Equity, Engagement and Well Being regarding the Request for Review, shall be forwarded to the requester within 30 days of convening a reviewer.

Wherever possible and appropriate, where a party to a complaint is facing disciplinary action as a result of investigation findings and has requested a review of the investigation, the disciplinary action shall be postponed until the outcome of the review.

(k) Potential Disciplinary Action

Student Respondents

The Principal will follow the appropriate procedures for addressing student misconduct, as outlined in the Education Act and other specific Board policies and procedures.

Employee Respondents

The appropriate supervisory/managerial staff shall impose formal discipline (in consultation with Employee Services), as deemed appropriate based on the findings of the investigation (e.g., written warning, suspension, up to and including termination of employment with the Board).

In all cases where a complaint is substantiated and a determination is made to proceed with formal discipline, the appropriate supervisory/managerial staff shall ensure that a record (i.e., letter) of the disciplinary action is placed in the employee respondent's official personnel file. The supervisor/manager should keep their written notes of any non-disciplinary responses locked in their own files. Coaching letters or letters of counsel are not deemed formal discipline and are not included in an employee's personnel file.

No other information or documentation regarding a harassment/discrimination complaint (other than disciplinary action), should be included in an employee's official personnel file.

Members of the Public Respondents

Dependent upon the circumstances, parents, contractors etc. may be issued letters of disapproval/warning, revoking of permits/contracts, or an issuing of a no trespass warning.

(l) Potential Remedial Action

- Education or Training

- Counselling for the parties
- Customized workshops for staff/students
- Application of strategies to restore a positive working/learning environment
- Mediation
- Permanent separation of parties

(m) Actions related to Systemic Discrimination

Where systemic discrimination is found or suspected, proactive steps will be taken to ameliorate such conditions by:

- Conducting employment systems reviews
- Departmental re-organization
- Applying Employment Equity goals and timetables in specific areas
- Replacing learning/working materials
- In-service training for appropriate staff
- Reconsidering the assessment and placement procedures for students

(n) Informal Resolutions

(i) Informal Resolutions are an important element in addressing alleged harassment/discrimination. Informal resolution is a potential alternative only after an initial fact-finding investigation, (at minimum speak to complainant and speak to respondent), has taken place and the investigator determines informal resolution is appropriate in the circumstances (in accordance with the OHSA).

Any form of informal resolution (e.g., apology, mediation) should be agreed to and signed off on by the parties to the complaint (complainant (s), respondent(s)).

In certain circumstances parties to a complaint or their representatives may request an informal resolution; however, that decision remains with supervisory/managerial staff or the Board's Human Rights Office, bearing in mind that all parties are expected to work together to prevent and address matters under these procedures.

(ii) Member to Member concerns: In cases where members of the same union/association/federation/network are involved in a matter related to these procedures, the respective union/association/federation/network may wish to work with the parties involved to resolve the matter prior to it becoming a formal complaint. Those efforts are encouraged; however, if they are not successful or the matter is deemed to be too complex, the respective union, association, federation, network representative may wish to counsel/assist the member in bringing the report forward to their Principal, manager, supervisor or the HRO. It is understood that in some cases this may not be possible due to legal or internal policy/procedural requirements of the respective union, association, federation or network.

(iii) Mediation

Mediation involves an unbiased third party acting as a facilitator to resolve disputes. Mediation is typically more appropriate when a matter is deemed to be workplace conflict. In cases where an investigation has commenced in regards to harassment/discrimination, mediation may be attempted during the course of the investigation only after an initial fact-finding process takes place (in accordance with the OHSA), and the investigator determines it is an appropriate form of resolution. All mediation and mediated resolutions should involve the parties respective union/association/federation/network representative and must be provided to parties to a complaint in writing and signed off by the parties. The mediator should be mutually agreeable to both parties.

If mediation is attempted during the course of an investigation and is unsuccessful, the investigation will resume and the parties will be advised by supervisory/managerial staff or the mediator, that information obtained during mediation, or any attempted settlement arising from mediation cannot be introduced as evidence in any subsequent formal proceeding.

Mediation may not appropriate in the following circumstances; however, may be evaluated on a case by case basis:

- All parties are not committed to the process;
- One of the parties is in a position to confer, grant or deny a benefit;
- Students involved in disputes with employees or members of the public, including parents and community covered by this procedure.

The HRO may be consulted when considering a trained mediator, acceptable to both parties. In no circumstance shall a mediator be used who is involved in any capacity in the same learning or working environment/site as the parties with the exception of student peer mediators.

Student-led mediation using trained “peer mediators” may be used to facilitate an informal resolution between students, if acceptable to the parties. Principals shall ensure that any terms agreed to are met.

In all cases of mediated or informal resolution, supervisory/managerial staff is responsible for monitoring the situation to ensure the effectiveness of the resolution.

6.8. Records

All correspondence and other documents generated under these procedures and related policies must, subject to the Municipal Freedom and Information and Protection of Privacy Act, be marked, “PRIVATE AND CONFIDENTIAL” and must be stored in a locked and secure file in the office of management/supervisory staff or in a locked and secure file cabinet in the Human Rights Office. This includes, but is not limited to,

copies of the complaint, details regarding the incident/complaint, investigation notes, statements, summaries or reports.

No information regarding incidents/complaints of alleged harassment/discrimination shall be placed in an employee's personnel file unless they have been found to have breached the harassment/discrimination policies/procedure and discipline is issued. The discipline will be the only documentation that remains on the employee's file for the duration applicable as per the relevant Collective Agreement or Terms and Conditions of Employment.

These records shall be kept for a period of 15 years from file closure, and if at that time there is no litigation, investigation or further activity under these procedures or other related policies involving a party to the original complaint, all records of the complaint (paper and electronic will be shredded or erased). A record of the type of document destroyed, by whom and when should be kept in accordance with Privacy legislation.

Please note that it is unlawful for an employer to destroy any evidence or potential evidence that may be required in a matter that is currently, or that you may be aware may result in litigation. Contact TDSB legal services or the HRO, if in doubt.

Statistics may be derived from information collected under these procedures and related policies; however, in all cases it will be presented in aggregate form without the use of names or other personal identifiable information.

7.0 EVALUATION

In order to ensure the effectiveness of these procedures they will be reviewed as required, and at least annually, in accordance with the OHSA.

8.0 APPENDICES

- Appendix A: Workplace Harassment and Human Rights Incident Reporting Form (Form 515A)

9.0 REFERENCE DOCUMENTS

Policies:

- Acceptable Use of Information Technology Resources (P088)
- Board Member Code of Conduct (P075)
- Caring and Safe Schools (P051)
- Gender-Based Violence (P071)
- Human Rights (P031)
- Occupational Health and Safety (P048)
- Reporting of Suspected Wrongdoing (Whistleblowing) (P066)
- Respectful Learning and Working Environment (P073)
- Workplace Violence Prevention (P072)

Operational Procedures:

- Board Code of Conduct (PR585)
- Bullying Prevention and Intervention (PR703)
- Code of On-line Conduct (PR571)
- Complaint Protocol for the Board Member Code of Conduct (PR708)
- E-mail Usage (PR572)
- Parent Concern Protocol (PR505)
- Promoting a Positive School Climate (PR697)
- Sexual Misconduct by Students (PR608)

Legislative Acts and Regulations:

- *Municipal Freedom of Information and Protection of Privacy Act*
- *Occupational Health and Safety Act*
- *Ontario Human Rights Code*

Workplace Harassment and Human Rights INCIDENT REPORTING FORM

NAME OF COMPLAINANT:

First name: _____ Last name: _____ Employee# _____

School/Department/Worksite: _____ Home/Cell Phone No: _____

Status of complainant: ☐ Student ☐ Employee Job Title: _____ ☐ Other _____

Preferred Email address: _____

Unionized: ☐ Yes ☐ No If yes, please specify: _____

Please indicate Union Representative and phone number: _____

NAME OF RESPONDENT (PERSON (S) ACCUSED):

Status of Respondent(s): ☐ Student ☐ Employee Job Title: _____ ☐ Other _____

School/Department/Worksite: _____

Please indicate type of complaint:

Description of Alleged Harassment/Discrimination: (Please consult the Board's Human Rights Policy, Workplace Harassment Prevention Policy, and Workplace Harassment Prevention and Human Rights Procedure before completing this section).

1. ☐ Human Rights Code (Code) Harassment/Discrimination

Definition of Harassment under the Code and Board's Human Rights Policy:

"a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome."

The vexatious comment or conduct must be because of a Prohibited Ground of the Code (see below)

Discrimination under the Code: People have the right to equal treatment and opportunities, without discrimination in the areas covered by the Code. Not all unfair treatment and not all harassment are covered by the Code. Code based harassment/discrimination requires that the harassment/discrimination must have been based on or because of a Prohibited Ground covered by the Code (see below).

Prohibited grounds under the Ontario Human Rights Code:

- | | |
|---|---|
| <input type="checkbox"/> Age | <input type="checkbox"/> Gender Identity |
| <input type="checkbox"/> Ancestry | <input type="checkbox"/> Marital status (includes same sex partnership) |
| <input type="checkbox"/> Citizenship | <input type="checkbox"/> Place of origin (where one was born) |
| <input type="checkbox"/> Colour | <input type="checkbox"/> Race |
| <input type="checkbox"/> Creed (religion) | <input type="checkbox"/> Sex (including pregnancy, sexual harassment) |
| <input type="checkbox"/> Disability or perceived disability
(Including mental or physical illness or injuries,
and some addictions) | <input type="checkbox"/> Sexual orientation |
| <input type="checkbox"/> Ethnic origin | <input type="checkbox"/> Record of Offences - Provincial Offences or
Pardoned Federal Offences (in employment
only) |
| <input type="checkbox"/> Family status | |
| <input type="checkbox"/> Gender Expression | |

Ensure that you include (check off), the grounds upon which the complaint is based and why you believe so.
If you are unsure of the ground(s) simply indicate that in the description of the incident in the box below.

2. ☐ Workplace Harassment (Includes Sexual Harassment)

Definition of Workplace Harassment under the *Occupational Health & Safety Act (OHSA)* and Board's Workplace Harassment Prevention Policy:

"engaging in a course of vexatious comment or conduct **against a worker, in a workplace** that is known or ought reasonably to be known to be unwelcome" or is Sexual Harassment

Definition of Sexual Harassment under the *Occupational Health and Safety Act* and Board's Workplace Harassment Prevention Policy:

"Engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome", or

"making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome";

When describing the incident(s) that you believe was harassment or discrimination please include:

What happened? **Who** was involved? **When** did it happen and time)? **Where** did it happen? Were there any witnesses? Please do not name witnesses, refer to them as Witness A, Witness B, etc.

Incident 1:

• Date:	Time:	Location:
• Witness(es): _____		
• Description of Incident:		

Incident 2:

####• Date:	Time:	Location:
####• Witness(es): _____		
####• Description of Incident:		



PRIVATE & CONFIDENTIAL

Has this complaint been reported previously? ☐ Yes ☐ No

If Yes, to who was it reported, and what actions were taken?

If No, please indicate why.

Have you filed any other complaint regarding these incidents (e.g., grievance, human rights tribunal)?

☐ Yes ☐ No

Please provide details:

Desired Resolution (What would you like to see happen?):

Would you consider mediation as a form of early resolution to your concerns?

☐ Yes ☐ No

Please Explain

Complainant's Signature: _____ Date: _____

The information contained in this form is of a highly confidential nature and will be protected in accordance with the provisions of the ***Municipal Freedom of Information and Protection of Privacy Act***.

If the incident meets the threshold assessment for a complaint, the respondent will be notified in writing about the complaint and the allegations in accordance with the Workplace Harassment Prevention and Human Rights Operational Procedure PR 515.

INSTRUCTIONS FOR HANDLING THIS FORM: Please place this form in a sealed envelope marked "**PRIVATE AND CONFIDENTIAL**" and send it to the Human Rights Office, Toronto District School Board, 5050 Yonge Street, 4th Floor, Toronto, M2N 5N8 or email it to HumanRightsOffice@tdsb.on.ca



Development of a Specialized Schools and Programs Policy: Phase 2

To: Governance and Policy Committee

Date: 8 January, 2020

Report No.: 01-20-3799

Strategic Directions

- Transform Student Learning
- Provide Equity of Access to Learning Opportunities for All Students

Recommendation

It is recommended that the Policy Development Work Plan for the Specialized Schools and Programs Policy, as presented in this report, be approved.

Context

In June 2019, the Board of Trustees approved a policy review work plan for the Optional Attendance Policy (P013). This draft Policy proposes the removal of certain sections in the policy including alternative schools as well as specialized programs. As alternative schools are addressed in the Alternative Schools Policy (P062) and admission to specialized schools and programs is outlined in the Admission to Specialized Schools and Programs Procedure (PR612), staff also recommends that further clarity will be provided to the TDSB community through the development of a Specialized Schools and Programs Policy. The new Policy will be created to mirror the Alternative Schools Policy, in which clear definitions and policy directions for Specialized Programs will be established.

The Work Plan for development of the Policy (see Appendix A) is provided for Committee's consideration and approval. The Work Plan is supplemented by the preliminary draft provisions (see Appendix B), which are based on legislative requirements and operational requirements, consistent with the best practices of other school boards including Peel DSB and Chicago Public Schools (see Appendix C).

Action Plan and Associated Timeline

Subject to the Governance and Policy Committee and Board of Trustees directions, the draft Policy will be prepared in accordance with the Policy Development Work Plan and subsequently presented to the Governance and Policy Committee for consideration. The document will then be presented to the Board of Trustees for consideration and final approval.

Resource Implications

No additional resources will be required for implementation of the Policy.

Communications Considerations

The Policy will be communicated in accordance with the Policy Development Work Plan.

Board Policy and Procedure Reference(s)

- Optional Attendance Policy (P013)
- Alternative Schools Policy (P062)
- Optional Attendance Procedure (PR545)
- Alternative Schools Procedure (PR584)
- Admission to Specialized Schools and Programs (PR612)

Appendices

- Appendix A: Policy Development Work Plan
- Appendix B: Draft Provisions – Specialized Schools and Programs Policy
- Appendix C: Scan of Selected Ontario School Boards and Other Jurisdictions
- Appendix D: P046

From

Manon Gardner, Associate Director, School Operations & Service Excellence, at 416-394-2041 or manon.gardner@tdsb.on.ca.

APPENDIX A

POLICY DEVELOPMENT WORK PLAN Specialized Schools and Programs Policy

Date: [December 2, 2019](#)

All policies will be developed to ensure consistency with the TDSB's Mission, Values and Goals Policy (P002), the Equity Policy (P037) and the Board's Multi-Year Strategic Plan.

POLICY INFORMATION

Proposed Policy Title: **Specialized Schools and Programs**

Director's Council member responsible for development of the new Policy:
[Manon Gardner, Associate Director: School Operations and Service Excellence](#)

Phase I. APPROVAL OF POLICY RATIONALE

The rationale for the new Policy: [In the Optional Attendance Policy Review Work Plan approved by Trustees in June 2019, it was recommended that the provisions for Optional Attendance requests for regular schools/programs vs specialized schools/programs be separated and clarified. Currently, a proposed working draft policy to replace Optional Attendance is in the consultation phase. This draft has removed Alternative Schools and Specialized Programs. The TDSB already has a Policy for Alternative Schools and an associated Operational Procedure which outlines enrolment practices. It is recommended that a new policy be created to mirror the Alternative Schools policy, in which clear definitions and policy directions for Specialized Schools and Programs be established.](#)

This Policy Development Work Plan has been discussed with the Policy Coordinator:

☒ Yes

☐ No

Phase II. OBTAINING TRUSTEES' DIRECTIONS AND DRAFTING POLICY

This Policy Development Work Plan will be discussed at the Governance and Policy Committee meeting held on: [January 8, 2020](#)

Creating the Draft Policy

The draft Policy will be created and aligned with the current Policy Template (see Operational Procedure PR501, Policy Development and Management, Appendix A):

- ☒ Yes
- ☐ No

Detailed information on the proposed policy provisions, including findings of the policy equity assessment: [See Appendix B: Draft Provisions – Specialized Schools and Programs Policy](#)

[As part of the Policy development, it is recommended to consider integrating the Policy with applicable provisions from P046, Directional Statements for Middle Level Education \(Junior High School\), Special Education Low Incidence Sites, Specialized Programs, and Optional French Programs. Other provisions from P046, including those related to optional French programs, would be considered and merged with related policies under review \(e.g., the French-as-a-Second Language Policy \(P080\), Optional Attendance Policy \(P013\)\).](#)

☒ A review of leading practices for similar policies across jurisdictions has been completed and is included with this Work Plan. [See Appendix C](#)

Phase III. INTERNAL REVIEWS AND SIGN-OFFS

The draft Policy will include input from TDSB departments affected by the Policy:

- ☒ Business Operations and Service Excellence
- ☒ Equity, Well-Being and School Improvement
- ☒ Human Rights and Indigenous Education
- ☒ Leadership, Learning and School Improvement
- ☒ School Operations and Service Excellence

In addition, the following departments will be required to sign-off on the proposed draft Policy:

- ☒ Legal Services
- ☒ Governance and Board Services
- ☒ Government, Public and Community Relations

Following internal reviews and TDSB departments' sign-offs, the draft Policy will be submitted to Director's Council on:

A sign-off from the Director of Education will be obtained before proceeding with external consultations and/or Committee/Board approval.

☒ Director of Education

Phase IV. EXTERNAL CONSULTATIONS

Are external consultations applicable to this Policy?

☒ Yes

☐ No (*Ministry of Education mandated policy or corporate policy without external stakeholders*)

Mandatory external consultations will include, at minimum:

1. Posting of the working draft Policy on the TDSB website for public feedback (45 days minimum)
2. Extending invitations for consultation to:

☒ Student Senate

and

all Community Advisory Committees of the Board and conducting consultations with the Community Advisory Committees that expressed interest (either individually with each interested committee or collectively with representatives of all interested committees): [February-March 2020](#)

- ☒ Alternative Schools Community Advisory Committee
- ☒ Black Student Achievement Community Advisory Committee
- ☒ Community Use of Schools Community Advisory Committee
- ☒ Early Years Community Advisory Committee
- ☒ Environmental Sustainability Community Advisory Committee
- ☒ Equity Policy Community Advisory Committee
- ☒ French-as-a-Second-Language Community Advisory Committee
- ☒ Inner City Community Advisory Committee
- ☒ LGBTQ2S Community Advisory Committee
- ☒ Parent Involvement Advisory Committee (PIAC)
- ☒ Special Education Advisory Committee (SEAC)
- ☒ Urban Indigenous Community Advisory Committee

In addition to mandatory consultations, other external participants and projected dates of consultation(s) include:

- ☒ School Councils
- ☒ Professional Associations and Unions
- ☐ Other:

The following methods will be applied in the external consultations:

- ☒ Public meeting
- ☒ Facilitated focus group
- ☒ Call for public delegations
- ☐ Expert panel discussion
- ☒ Survey
- ☒ Posting on the TDSB website
- ☒ Other: email correspondence

Phase V. COMMITTEE/BOARD APPROVALS

Following external consultations and revisions, the working draft Policy will be presented to the Governance and Policy Committee on the following date: [April 2020](#)

Following recommendation by the Governance and Policy Committee, the new Policy will be presented to the Board on the following date: [May 2020](#)

Once approved, the new Policy will be added to the TDSB website.

Phase VI. IMPLEMENTATION

Following Board approval, the new Policy will be communicated through:

- ☒ Posting of the new Policy on the TDSB website through the Policy Coordinator
- ☒ Sharing with staff through the System Leaders' Bulletin
- ☒ Informing departments at staff meetings and channeling information to the school principals through respective superintendents
- ☒ Implementation of a broad communication plan for internal and external audiences, include summary of policy provisions and expected outcomes

Policy implementation will include:

-
- ☐ Conducting information/training sessions to TDSB staff affected by the Policy

The projected time period for conducting information/training sessions to staff will be: May – August 2020

- ☒ Initiate development of new procedures or review of associated procedures
- [Revisions to PR612, Admissions to Specialized Schools and Programs](#)

DRAFT POLICY PROVISIONS: SPECIALIZED SCHOOLS AND PROGRAMS**RATIONALE**

This Specialized Schools and Programs Policy (the “Policy”) was developed to support the Board’s ongoing commitment to offering a range of diverse program opportunities, and to support its commitment to improve access to Specialized Schools and Programs for all learners.

Guiding Principles:

- The Board is committed to supporting strong neighbourhood schools that are easily accessible and provide students with a wide variety of programs leading to all post-secondary destinations;
- Designated schools will provide focused, specialized programming that responds to student voice, choice and interest;
- Designated schools can also provide programming to broaden career choices and encourage innovation by engaging students in specialized learning opportunities;
- The Board will operate regional specialized schools/programs, where the delivery of specialized programs cannot be realized in a local school by bringing together system resources and student participants;
- The Board will continually review and assess our policies, procedures and practices to ensure that they promote equity, inclusion, and human rights, and make changes where necessary.

These guiding principles and policy directives were developed from the recommendations that were made through the Enhancing Equity Task Force consultations. They align with the *Director’s Response to the Enhancing Equity Task Force Report* which informed the Action Plans of the *Multi-Year Strategic Plan*, specifically the pillar of “Providing Equity of Access to Learning Opportunities for All Students.” Our commitment to providing equitable access to learning opportunities for all students requires that we review our policies and procedures related to access.

This Policy is aligned with the Equity Policy and the *Ontario Human Rights Code*.

OBJECTIVE

To affirm the Board's commitment to providing focused specialized programming in both local schools and in regional specialized schools or programs, and to improving access for all students to these programs.

To ensure that the design, criteria and admissions practices of specialized programs do not reinforce or increase marginalization or oppression of any individual or group based on race, colour, creed, culture, ethnicity, linguistic origin, disability, socio-economic status, age, ancestry, nationality, place of origin, sex, gender Identity, gender expression, sexual orientation, citizenship, immigration status, family status, and marital status or body type/size or another factor as defined and covered under the TDSB Equity Policy (P037) and the Ontario Human Rights Code.

DEFINITIONS

Board refers to the Toronto District School Board, which is also referred to as "TDSB".

Designated school is the school identified by the parent's/guardian's residential address.

Local Specialized Program refers to a program within a school with a specific focus (e.g., the arts, athletics, skilled trades) that is available to students registered or pre-registered at that school. The admissions process and criteria are established by the school, in consultation with Board staff.

Regional Specialized Program/School refers to a program/school with a specific focus (e.g., the arts, athletics, skilled trades, etc.) that is available to students from across the district and that has an admissions process and criteria established by the Board.

TDSB is the Toronto District School Board, which is also referred to as the "Board".

RESPONSIBILITY

The Director of Education holds the primary responsibility for overseeing the implementation of the Policy. Within the Director's Office, the responsibility for the day-to-day management and coordination of the Policy is assigned to the Associate Director, School Operations and Service Excellence.

APPLICATION AND SCOPE

This Policy applies to students, parents/guardians, and staff, including principals, superintendents and school personnel involved in the establishment, administration, and monitoring of local specialized programs and regional specialized programs and schools.

POLICY

All schools are encouraged to provide programming that responds to the interests of its local communities and student voice. Schools may offer local specialized programs to students who are registered or pre-registered at their school. Where demand for the local specialized program exceeds available space, the school will develop admissions criteria that promote equity, inclusion and human rights, in consultation with Board staff.

Admission priority to regional specialized programs/schools will be given to students who are residents of the City of Toronto. These programs/schools are available to students within and beyond their designated attendance area. Only after all applicants that reside in the City of Toronto have been offered placement into regional specialized programs/schools will students from outside of Toronto be considered for placement.

The admissions criteria and application process to regional specialized programs/schools will be advertised by the Board on its website. Admission criteria by local specialized program will be advertised by schools on their school landing pages. Students will be selected for admission subject to the students meeting the required admission criteria for the specialized program(s)/school(s) as determined by the Board.

The Board will determine annually the available space in each regional specialized program/school based on enrolment projections for the regular program as well as other programs that may exist in the school. The number of students that each program/school can accept will be communicated to schools before any offers of admission can be made. The Board will be developing a central process for all applications.

Transportation will not be provided for regional specialized schools and programs.

Parents/guardians, on behalf of their children, or students who are 18 years or older, may apply to a maximum of two (2) regional specialized programs. In the case where a school may offer more than one regional specialized program or multiple streams within a program (e.g., the Arts), each program or stream requires a separate application (to a maximum of two).

Where identical regional specialized programs are offered at multiple locations, students will be selected based on standardized criteria, as determined by the Board.

A student can only be registered in one regional specialized program at one time, with the exception of the Specialist High Skills Major (SHSM) program where the student can pursue the components of SHSM alongside their other courses of study.

SPECIFIC DIRECTIVES

The Director of Education is authorized to issue operational procedures to implement this Policy.

EVALUATION

This Policy will be reviewed at a minimum every four (4) years from the effective date.

APPENDICES

N/A

REFERENCE DOCUMENTS

Legislation

- *Education Act*, R.S.O. 1990, c. E.2, s. 171 (1), par. 7.

Policies

- Optional Attendance (P013)
- Equity Policy (P037)

Procedures

- Optional Attendance (PR545)
- Admission to Specialized Schools and Programs (PR612)

Other Documents

- Director's Response to the Enhancing Equity Task Force Report
- Multi-Year Strategic Plan

**Scan of Selected School Boards:
Specialized Schools and Programs Policy**

Policy Summary:

The TDSB has an [Optional Attendance Policy](#) (P013) and an accompanying [Optional Attendance Operational Procedure](#) (PR545) which includes provisions related to specialized programs. In addition, the TDSB's [Admission to Specialized Schools and Programs Procedure \(PR612\)](#) establishes admission practices for specialized schools and programs.

In a system-wide research study by the TDSB titled *Programs of Choice in the TDSB: Characteristics of Students in French Immersion, Alternative Schools, and Other Specialized Schools and Programs*, it was found that all schools offered a broad spectrum of curricular opportunities while some schools at the TDSB had strong leadership, music, technical or athletic programs that were not necessarily considered specialized according to the TDSB criteria. Meanwhile, some schools had other program opportunities that were unique to a school or supported an existing pathway, while others had a clearly articulated school or program focus area deemed specialized by the Board.

In accordance with PR612, schools and programs are considered specialized when they meet the following criteria:

- A written, clearly articulated specific program focus (e.g., the arts, athletics, information technology) is required. To be designated a Specialized School, this focus must apply to the whole school.
- In secondary schools, students must take a minimum of seven courses directly related to the school's particular program focus.
- Each school has developed specific admission criteria that must appear on their school website.

In the same study, upon reviewing the social composition of the students who attend specialized schools/programs, it was found that students in these schools or programs are more likely to come from families with higher socio-economic status, non-immigrant status, a two-parent family structure, and have parents with a high level of education. The TDSB's Equity Task Force recently identified specialized programs as an area where equity can be improved, particularly to better reflect the diversity of the TDSB population as a whole.

Through a scan and subsequent review of eleven (11) school boards, the policies and procedures reviewed all included similar definitions and offerings of specialized programs or schools. However, there were key differences across school boards regarding admission criteria/processes, equity considerations as well as the types and extent of program offerings.

Key Differences of Other Jurisdictional Policies:

Definition of Specialized Program

All school boards define or at least understand specialized programs to have certain characteristics. One school board (Peel DSB) defines specialized programs as any program with a specific curriculum focus (e.g., arts, athletics, information technology, design and construction, leadership), and has two categories of specialized programs: i) regional learning choices programs and ii) specialist high skills major programs. In another school board (York Region DSB), specialized programs is understood to include those which offer many different programs (e.g., IB, Arts, Ontario Youth Apprenticeship Program, Specialist High Skills Major) that help students gain skills and experience as well as explore different career pathways.

At the TDSB, a specialized program or school meets the following criteria:

- A written, clearly articulated specific program focus (e.g., the arts, athletics, information technology) is required. To be designated a Specialized School, this focus must apply to the whole school.
- In secondary schools, students must take a minimum of seven courses directly related to the school's particular program focus.
- Each school has developed specific admission criteria that must appear on their school website.

Boundaries

Given that certain alternative and specialized programs or schools may not necessarily be in close proximity of the student's residential address, admission to these schools or programs is often open to all students across all school boards. However, at one school board (e.g., Peel DSB), an exception includes those local schools with what the board deems "local school focus". In this case, if approved, a local school might choose to have a specialized focus where only students in their home school boundary can attend. Across most school boards, priority access to specialized programs is given to current students or students with a residential address in the city or region of the Board before offering to out-of-region students.

At the TDSB, the Board recognizes that parents/guardians and students may wish to apply to a school with specialized programming that does not exist in their designated attendance area, or that they may wish to apply to a specialized program that has additional entrance criteria in their designated school.

Admission Criteria/Process

In nearly all policies scanned, admission to a specialized school or program is based on evaluation of a student's academic performance, including auditions for certain arts and music schools or programs (e.g., Chicago Public Schools, Halton Catholic DSB, Peel DSB, Thames Valley DSB, Toronto DSB). Admission to a specialized or "gifted" program such as IB (where authorization is granted from the International Baccalaureate Organization) is based on student assessment. At most school boards when demand exceeds supply, a lottery process may be conducted for program entrance. One school board, which has been recognized for its leadership in equity (e.g., Chicago Public Schools), follows a similar approach but stipulates that students without entry level requirements may still be granted access if approved by the Director of Education. In another policy provision, the same school board sets minimum targets into these programs for students with disabilities.

In an effort to standardize its admission criteria/process and ensure integrity across school systems, one school board (i.e., Peel DSB) includes in its policy the requirement that the specialized programs criteria and process (including use of application form) be consistent for the same programs within the board. As fees sometimes do apply to programs specialized in nature (to be consistent for all programs of the same), one school board (i.e., Peel DSB) includes in its application packages a fee waiver opportunity for qualifying families who are in need of financial assistance. Additionally, this school board makes an intentional effort to ensure equitable opportunity and assessment on the basis of the full application criteria, certain application components such as teacher references are not to be part of the process. In one policy (Chicago Public Schools), principal discretion is explicitly prohibited: “this policy does not authorize principals of magnet schools and programs to exercise principal discretion in the student selection process.”

The TDSB, although silent on some of these elements in its procedure, aims to develop a policy which standardizes the admission criteria and process. In addition, certain elements of an application such as photographs of the student should not be used in the application process other than for the purpose of verification after the assessment/offer has been made.

Specialized Program Steering Committee and Working Groups

Some school boards (e.g., Peel DSB, Waterloo Catholic DSB) include provisions in their policies related to the establishment and role of a steering committee.

One school board (Peel DSB) establishes a steering committee to hear proposals for new programs and replications of existing programs to ensure continued success. The merits of each school’s proposal and system-wide factors including interest, equity of geographical access and standardization of assessment and program consistency are also considered. In addition to a steering committee, this school board utilizes a working group comprised of superintendents as well as principal representation routinely meets to ensure consistency in application process and criteria of similar programs; application and program fees; curriculum and program enhancements; and timelines.

At the TDSB, no such steering committee or working group exists but schools may be authorized to provide specialized programs. Program offerings and consistency of programs of the same vary across the system.

Development of New Specialized Programs and Timelines

At one school board (Peel DSB), the process to initiate new programming can begin with a suggestion from any stakeholder but requires that the criteria be met and the program proposal is Board-approved. All new programs must be approved by April for implementation in September of the following year – this allows for adequate program development, promotion and registration.

At the TDSB, specialized programs require authorization by the Board and approval/implementation timelines vary.

Central and School-Level Promotion of Programs

One school board (i.e. Peel DSB) focuses on two levels of promotion: i) central and ii) school-level. At the central level, the dates of all school information nights including those with “regional learning choices programs” (or specialized programs) are

published on the external website. Information about these programs are also sent to all schools, featured on board social media pages and promoted through at least one news release. At the local level, several measures can take place including: promotional visits to other schools within the board; promotional videos posted on the school and board websites as well as social media; information nights hosted at the school; and even booth or participation at community events. School teams are encouraged to work with central communications support to finalize their promotional plans. In an effort to ensure equity across the system, principals of regional learning choices programs are encouraged to invite all schools to host a promotional a promotional school visit and limit school visits to one or two weeks maximum.

At the TDSB, an external webpage displays the TDSB's specialized schools and program offerings. The procedure indicates that the admission criteria and selection process must be transparent and easily accessible to the public on the school's website.

Transportation

Most school boards do not provide transportation for students outside of boundary who opt to enrol in a specialized program (e.g., Ottawa Carleton DSB, Peel DSB, Toronto DSB, York Region DSB). Bussing is provided only if they meet the distance criteria established by the boards. In exceptional circumstances, some schools board offer an alternative process for out-of-area students (e.g., York Region DSB) based on executive and/or Board of Trustees approval or to best serve the needs of the school or program (i.e., Chicago Public Schools).

At the TDSB, transportation is not provided to specialized schools and programs for those out-of-area students.

Appeal/Second Review Process

At one school board (i.e., Peel DSB), principals are required that the review process for unsuccessful applicants is communicated to parents/guardians and students. If there is a request, the program's principal may review the application and admission criteria with the parent/guardian of the unsuccessful applicant. If left unsatisfied, parents may request, in writing, a second review conducted by the Superintendent of that school.

At the TDSB, there is currently no documented appeal/second review process although any request or complaint could be escalated through to the Superintendent and/or handled through the TDSB's Parent Concern Protocol.

School Boards Reviewed (11): Chicago Public Schools, Dufferin-Peel Catholic DSB, Durham DSB, Ottawa Carleton DSB, Peel DSB, Renfrew County DSB, Simcoe County, Toronto DSB, Upper Grand DSB, Waterloo Catholic DSB, York Region DSB.

Toronto District School Board

Policy P.046 CUR:	Directional Statements for Middle Level Education (Junior High School), Special Education Low Incidence Sites, Specialized Programs, and Optional French Programs
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Directional Statements

Middle Level Education: Junior High School

The Board will work with affected communities to relocate the Grade 9s from junior high schools to secondary schools and that the Board proceed sensitively but systematically toward effecting these relocations, if possible, by September 2005.

Special Education Low Incidence Sites

To improve its curriculum delivery to Developmentally Handicapped students, the Board will implement actions to strengthen program leadership, improve cost-effectiveness to maximize existing resources through program consolidation and improve access to the program.

Specialized Programs

The Board will continue to recognize and support specialized programs (Programs for the Arts, Science and Technology, Athletics and International Baccalaureate) to help students actualize high levels of achievement.

The Board provide access for all students.

Optional French Programs

That three entry points to Optional French Programs be offered as follows:

- Senior Kindergarten (Early Immersion)
- Grade 4 (Middle Immersion)
- Grade 7 (Extended French)

That Optional French Programs be delivered through both single-track and dual-track models to meet community needs and, where appropriate, that new sites be established in different areas of the district to ensure room for growth.

Toronto District School Board

**Policy P.046 CUR: Directional Statements: Middle Level Education (Junior High School),
Special Education Low Incidence Sites, Specialized Programs, and Optional
French Programs**

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Written Notice of Motion (Trustees Pilkey and Doyle)

From: Denise Joseph-Dowers, Manager, Board Services, Governance and Board Services

In accordance with Board Bylaw 5.15.2, the following motion is submitted as notice at this time and for consideration at a subsequent committee meeting.

5.15.2 A notice of motion will be introduced by a member who is present as an advance notification of a matter to be considered at a subsequent Board or Committee meeting. A notice of motion will not be debated at the meeting at which it is introduced...

5.15.2 (c) A notice of motion submitted prior to, or at a committee meeting, will be considered at a subsequent committee meeting...

Board Self-Assessment

Whereas, on April 20, 2016, the Board decided:

That a Board performance assessment, including options for self-assessments, be developed and presented to the Board for discussion;

and;

Whereas, Board self-assessment provides an opportunity to:

- i. look internally at the board itself,
- ii. reflect on each board member's individual and shared responsibilities,
- iii. identify different perceptions and opinions among board members,
- iv. determine areas of responsibility that need attention;
- v. use the results as a springboard for board improvement;

Therefore, be it resolved:

That a Board consultant be retained to develop a self-assessment tool for trustees that can be applied annually.

Acknowledgement of Traditional Lands

We acknowledge we are hosted on the lands of the Mississaugas of the Anishinaabe (A NISH NA BEE), the Haudenosaunee (HOE DENA SHOW NEE) Confederacy and the Wendat. We also recognize the enduring presence of all First Nations, Métis and Inuit peoples.

Reconnaissance des terres traditionnelles

Nous reconnaissons que nous sommes accueillis sur les terres des Mississaugas des Anichinabés (A NISH NA BAY), de la Confédération Haudenosaunee (HOE DENA SHOW NEE) et du Wendat. Nous voulons également reconnaître la pérennité de la présence des Premières Nations, des Métis et des Inuit."

Committee Mandate

The Governance and Policy Committee's mandate will be to consider and make recommendations to the Board on governance and policy matters referred to it for consideration, including review of Board governance practices and the ongoing development and review of the Board's policies.



Our Mission

To enable all students to reach high levels of achievement and well-being and to acquire the knowledge, skills and values they need to become responsible, contributing members of a democratic and sustainable society.

We Value

- Each and every student's interests, strengths, passions, identities and needs
- A strong public education system
- A partnership of students, staff, family and community
- Shared leadership that builds trust, supports effective practices and enhances high expectations
- The diversity of our students, staff and our community
- The commitment and skills of our staff
- Equity, innovation, accountability and accessibility
- Learning and working spaces that are inclusive, caring, safe, respectful and environmentally sustainable

Our Goals

Transform Student Learning

We will have high expectations for all students and provide positive, supportive learning environments. On a foundation of literacy and math, students will deal with issues such as environmental sustainability, poverty and social justice to develop compassion, empathy and problem solving skills. Students will develop an understanding of technology and the ability to build healthy relationships.

Create a Culture for Student and Staff Well-Being

We will build positive school cultures and workplaces where mental health and well-being is a priority for all staff and students. Teachers will be provided with professional learning opportunities and the tools necessary to effectively support students, schools and communities.

Provide Equity of Access to Learning Opportunities for All Students

We will ensure that all schools offer a wide range of programming that reflects the voices, choices, abilities, identities and experiences of students. We will continually review policies, procedures and practices to ensure that they promote equity, inclusion and human rights practices and enhance learning opportunities for all students.

Allocate Human and Financial Resources Strategically to Support Student Needs

We will allocate resources, renew schools, improve services and remove barriers and biases to support student achievement and accommodate the different needs of students, staff and the community.

Build Strong Relationships and Partnerships Within School Communities to Support Student Learning and Well-Being

We will strengthen relationships and continue to build partnerships among students, staff, families and communities that support student needs and improve learning and well-being. We will continue to create an environment where every voice is welcomed and has influence.