

POLICY REVIEW WORK PLAN

Date: 30 May 2017

All policies will be reviewed to ensure consistency with the TDSB's *Mission and Value (P002)* policy, including the principles within the TDSB's Integrated Equity Framework that promote equity and inclusion.

POLICY INFORMATION

Policy Title and Policy Number: [Human Rights \(P031\)](#)

Review during fiscal year: [2016/17](#)

Last revised or reviewed: May 19, 2004

Adopted: [May 3, 2000](#)

Executive Council member responsible for this Policy review: [Associate Director, Equity and Achievement, and Manager, Human Rights.](#)

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: [June 7, 2017](#)

Phase II. REVISIONS

Formatting Changes

The Policy will be reformatted to ensure alignment with the current Policy Template (see 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

Governance and Policy Committee June 7, 2017	Page 81	Board Services Agenda Record GPC:005A Agenda Item 6.5.
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- ☐ Board decisions
- ☒ Operational requirements
- ☒ Simplify and/or update using plain language
- ☒ Alignment with Integrated Equity Framework
- ☐ Other – Recommendations of the Coroner’s jury as related to the Katelynn Sampson Inquest

The proposed changes to the Human Rights Policy (P031) include:

- The addition of two prohibited grounds (gender identity and gender expression) added to the *Ontario Human Rights Code* in 2012;
- Alignment with the recently completed review and revisions to the TDSB’s Workplace Harassment Prevention Policy (P034) and corresponding procedures
- Alignment with newly released policies produced by the Ontario Human Rights Commission (i.e., *Policy on Preventing Discrimination and Harassment based on Creed, Policy on Ableism and Discrimination based on Disability, OHRC policy position on sexualized and gender-specific dress codes etc.*);
- Alignment with the TDSB’s Equity Policy; and
- Greater clarity and simplification of the policy for ease of use and navigation

☒ A review of leading practices for similar policies across other school boards 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:

- ☒ Equity and Achievement
- ☒ Facilities, Sustainability and Employee Services
- ☒ Finance and Operations

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

Governance and Policy Committee June 7, 2017	Page 82	Board Services Agenda Record GPC:005A Agenda Item 6.5.
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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 (30 days minimum): [September 2017](#)
2. Extending invitations for consultation to all Advisory Committees of the Board and conducting consultations with the Advisory Committees that expressed interest (either individually with each interested committee or collectively with representatives of all interested committees): September 2017
 - ☒ Aboriginal Community Advisory Committee
 - ☒ Alternative Schools Advisory Committee
 - ☒ Black Student Achievement Community Advisory Committee
 - ☒ Community Use of Schools Advisory Committee
 - ☒ Early Years Advisory Committee
 - ☒ Environmental Sustainability Community Advisory Committee
 - ☒ Equity Policy Advisory Committee
 - ☒ French as a Second Language Advisory Committee
 - ☒ Inner City Advisory Committee
 - ☒ Parent Involvement Advisory Committee (PIAC)
 - ☒ Special Education Advisory Committee (SEAC)
 - ☒ Student Nutrition Advisory Committee

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

- ☒ Student SuperCouncil
- ☒ School Councils
- ☒ Other: [Union groups consultation](#)

The following methods will be applied in the external consultations:

- ☐ Public meeting
- ☒ Facilitated focus group
- ☐ Call for public delegations
- ☐ Expert panel discussion/round table
- ☐ Survey
- ☒ Posting on the TDSB website

Governance and Policy Committee June 7, 2017	Page 83	Board Services Agenda Record GPC:005A Agenda Item 6.5.
---	-------------------	---

☒ Other: [Email communication](#)

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:

To be determined - [November or December 2017, or January 2018](#)

Following recommendation by the Governance and Policy Committee, the revised Policy will be presented to the Board on the following date: [January 2018](#). 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

Policy implementation will include:

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

January to February 2018

The projected time period for conducting information/training sessions to staff will be:

- ☒ Review of associated procedures or initiate development of new procedures
- [Operational procedures are being reviewed concurrently with this Policy under review \(expected operational procedures review completion – June 2017\).](#)

Governance and Policy Committee June 7, 2017	Page 84	Board Services Agenda Record GPC:005A Agenda Item 6.5.
---	-------------------	---

Appendix C

REVIEW OF OTHER SCHOOL BOARD, JURISDICTION, MUNICIPALITY AND ORGANIZATIONS' POLICIES: HUMAN RIGHTS POLICY (P031)

Summary

The TDSB's current Human Rights Policy (P031) was adopted on May 3, 2000 and was last revised on May 19, 2004. The Ontario *Human Rights Code* holds governing power over Ontario legislation and school board policies and procedures. The Education Act, Ontario Regulations, Ministry of Education Policy/Program Memorandums (PPM) and TDSB policies and procedures are subject to and interpreted through their compliance with the Ontario *Human Rights Code*. The legislative context of this Policy includes:

(i) *Canadian Charter of Rights and Freedoms*

The *Constitution Act [1982]*, which includes the *Canadian Charter of Rights and Freedoms (CCRF)*, is the supreme law of Canada. As such, all other laws and applicable workings of governments, including school boards, must be consistent with its provisions. The charter and Supreme Court of Canada decisions (made under the charter) guarantee everyone equality regardless of race, national or ethnic origin, citizenship, colour, religion, marital status, sex, sexual orientation, age or mental or physical disability.

(ii) *Ontario Human Rights Code*

The provisions of the Ontario *Human Rights Code* (the *Code*) apply to private parties and provincial public institutions. It is public policy in Ontario to recognize the inherent dignity and worth of every person and to provide for equal rights and opportunities without discrimination. The *Code* aims at creating a climate of understanding and mutual respect for the dignity and worth of each person so that each person feels a part of the community and feels able to contribute to the community. Section 1 of the *Code* affirms the right to equal treatment in services without discrimination because of disability. Services include the provision of education. This protection covers publicly funded elementary and secondary schools

Many other TDSB policies are guided by a specific Ministry of Education PPM but in the case of human rights there are a collection of Ministry PPMs that represent human rights issues which direct different TDSB policies. The PPMs that reflect human rights cover topics including equity and inclusive education, school boards code of conduct, school suspension and expulsions or progressive discipline, bullying prevention and intervention, programs for the Deaf, Blind, and Deaf-Blind exceptionalities, learning disabilities, identifying learning needs, health support services, and prevention of different forms of harassment. Although it is not mandatory for school boards to have a human rights policy many boards are required to have policies on the various issues that fall within the grounds of the *Code*.

This scan covers school board policies on the topic of human rights and includes associated policies that represent a school board's commitment to human rights such as, accommodation and/or special

Governance and Policy Committee June 7, 2017	Page 85	Board Services Agenda Record GPC:005A Agenda Item 6.5.
---	-------------------	---

education, harassment, bullying, and equity. Included in the summary are results from twelve (12) Ontario school boards (see list below). All school boards included in this scan had a policy on harassment (e.g., workplace harassment, bullying prevention, or respectful workplace and learning environments). Three (3) of the twelve school boards had a policy specifically named Human Rights (Bluewater DSB, DSB of Niagara, and Peel DSB).

School boards tend to combine their harassment and human rights policies because with the new legislation the Occupational Health & Safety Act now explicitly covers sexual harassment, which is also covered under the *Code*.

In the future, the TDSB's workplace harassment prevention policy may be merged with the revised Human Rights Policy.

Key Differences - Human Rights Policies

The following list includes key differences amongst three (3) school boards' Human Rights Policies.

(i) Responsibility

The responsibility sections or statements were different in the human rights policies compared in this review. Only one school board (Peel DSB) included volunteers, contractors, permit holders, and visitors in the list of those responsible for upholding human rights. One school board (DSB of Niagara) included students, employees, trustees, and parents. One other board (Bluewater DSB) also included community members in their policy's responsibility statements.

Interestingly, the school board (Peel DSB) that included more people and/or groups in their responsibility section was also the only school board that recognized it was the board's responsibility to support and help *any person* who was harassed regardless of who the alleged offender may be. The Peel DSB explained that it was their responsibility to support those harassed even if the offender was someone with only a casual or infrequent connection to their board or someone over whom the board may have no control.

(ii) Actionable language

One school board's policy (Bluewater DSB) reads with a tone of actionable responsibilities. For example, their policy states "the board will seek out and remove systemic and attitudinal barriers and biases..." and uses phrasing such as "ever vigilant" and "proactive practices". In comparison, another school board's policy (DSB Niagara) stated their commitment to meeting obligations under the CCRF and the OHRC but used less proactive language and included phrasing that spoke to awareness and responsiveness.

Governance and Policy Committee June 7, 2017	Page 86	Board Services Agenda Record GPC:005A Agenda Item 6.5.
---	-------------------	---

(iii) **Systemic Issues or Barriers**

One important difference in the comparison of policies showed that one school board (Bluewater DSB) made three references to systemic human rights issues including: hiring and promotion practices, offering board wide awareness training, and gaps in and/or discriminatory learning opportunities. The policy commitments from this board were to all human rights issues including those that were systemic. In another board's policy (Peel DSB) it clearly explained that systemic discrimination stemmed from various systems and habits in place over time. Therefore, this board's Human Rights Policy stated it would not be appropriate for the board to investigate complaints of systemic discrimination. However, they could be directed to the Human Rights Tribunal of Ontario.

(iv) **Different support avenues for human rights complaints**

One school board policy (Peel DSB) ensured that the reader was aware that every person has the right to seek assistance from the Human Rights Tribunal of Ontario even when a complaint or issue was being handled under the direction of board policy.

(v) **Locations and situations**

One school board (Peel DSB) clearly outlined all locations and situations where behaviour would be subject to their Human Rights Policy. For example, Peel DSB included in their locations and situations list the following: work-related situations outside of their board facilities, work-related travel, when using technology resources, and when using electronic communications and/or social media.

Key Differences - Prevention of Harassment Policies

The following list includes key differences amongst six (6) school boards' prevention of harassment policies. It is important to include anti-harassment policies in this review because harassing behaviour is encompassed in the definition of discrimination which is strictly prohibited under the *Code*. Therefore, school boards without a Human Rights Policy, but that did have a prevention of harassment policy have been included in this review because of their harassment policy's direct association to preventing discrimination under the *Code*.

(i) **Intended Outcomes**

One school board (Hamilton-Wentworth DSB) stated in its harassment prevention policy that 'incident reduction goals' would be established and that specific targets related to these goals would be identified allowing for strategies to be implemented that reduce workplace violence and harassment. Hamilton-Wentworth DSB also states in their policy that claim statistics (e.g., incident, injury, illness reports) are reviewed and compared annually to meet incident reduction goals.

Governance and Policy Committee June 7, 2017	Page 87	Board Services Agenda Record GPC:005A Agenda Item 6.5.
---	-------------------	---

(ii) **Working and/or Learning Environments**

All school boards have prevention of harassment policies that are written for their employees and govern harassment prevention in the workplace. However, two school boards (Thames Valley DSB and Waterloo Region DSB) include in their policy not only the working environment but also ‘the learning environment’. Thames Valley DSB states ‘every person within the Thames Valley educational community has a right to work and study in a safe, inclusive and accepting environment, free of harassment...’ and specifically include reference to ‘harassment of students’. Although Waterloo DSB also includes ‘the learning environment’ in their policy the directions for the rights of students are stated to be ‘dealt with under other appropriate legislation, regulations, and Board policy’.

School Boards Scanned

The school boards included in this scan are as follows: Bluewater DSB, Dufferin-Peel Catholic DSB, Hamilton-Wentworth DSB, Ottawa-Carleton DSB, Peel DSB, Simcoe County DSB, Thames Valley DSB, Toronto Catholic DSB, Toronto DSB, Waterloo Region DSB, York Catholic DSB, and York Region DSB.

Health Industry

College of Physicians and Surgeons of Ontario

Their Human Rights Policy articulates for physicians their professional and legal obligations to provide health services without discrimination which includes a duty to accommodate those who may face barriers to accessing care. The policy explains the legal obligations under the *Code* for providing services without discrimination. In comparison, the Ontario College of Teachers does not have a specific policy on Human Rights but does follow a document called *Ethical Standards for the Teaching Profession*. However, for the Ontario College of Teachers there is no mention of the *Human Rights Code*.

Post-secondary Institutions and Municipalities

Summary

Post-secondary institutions included in this review tended to have one ‘umbrella’ Human Rights Policy and also separate policies dedicated to specific human rights issues.

York University

York University (YorkU) recently added the terms “Equity” and “Inclusion” to the mandate and name of their former Centre for Human Rights. York U’s Centre for Human Rights, Equity and Inclusion includes, among others, the following specific Human Rights topics as stand-alone policies:

- Academic Accommodation for Students with Disabilities (Policy)
- Gender Free Language (Policy)
- Physical Accessibility of University Facilities (Policy)

Governance and Policy Committee June 7, 2017	Page 88	Board Services Agenda Record GPC:005A Agenda Item 6.5.
---	-------------------	---

- Racism (Policy)

They are committed to further developing their Human Rights Policies with the launching of an Antiracism Committee that will work towards eliminating racial barriers and acknowledging the intersection of race with other identities and protected grounds by the *Code*. Related to their policies and procedures, YorkU also provides Case Resolution Services based on provincial legislation and the University's policies and procedures. They promote informal resolutions, mediation or alternative dispute resolutions, and formal complaint investigations.

YorkU also uses its human rights records for annual reporting and statistical purposes while maintaining anonymity and confidentiality. The results in the report are used to improve policy implementation or to enhance their Procedures document.

University of Guelph

Recognized as a respected leader in inclusion, equity, accessibility and human rights practices the University of Guelph (U of Guelph) established their Office of Diversity and Human Rights in 1996 as one of the first in Ontario. U of Guelph also has a Human Rights Advisory Group that advises on human rights complaints by using the university's Human Rights Policy and Procedure.

City of Toronto

The City of Toronto's Human Rights and Anti-Harassment Policy includes expectations to adhere to their policy from any member of the public, including visitors to their City facilities or individuals conducting business with the City of Toronto. They also state that if harassment occurs, the City will consider barring a harasser from its facilities or discontinuing business with contractors or consultants.

Key phrases in the City of Toronto's Human Rights and Anti-Harassment Policy speak to division heads or managers/supervisors as responsible for taking a 'leadership role', 'providing leadership', 'providing training', 'ensuring accountability', 'educating their employees', and 'preventing re-occurrence of discrimination or harassment'.

Their policy also provides information about the Human Rights Office, whereas other policies only mention the Human Rights Office (or staff) as part of the process for investigating a complaint. The details regarding their Human Rights Office assures the public on the staff's provision of advice or proceeding with an investigation that is independent, unbiased, and confidential.