

**TITLE: HUMAN RIGHTS**

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**1.0 OBJECTIVE**

The OCDSB is a community that values acceptance, appreciation, cooperation, empathy, fairness, integrity, optimism, perseverance, respect, and responsibility. We are committed to building a community vested in human rights by:

- a) creating a climate of understanding and mutual respect for the inherent Dignity, equality, and worth of each person;
- b) advancing equity and eliminating all forms of Discrimination so that each person feels part of the OCDSB Community and is able to participate fully when learning, working, or accessing services;
- c) building trust through transparency and a commitment to accountability; ~~that remedies harm and restores relationships; and~~
- d) ***remedying harm and working to restore relationships when we do not meet these standards***; and
- e) fostering spaces of belonging where everyone is valued and can thrive.

**2.0 DEFINITIONS**

In this policy,

- 2.1 **Accommodation** means making an adjustment, providing support, or making exceptions to remove Barriers on Protected Grounds to ensure fair and equitable access, treatment, and inclusion. This enables a person to participate equally and perform to the best of their abilities when learning, working, or accessing services. The duty to accommodate is a legal obligation that exists to the point of Undue Hardship.
- 2.2 **Advocate** means another person chosen by a person with a human rights concern or complaint to provide support, advocacy, or advice.

- 2.3 **Anti-oppression** means an active and consistent process of change to eliminate individual, institutional, and systemic oppression as well as the injustice oppression causes.
- 2.4 **Anti-racism** means an active and consistent process of change to eliminate individual, institutional, and systemic racism as well as the oppression and injustice racism causes.
- 2.5 **Barrier** means anything that prevents a person from fully taking part in all aspects of the OCDSB, including physical, architectural, information or communications, attitudinal, economic and technological barriers, as well as policies or practices.
- 2.6 **Board** means the Board of Trustees.
- 2.7 **Code** means the Ontario *Human Rights Code*.
- 2.8 **Competing Rights** means situations where it is claimed that the enjoyment of an individual or group's human rights and freedoms, as protected by law, would interfere with another's rights and freedoms.
- 2.9 **Creed** means a religious or non-religious belief system, including Indigenous spirituality and cultural practices, which influences a person's identity, worldview and way of life. A creed:
- a) is sincerely, freely, and deeply held;
  - b) is integrally linked to a person's identity, self-definition and fulfillment;
  - c) has a particular and comprehensive, overarching system of belief that governs one's conduct and practices;
  - d) addresses ultimate questions of human existence, including ideas about life, purpose, death, and the existence or non-existence of a Creator and /or a higher or difference order of existence; and
  - e) has "nexus" or connection to an organization that professes a shared system of belief.
- 2.10 **Dignity means individual self-respect, self-worth, and inherent worth as a human being. It is concerned with physical and psychological integrity, and empowerment. It is harmed when people are marginalized, stigmatized, ignored, or devalued.**
- 2.11 **Discrimination** means any form of unequal treatment based on a Protected Ground, whether imposing extra burdens or denying benefits. It may be intentional or unintentional. It may involve direct actions that are discriminatory on their face, or it may involve rules, policies, practices, procedures, or systems that appear neutral, but disadvantage certain groups of people. Discrimination may take obvious forms or it may happen in very subtle ways. Even if there are many factors affecting a decision or action, if discrimination is one factor, that is a violation of this policy.

Discrimination may happen because of perceptions about a person based on a Protected Ground or because of association with a person or group with characteristics

that are a Protected Ground. Engaging in a Hate-related Behaviour and Harassment are types of discrimination.

- 2.12 **District** means the Ottawa-Carleton District School Board.
- 2.13 **Equal Opportunity** means ensuring that all people have equal access, free of Barriers, equal participation, and equal benefit from whatever an organization has to offer.
- 2.14 **Equity** means the fairness of treatment and processes by the removal of systemic Barriers, disparity, and disproportionality between groups using extra and positive measures to bring about equal access to opportunities and benefits in society. It does not mean treating everyone the same.
- 2.15 **Harassment** means a course of vexatious comments or actions that are known, or ought reasonably to be known, to be unwelcome. It can involve words or actions that are known or should be known to be offensive, embarrassing, humiliating, or demeaning. *Code*-based harassment is harassment based on a Protected Ground. Non *Code*-based harassment is harassment that is *not* based on a Protected Ground. If a person does not explicitly object to harassing behaviour, or appears to be going along with it, this does not mean that the behaviour is okay. The behaviour could still be considered harassment. In limited circumstances, a singular incident may be recognized as harassment, depending on the nature of the comment or conduct.

Examples of harassment include:

- a) epithets, remarks, jokes, or innuendos related to a person ~~who identified with a Protected Ground~~;
  - b) posting or circulating offensive pictures, graffiti, or materials, whether in print form or via e-mail or other electronic means ~~related to a Protected Ground~~;
  - c) singling out a person for humiliating, demeaning “teasing”, or jokes ~~because of a Protected Ground~~; or
  - d) comments ridiculing a person because of **personal** characteristics ~~that are related to a Protected Ground~~. For example, this could include comments about a person’s dress, speech or other practices that may be related to their sex, race, gender identity, or creed.
- 2.16 **Hate Crime** means a criminal offense that is committed against a person or property and motivated in whole or in part by bias, prejudice, or hatred based on a *Code*-Protected Ground. This includes, but is not limited to, hate-motivated violence, incitement of hate or hate-motivated violence, and/or the display of symbols or other representations identified with groups promoting hate and violence. It also includes such crimes committed against a person who is associated, or perceived to be associated, with individuals or groups identified with one of the *Code*-Protected Grounds.
- 2.17 **Hate Incident** means non-criminal conduct that is motivated in whole or in part by bias, prejudice, or hate against an individual or group on the basis of a *Code*-Protected Ground. 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 hate symbols, or other acts which may intimidate, degrade, and/or marginalize the targeted individual or group. A hate incident can encompass situations in which the conduct is directed against people associated, or perceived to be associated, with individuals or groups identified with one of the *Code*-Protected Grounds.

- 2.18 **Hate-related Behaviour** means a hate crime or hate incident. At the OCDSB, Hate-related behaviour is Discrimination.
- 2.19 **Inclusive Design** means taking into account differences among individuals and groups when designing something to avoid creating Barriers. Inclusive design can apply to systems, facilities, programs, policies, services, or education.
- 2.20 ***Intersectionality means intersectional oppression that arises out of the combination of various oppressions which, together, produce something unique and distinct from any one form of discrimination standing alone.***
- 2.21 **Microaggressions** means the verbal, nonverbal, and environmental slights, snubs, or insults, whether intentional or unintentional, which communicate hostile, derogatory, or negative messages to target persons based solely upon their marginalized group membership or a Protected Ground. A series of Microaggressions may amount to Harassment.
- 2.22 **OCDSB Community** means trustees, committee members, council members, staff members, students, parents/guardians/caregivers, permit holders, vendors, service providers, contractors, volunteers, visitors, and all other persons learning, working, or accessing services in the OCDSB environment.
- 2.23 **OCDSB Environment** means Board property, school buses, virtual learning and working environment, electronic media, school or work-authorized events or activities, in before- and after-school programs including co-curricular activities and field trips, and may include any other circumstances that may have an impact on the school or work climate.
- 2.24 **People in Positions of Authority** means members of the senior team, managers, supervisors, principals, ***and*** vice principals. ***It also means,***~~and~~ any ***other*** employee while they are working directly with students.
- 2.25 **Poisoned Environment** means an environment that is created by comments or conduct (including comments or conduct that are condoned or allowed to continue when brought to the attention of management) that create a discriminatory work or learning environment. The comments or conduct need not be directed at a specific person, and may be from any person, regardless of position or status. A single comment or action, if sufficiently serious, may create a Poisoned Environment.
- 2.26 **Positive Obligation** means a legal obligation "to do something" to ensure respect and protection of human rights.
- 2.27 **Protected Ground** means the attributes or characteristics upon which Discrimination is prohibited under the *Code* or by the OCDSB. The *Code*-Protected Grounds are age, ancestry, citizenship, colour, creed (religion), disability (including mental, physical,

developmental or learning disabilities), ethnic origin, family status (such as being in a parent-child relationship), gender expression, gender identity, marital status (including married, single, widowed, divorced, separated or living in a conjugal relationship outside of marriage, whether in a same-sex or opposite-sex relationship), place of origin, race, record of offences (criminal conviction for a provincial offence, or for an offence for which a pardon has been received), sex (including pregnancy and breastfeeding) , and sexual orientation.

An additional ground protected from Discrimination at the OCDSB is Socioeconomic Disadvantage.

- 2.28 **Racialization** means the process by which societies construct races as real, different, and unequal in ways that matter and affect economic, political, and social life.
- 2.29 **Reprisal** means the negative treatment or threat of negative treatment towards a person or group for requesting an Accommodation, raising a concern or complaint, providing information related to a concern or complaint, helping to resolve a human rights concern or complaint, or refusing to do something that would violate someone else's rights.
- 2.30 **Sexual or Gender-Based Harassment** means a form of Harassment that can include:
- a) sexual solicitations or advances by any person who is in a position to grant or deny a benefit to the recipient of the solicitation or advance. This includes managers and supervisors, as well as co-workers where one person is in a position to grant or deny a benefit to the other.
  - b) gender-related comments about a person's physical characteristics or mannerisms;
  - c) paternalism based on gender which a person feels undermines their self respect or position of responsibility;
  - d) unwelcome physical contact;
  - e) suggestive or offensive remarks or innuendoes about members of a specific gender;
  - f) propositions of physical intimacy;
  - g) gender-related verbal abuse, threats, or taunting;
  - h) leering or inappropriate staring;
  - i) bragging about sexual prowess or questions or discussions about sexual activities;
  - j) offensive jokes or comments of a sexual nature about an employee or client;
  - k) rough and vulgar humour or language related to gender;
  - l) display of sexually offensive pictures, graffiti, or other materials including through electronic means; and
  - m) demands for dates or sexual favours.

- 2.31 **Special Program** means the special measures permitted under the Ontario *Human Rights Code* to create opportunities for people who experience Discrimination, inequality, hardship, or economic disadvantage on Protected Grounds. To be a special program, the program must meet one of the following conditions: a) it relieves hardship or economic disadvantage; b) it helps disadvantaged people or groups to achieve, or try to achieve, equal opportunity; or c) it helps eliminate Discrimination.
- 2.32 **Socioeconomic Disadvantage** means the diminished social and economic standing due to homelessness, low levels of education, chronic or low income, and chronic unemployment or underemployment.
- 2.33 **Systemic Discrimination** means patterns of behaviour, policies, or practices that are part of the social or administrative structures of an organization, which create or perpetuate a position of relative disadvantage for groups because of a Protected Ground.
- 2.34 **Undue Hardship** means the point at which the legal duty to accommodate ends based on an objective assessment of only three factors: (i) costs, (ii) outside sources of funding (if any), and (iii) health and safety considerations (if any) of the proposed Accommodation.
- 2.35 **Vexatious Complaint** means a complaint that is knowingly brought forward without sufficient merit, solely to cause annoyance or distress.

For more human rights-related definitions, please consult the [Ontario Human Rights Commission](#).

### 3.0 POLICY

- 3.1 The Board reaffirms the inherent Dignity and equality of all people and their right to equally enjoy and exercise their rights as enshrined in the [Universal Declaration of Human Rights](#) and reflected in [the Canadian Charter on Rights and Freedoms](#) and the [Ontario Human Rights Code](#), free from Harassment and Discrimination.
- 3.2 The Board recognizes the inherent individual and collective human rights of Indigenous peoples as set out in the [United Nations Declaration on the Rights of Indigenous Peoples](#) and commits to upholding these rights.
- 3.3 The Board commits to upholding the best interests of the child and, in particular, the rights of the child as set out in the [United Nations Convention on the Rights of the Child](#) and reinforced in Ontario by [Katelynn's Principle](#), subject to limitations permitted by law, including:
- a) to equally enjoy their rights without Discrimination;
  - b) a child has the right to education;
  - c) all decisions about a child must be made in the best interests of that child;
  - d) a child has the right to their own identity;
  - e) a child has the right to share their thoughts and opinions freely unless it impacts on the rights or reputations of others or harms other people;

- f) a child has the right to freedom of thought, conscience, and belief;
- g) a child has the right to freedom of association and freedom of peaceful assembly;
- h) a child who is capable of forming their own views has the right to express those views freely in all matters that affect them. The views of the child must be given due weight in accordance with the age and maturity of the child;
- i) a child has the right to be heard in proceedings that impact on the child, including disciplinary proceedings;
- j) discipline in schools must respect a child's rights and Dignity and shall never be violent; and
- k) a child has the right to privacy.

3.4 The Board recognizes that the fundamental right to education includes an education:

- a) on the basis of equal opportunity, without Discrimination;
- b) that helps each person reach their fullest potential;
- c) that reflects human diversity;
- d) that teaches each person to understand their own human rights and fundamental freedoms and to understand and respect other people's rights, cultures, and differences;
- e) that accurately teaches truth about Indigenous histories, cultures, traditions, and ways of knowing; and
- f) that teaches how to live peacefully and protect the environment.

3.5 All OCDSB Community members have the right to:

- a) be treated equally **and equitably**, with Dignity and respect;
- b) work, learn, and access services and facilities in the District without Discrimination or Harassment;
- c) request and receive an appropriate Accommodation if they encounter a Barrier that prevents them from equally accessing and enjoying their rights when working, learning, or accessing services;
- d) raise a concern or file a complaint and have it addressed if they become aware of any violation of this policy;
- e) appoint an Advocate or be accompanied by an Advocate of their choice in accordance with the procedure; and
- f) advocate for and exercise their rights and participate in any review, inquiry, or investigation of a human rights-related concern, without Reprisal.

3.6 The Board commits to taking a human rights-based approach to governance and operations that is centred on principles of:

- a) equality, **Equity**, and non-Discrimination;
  - b) participation and inclusion; and
  - c) transparency and accountability.
- 3.7 The Board recognizes that Systemic Discrimination exists in the OCDSB and that some OCDSB Community members continue to experience Discrimination. The Board recognizes its positive legal obligation to intentionally take action to identify, prevent, and address the impacts of all forms of Discrimination.
  - 3.8 The Board acknowledges the historic and intergenerational harm caused to Indigenous children, families, and communities by colonialism, assimilation, the residential school system, the 60's Scoop, the foster care system, and the criminal justice system. The Board commits to working towards reconciliation by implementing the Calls to Action from the Truth and Reconciliation Commission's report and listening, believing, teaching, and practicing truth using the framework of Indigenous rights.
  - 3.9 The Board recognizes that Intersectionalities between Protected Grounds can result in additional Barriers. The Board commits to recognizing the social, economic, and historical context in which Discrimination takes place to effectively remedy Discrimination that occurs on multiple Protected Grounds.
  - 3.10 The Board encourages the use of *Code*-permitted Special Programs to relieve hardship, economic disadvantage, or Discrimination, and/or create equal opportunity for disadvantaged persons or groups protected under the *Code*.
  - 3.11 The Board recognizes that Inclusive Design creates an OCDSB Environment that is accessible and inclusive for as many people as possible, and commits to using it whenever reasonably possible.
  - 3.12 The Board commits to providing Accommodations when Inclusive Design is not possible. The Board acknowledges that Accommodations will be appropriate where they result in equal opportunity to enjoy the same level of benefits and privileges experienced by others.
  - 3.13 Notwithstanding the above, the Board recognizes that no rights are absolute and that rights have limits in some situations where they substantially interfere with the rights and freedoms of others, or health and safety.

## 4.0 SPECIFIC DIRECTIVES

### Scope and Application

- 4.1 This policy applies to all members of the OCDSB Community.
- 4.2 This policy applies to acts of Microaggression, bullying, Discrimination, Harassment, and Hate-related Behaviour based on Protected Grounds.
- 4.3 Microaggression, bullying, Discrimination, and Harassment *not* based on Protected Grounds are covered under other OCDSB policies including [P.009.HR Respectful Workplace \(Harassment Prevention\)](#) and [P.125.SCO School District Code of Conduct](#).



- 4.4 This policy applies at all stages and to all aspects of the employment relationship, including recruitment and selection, in alignment with Policy [P 146 HR - Equitable Recruitment, Hiring, and Promotion](#).
- 4.5 Where there is inconsistency between:
- a) other Board policies and procedures and this policy, this policy shall prevail; and
  - b) Board policies or procedures, collective agreements, and human rights law, human rights law prevails.
- 4.6 All new policies, procedures, guidelines, systems, and revisions to existing ones, shall be in compliance with this policy and human rights law.

#### Obligations

- 4.7 All OCDSB Community members have the following obligations:
- a) respecting the human rights and Dignity of each person;
  - b) refraining from and not condoning Discrimination, Harassment, Hate-related Behaviour, or Reprisal;
  - c) requesting an Accommodation when needed and cooperatively engaging in the Accommodation process to identify an appropriate Accommodation;
  - d) cooperating in any review, inquiry, or investigation of a human rights-related concern or complaint; ~~and~~
  - e) reporting any violations of this policy (Appendix A), that they become aware of, if they feel safe to do so. All employees are required to immediately report to the principal or vice principal or the Office of the HREA upon becoming aware of any violation that affects a student; **and**
  - f) *principals and/or vice-principals are responsible for reporting to the Office of the HREA the number, nature, and resolution of human rights incidents in a timely manner.***
- 4.8 In addition to the obligations stipulated in Section 4.7, the Board and its Trustees have the following obligations:
- a) promoting, protecting, and upholding human rights and fostering and maintaining an inclusive environment, free from Discrimination and Harassment;
  - b) seeking out information, briefings, or training to fully understand and apply the human rights obligations of the Board and the District;
  - c) taking intentional action through strategic, policy, and budgetary decisions to prioritize and uphold human rights, equity, and inclusion, and alleviate Discrimination; and
  - d) bringing forward any concerns pertaining to Discrimination and Harassment to the Office of the Human Rights and Equity Advisor, or to the Integrity Commissioner, as appropriate.
- 4.9 The Director of Education, is responsible for the implementation of this policy, and has the following obligations:

- a) taking intentional action to promote, protect, and advance an equitable, accessible, respectful, and inclusive environment:
    - i) where people are encouraged to stand up for human rights; and
    - ii) that is free of Discrimination, Harassment, and Reprisal.
  - b) ensuring that all staff receive adequate training on Anti-oppression, Anti-racism, and human rights and are aware of human rights and their obligations under this policy;
  - c) prioritizing human rights, equity, and inclusion in all decision-making;
  - d) supporting the Office of the Human Rights and Equity Advisor (HREA) in the fulfillment of its responsibilities including through:
    - i) providing full access to any information needed in the fulfillment of its mandate; and
    - ii) ensuring it operates impartially, at arm's length, and without interference.
  - e) determining whether or not to implement recommendations arising from Office of the HREA;
  - f) monitoring and reporting on progress against human rights-related indicators and measurements; and
  - g) issuing such procedures, guidelines, and other materials as may be necessary to implement this policy.
- 4.10 Senior staff, excluding the HREA, have the following obligations:
- a) addressing findings of the Office of the HREA;
  - b) developing a plan and taking intentional action to address systemic human rights trends identified by the Office of the HREA;
  - c) fulfilling their Positive Obligation to identify Barriers that result in Discrimination through reviews, monitoring, and evaluation and take action to remove these Barriers through sufficient allocation of resources; and
  - d) using Inclusive Design, where reasonably possible, to create an environment that can be accessed, understood, and used, to the greatest extent possible, by all people.
- 4.11 People in Positions of Authority have the following obligations:
- a) fostering an environment where human rights are respected and people are encouraged to raise human rights concerns and request Accommodations;
  - b) taking intentional action to prevent, identify, and effectively address Discrimination, Harassment, Hate-related Behaviour, Reprisal, and any other violations of this policy;
  - c) not condoning or tolerating behaviour in violation of this policy;
  - d) offering Accommodation where it is reasonably evident an Accommodation may be necessary;

- e) engaging respectfully and collaboratively to determine and provide the most appropriate Accommodation when there is a duty to accommodate; and
  - f) engaging in self-learning and seeking advice as needed to fully understand human rights and obligations under this policy and related procedures;
- 4.12 In addition to the obligations of People in Positions of Authority, principals and vice-principals have these additional obligations:
- a) providing students and families with annual information about their rights and obligations, and the processes for requesting an Accommodation and reporting a complaint of Discrimination or Harassment; and
  - b) providing information to all school-based staff on human rights and their obligations under this policy and procedures; and
- 4.13 ***In addition to the obligations of People in Positions of Authority***, Educators have the following obligations:
- a) teaching students to understand and respect human rights and increasing their capacity for intercultural understanding, empathy, and mutual respect;
  - b) ensuring that classrooms and the educational materials are intentionally inclusive of and positively represent all identities protected under the *Code*.
  - c) offering Accommodation where it is reasonably evident it may be necessary;
  - d) providing Accommodation in a timely and sensitive way; and
  - e) stopping Discrimination, Harassment, and/or Reprisal when it occurs and reporting it to the principal or vice-principal.
- 4.14 The Office of the HREA shall operate at arm's-length and free of interference. It has the following obligations:
- a) advising the OCDSB Community about their human rights and obligations;
  - b) investigating, mediating, and addressing human rights concerns and complaints independently, impartially, and fairly under this policy and associated human rights procedures;
  - c) making findings and recommendations to address human rights concerns and complaints;
  - d) monitoring human rights trends and producing regular public reports on human rights concerns, ~~and~~ complaints, ***and system-level recommendations made*** within the District;
  - e) initiating reviews, inquiries, environmental scans, or investigations where it reasonably believes that rights under this policy may have been violated, including in the absence of a complaint; and
  - f) advancing organizational change in the District through:
    - i) identification of systemic issues;
    - ii) professional development, education, and capacity building to ensure compliance with the human rights obligations;

- iii) policy review and development;
- iv) outreach and engagement; and
- v) research, evaluation, and reporting on the OCDSB's human rights record.

#### Accommodation

- 4.15 The most appropriate Accommodation shall be provided to the point of Undue Hardship.
- 4.16 The process for determining the most appropriate Accommodation shall be a respectful dialogue between the District and the person seeking the Accommodation to determine the person's needs and shall conform to the principles of:
- a) Dignity;
  - b) individualization; and
  - c) integration and full participation.
- 4.17 If the District denies an Accommodation request on the basis of Undue Hardship, the onus is on the District to demonstrate objectively that the threshold of Undue Hardship has been met.

#### Competing Rights

- 4.18 When considering a claim of Competing Rights the following legal principles shall be considered:
- a) no rights are absolute;
  - b) there is no hierarchy of rights;
  - c) rights may not extend as far as claimed;
  - d) the full context, facts, and constitutional values at stake must be considered;
  - e) look at the extent of interference (only actual burdens on rights trigger conflicts);
  - f) the core of a right is more protected than its periphery;
  - g) aim to respect the importance of both sets of rights; and
  - h) statutory defences may restrict rights of one group and give rights to another.

#### Discrimination, Harassment, Bullying, Hate-related Behaviour, and Microaggressions

- 4.19 Discrimination, Harassment, bullying, Hate-related Behaviour, and Microaggressions, on Protected Grounds shall not be tolerated or condoned.
- 4.20 Harassment may take the following forms:
- a) verbal, including offensive words or jokes which demean persons on the basis of any form of Discrimination, bullying, or intimidation;
  - b) environmental, including graffiti, defacement of private or public property including school lockers, pictures or cartoons that are demeaning of others based on any of the above forms of Discrimination;
  - c) physical, including unwelcome physical contact or assault, offensive gestures, threatening physical behaviour, physical bullying; and

- d) psychological, including deliberate isolation or ostracism, condescending, or patronizing behaviour which undermines self-respect.

#### Complaints about Policy Violations

- 4.21 OCDSB Community members who are not employees may raise concerns or complaints about violations of this policy (see Appendix A), under [P.129.GOV Complaints Resolution Policy](#), or they may raise them with the Office of the HREA, in accordance with the procedures under this policy.
- 4.22 OCDSB Community members who are employees may raise concerns or complaints in accordance with the procedures under this policy or using any other mechanism that currently exists.
- 4.23 Notwithstanding the above, violations by Trustees must be addressed by the Integrity Commissioner under [P.073.GOV Board Member Code of Conduct](#).
- 4.24 If a complaint is accepted by the Office of the HREA for investigation while being investigated under another OCDSB policy-based complaints process, the complaint will be permanently discontinued under the other policy. A complaint being handled by the Office of the HREA may not be submitted for parallel investigation using another OCDSB policy-based complaints mechanism.
- 4.25 Upon making a complaint, the claimant shall be notified of their right to file an application with the Human Rights Tribunal of Ontario within one year of the date that the last episode of Discrimination or Harassment occurred.
- 4.26 All complaints shall be taken seriously and acted upon promptly when received.
- 4.27 If a concern or complaint is founded, remedial and restorative action shall be taken and progressive discipline shall be applied. The resolution shall aim at preventing recurrences.
- 4.28 Remedies for violations of this policy may include but are not limited to: a victim impact statement, an apology, healing circle, counselling, education, reprimands, suspension, expulsion, transfer, or termination of employment, depending on the nature and severity of the behaviour.
- 4.29 Findings of the Office of the HREA are final within the OCDSB. Findings may be subject to reconsideration by the Office of the HREA in limited circumstances set out by the associated procedure.
- 4.30 Vexatious complaints are not permitted. If the Office of the HREA determines a complaint is vexatious, it shall not be considered. Discipline for making a vexatious complaint, up to and including termination, shall be applied.
- 4.31 This policy is not intended to prevent any member of the OCDSB Community from exercising their legal or contractual right to initiate:
  - a) a complaint under the *Code* to the Human Rights Tribunal of Ontario;
  - b) a complaint under the *Occupational Health and Safety Act*;
  - c) a grievance under a collective agreement, if applicable; or

- d) a criminal process, if applicable.

#### Reprisal

- 4.32 No person shall be threatened with negative treatment or treated negatively for:
  - a) bringing forward a human rights concern or complaint;
  - b) providing information related to a concern or complaint;
  - c) supporting a person involved in a human rights concern or complaint;
  - d) helping to resolve a concern or complaint;
  - e) making an Accommodation request or receiving an Accommodation; or
  - f) refusing to do something that would violate someone else's rights.
- 4.33 All complaints of Reprisal shall be immediately reported to the Office of the HREA by the person receiving the complaint.
- 4.34 Complaints of Reprisal shall be promptly investigated and the results of the investigation, if founded, shall be reported to the Director of Education. Discipline, up to and including termination, shall be applied.

#### Anonymity and Confidentiality

- 4.35 Information about Accommodations and Accommodation requests shall be treated in a confidential manner by the District. This information may only be disclosed on a need-to-know basis, with the consent of the applicant, or as required by law.
- 4.36 Concerns and complaints shall be treated in a confidential manner by the District, except on a need-to-know basis, as permitted by law, or as permitted in related procedures.
- 4.37 Where concerns or complaints are raised anonymously or the person bringing them forward requests that their name not be disclosed, they may be addressed at the discretion of the Office of the HREA:
  - a) where sufficient information is provided to establish that a human rights violation may have occurred;
  - b) where it does not appear to be vexatious; and
  - c) where principles of procedural fairness can be maintained.

#### Participation and Inclusion

- 4.38 The District shall prioritize engagement with students, families, staff, and community partners to include and honour diverse voices, knowledge, identities, and experiences.
- 4.39 All job applicants, new and existing employees shall be made aware of this policy and its procedures, that Discrimination and Harassment shall not be tolerated and the availability of Accommodations.
- 4.40 The District shall produce and share accessible, user-friendly human rights materials for schools, workplaces, and other OCDSB Environments to help people better understand their rights and obligations.

## Transparency and Accountability

- 4.41 People in Positions of Authority shall hold all members of the OCDSB Community accountable for complying with this policy and associated procedures.
- 4.42 The District shall develop an action plan focusing on advancing human rights-based organizational change and shall report annually on progress against the plan.
- 4.43 The District shall collect, use, and manage information to identify and monitor disparities on Protected Grounds for the purpose of eliminating Systemic Discrimination and advancing equity. This is in alignment with the standards under the [\*Anti-Racism Act\*](#).
- 4.44 The District shall publicly report anonymized information on Indigenous identity, race, religion, ethnic origin, gender identity, and disability of enrolled students, and may include other Protected Grounds, in alignment with the requirements under the [\*Anti-Racism Act\*](#). In particular, the District shall report on:
- a) credits granted to the student;
  - b) student course enrolment;
  - c) student graduation rate;
  - d) any special education programming; and
  - e) suspensions, expulsions, and exclusions.
- 4.45 The District shall enhance accountability for equity and human rights in educator, vice-principal, principal, manager and supervisory officer positions by including equity expectations in the performance review process and appraisals.

## **5.0 APPENDICES**

Appendix A: Policy Violations

## **6.0 REFERENCE DOCUMENTS**

### Legal Framework

[\*Universal Declaration of Human Rights\*](#)

[\*United Nations International Covenant on Civil and Political Rights\*](#)

[\*United Nations Convention on Economic, Social and Cultural Rights\*](#)

[\*United Nations Declaration on the Rights of Indigenous Peoples\*](#)

[\*United Nations Convention on the Rights of the Child\*](#)

[\*United Nations International Convention on the Elimination of all forms of Racial Discrimination\*](#)

[\*United Nations Convention on the Rights of Persons with Disabilities\*](#)

[\*United Nations Convention on the Elimination of all forms of Discrimination Against Women\*](#)

[\*Canadian Charter of Rights and Freedoms, the Constitution Act, 1982\*](#)

[\*United Nations Declaration on the Rights of Indigenous Peoples Act\*](#)

[\*Human Rights Code, R.S.O. 1990, c. H.19\*](#)

[\*Occupational Health and Safety Act, R.S.O. 1990, c. O.1\*](#)

[\*Accessibility for Ontarians with Disabilities Act, 2005, R.S.O. 2005, c. 11\*](#)

[\*Education Act, R.S.O. 1990, c. E.2\*](#)

### **Policy Framework**

[Ontario's Education Equity Action Plan, 2017](#)

[Policy/Program Memorandum No. 119, "Developing and Implementing Equity and Inclusive Education Policies in Ontario Schools" \(June 24, 2013\)](#)

[OCDSB Strategic Plan 2019-2023](#)

[OCDSB Indigenous, Equity and Human Rights Roadmap 2020-2023](#)

[OCDSB Policy P.008.GOV Advisory Committee on Equity](#)

[OCDSB Policy P.009.HR Respectful Workplace \(Harassment Prevention\)](#)

[OCDSB Policy P.125.SCO School District Code of Conduct](#)

[OCDSB Policy P.146.HR - Equitable Recruitment, Hiring, and Promotion](#)

[OCDSB Procedure PR.586.CUR Religious Holy Days](#)

[OCDSB Procedure PR.618.CUR Antiracism and Ethnocultural Equity](#)

[OCDSB Procedure PR.666.GOV Accessible Service Delivery](#)

[OCDSB Procedure PR.667.HR Religious or Creed-based Accommodation for Employees](#)

[OCDSB Gender Identity and Gender Expression: Fostering inclusive learning environments for all students](#)

Consult these documents for a fuller understanding of the standards and legal requirements of Accommodation, Accommodation issues, Discrimination and Harassment related to particular *Code* grounds.

[Teaching Human Rights in Ontario: A Guide for Ontario Schools](#)

[OHRC Policy on ableism and Discrimination based on disability](#)

[OHRC Policy on accessible education for students with disabilities](#)

[OHRC Policy and guidelines on racism and racial Discrimination](#)

[OHRC Policy and guidelines on Discrimination on the basis of family status](#)

[OHRC Policy on preventing Discrimination on the basis of creed](#)

[OHRC Policy on preventing Sexual and gender-based harassment](#)

[OHRC Policy on Discrimination because of pregnancy and breastfeeding](#)

[OHRC Policy on Discrimination against older persons because of age](#)

[OHRC Policy on preventing Discrimination because of gender identity and gender expression](#)

[OHRC Policy on Discrimination and Harassment because of sexual orientation](#)

## **Appendix A: Policy Violations**

Examples of violations of this policy include, but are not limited to:

- a) Discrimination;
- b) Harassment including Sexual or Gender-based Harassment;
- c) creating or contributing to a Poisoned Environment;
- d) Hate-related Behaviour;
- e) failure of a person in a position of authority to respond appropriately and expeditiously to allegations, instances, potential instances or complaints of Discrimination, Harassment, Poisoned Environment, or Reprisal;



- f) failure of management to identify, address, or remove Systemic Discrimination;
- g) interference with an investigation under this policy, including but not limited to intimidating any person involved in the investigation, or influencing a person to give false or misleading information;
- h) Reprisal;
- i) vexatious complaints;
- j) purposefully or recklessly providing false or misleading statements or information to an investigator investigating a matter under this policy;
- k) failure to adhere to the confidentiality provisions set out in the procedures made pursuant to this policy;
- l) failure to fulfill the procedural or substantive duty to accommodate under the *Code*, including failure to offer effective or appropriate Accommodation up to the point of Undue Hardship; or
- m) another human rights violation or violation of this policy.