



POLICY

Title:	HUMAN RIGHTS	Policy No.: TBD (New Policy) Effective Date: YYYY Month DD
Department:	Director's Services – Human Rights and Equity	
Reference(s):	Education Act Human Rights Code Safe Schools Act PPM 119 (2013) Ontario's Education Equity Action Plan Occupational Health and Safety Act Canadian Charter of Rights and Freedoms OCTA Regulation 437/97: Professional Misconduct TVDSB Harassment Policy/Procedure 3004/a TVDSB Accommodation Policy/Procedure TVDSB Equity and Inclusive Education Policy TVDSB Safe Schools Policy and Procedure TVDSB Equitable Recruitment and Selection Policy and Procedure TVDSB Slurs and Epithets Policy and Procedure TVDSB Student Dress Policy and Procedure TVDSB Access to Board Premises Procedure TVDSB Guidelines for Supporting Trans and Gender Diverse Students and Staff TVDSB Guidelines for Student Dress	

1.0 Intent

The Thames Valley District School Board ("TVDSB", "Thames Valley", "the board") is committed to respecting, protecting, and promoting the human rights of students and employees. It is the policy of the board to provide learning and working environments that are free of discrimination and harassment, in which individuals are treated with respect and dignity, contribute fully, and

Administered By: **Director's Services – Human Rights and Equity**

Amendment Date(s): N/A

Most Recent EIE Review Date: N/A

experience equity and fairness in their employment or in receiving educational services.

This policy and corresponding Discrimination and Harassment Procedure affirm the right of every Thames Valley student and employee to work and learn in a safe and inclusive environment and describe the board's responsibility to respond to and address human rights issues, concerns, and complaints in a fair and equitable manner according to principles of human rights and procedural fairness. The policy and corresponding procedure also describe the roles and responsibilities of all members of the Thames Valley community in protecting and promoting human rights, and processes through which human rights concerns and complaints will be identified, reviewed, responded to and addressed. In particular, the policy and procedure outline the role and function of the TVDSB Human Rights and Equity Office (HREO), its processes and practices.

2.0 Statement of Commitment

Under Ontario's *Human Rights Code (Code)*, every person has the right to be free from harassment and discrimination. Discrimination and harassment will not be tolerated, condoned, or ignored in TVDSB.

TVDSB is committed to a comprehensive strategy to address discrimination and harassment, including:

- 2.1 Providing training and education to ensure all TVDSB employees, trustees, students, and caregivers, know their rights and responsibilities under the *Code*.
- 2.2 Assessing and monitoring TVDSB systems, processes, and practices to identify barriers relating to *Code*-protected grounds.
- 2.3 Providing an effective and fair complaints procedure; and
- 2.4 Implementing accountability mechanisms that consistently promote standards of conduct in compliance with TVDSB policy and procedure and the *Code*.

3.0 Objectives

- 3.1 To promote understanding of human rights and human rights-related issues throughout TVDSB;
- 3.2 To prevent harassment and discrimination as unacceptable practices that are incompatible with TVDSB's commitments and in violation of TVDSB policy and provincial law;
- 3.3 To outline effective and appropriate mechanisms for human rights-related dispute and issue resolution, education, restoration, complaint investigation, and systemic reviews;

- 3.4 To support accountability within TVDSB for the systemic change necessary to create a culture of respect for human rights.

4.0 Application and Scope

This Policy applies to all members of the Thames Valley District School Board community as defined in the Policy.

This Policy applies to all issues, incidents, conduct and behaviour that impact TVDSB learning and working environments as defined in the Policy, which include issues, incidents, conduct, and behaviour taking place both on and off TVDSB property and in virtual interactions environments.

This Policy prohibits discrimination and harassment based on the grounds protected by the *Code*. This includes hate activity. The Policy includes all *Code* protections applicable in TVDSB learning and working environments and all obligations on the part of TVDSB under the *Code*.

This Policy addresses the duty to accommodate as a necessary component of TVDSB's responsibility to prevent and address discrimination and harassment under the *Code*. Although this duty extends to both students and employees, TVDSB's responsibilities and the accommodation process applicable to employees are specifically addressed in TVDSB's Accommodation Policy and Procedure.

5.0 Guiding Principles

- 5.1 This Policy and corresponding Procedure is to be applied in a manner that is trauma-informed and consistent with the *Code*, policies and guidelines from the Ontario Human Rights Commission, and jurisprudence from Canadian and Ontario courts and tribunals.
- 5.2 A primary purpose of human rights laws and policies in Ontario is to address the historical disadvantage and disempowerment of certain groups in our society who continue to experience adverse outcomes. The initiatives, programs and professional learning undertaken pursuant to this Policy, as well as actions taken in response to specific issues, incidents complaints or concerns raised under the Discrimination and Harassment Procedure, will be informed by this overall objective of redressing historical disadvantage and systemic discrimination.
- 5.3 There may be situations, in TVDSB environments, in which rights come into conflict with one another. The TVDSB recognizes that no rights are absolute and there is no hierarchy of rights. The board will respect the importance of all rights, collaboratively explore options and solutions to address potential conflicting or competing rights and maximize rights for everyone in accordance with the

Ontario Human Rights Commission's Policy on Competing Human Rights.

- 5.4 TVDSB is committed to meeting its obligation under the *Code* to provide individualized accommodations to ensure equitable access to its programs and services, and to employment. TVDSB is also committed to enhancing inclusion in its learning and working environments, recognizing that meeting the individual needs of students and employees through accommodation must be undertaken together with a broader strategy to create conditions for equitable participation without accommodation.
- 5.5 All complainants and respondents in a process under the Discrimination and Harassment Procedure are entitled to a fair process informed by the *Code* that provides an opportunity to respond and findings that are based on evidence on a balance of probabilities.

6.0 Key Terms

Corrective action means action taken to address acts of discrimination and harassment on the part of individual respondent(s), including employees. Corrective action with respect to employees may include performance management, remedial action or discipline up to and including termination of employment.

Discrimination means adverse treatment in a TVDSB environment that is unfair based on one or more protected grounds; or treatment that results in disadvantage, violates dignity, or perpetuates prejudice against a person or group in a TVDSB environment in relation to one or more protected grounds. Discrimination can be direct or indirect, individual or systemic (see definition below), and need not be intended. It also includes hate activity in TVDSB environments.

Duty to Accommodate means the legal obligation to make adjustments, provide support, or make exceptions in order to avoid discrimination on the basis of a protected ground so as to ensure fair and equitable access, treatment, and inclusion, and for individuals to be able to participate equally and perform to the best of their abilities in TVDSB learning and working environments.

The duty to accommodate may require making adjustments to or exceptions to policies, procedures, programs, guidelines, practices, physical settings, requirements, or criteria in keeping with the principle of the primacy of the Code.

If a school administrator, manager/supervisor, or superintendent has information or has made observations that suggests there may be a need for accommodation, that person is under a duty to make reasonable inquiries into whether an accommodation may be required.

When there is a duty to accommodate, accommodation is required up to the point of undue hardship, which is a very high threshold.

The duty to accommodate has both a substantive (the accommodation arrived at) and a procedural (how the accommodation is arrived at) component. The procedural duty to accommodate requires that the accommodation process be transparent, collaborative and respectful. All parties, including the student, staff and/or parent/guardian seeking accommodation, and TVDSB as the accommodation provider, have responsibilities under the Code in the accommodation process, including a duty to cooperate and consider solutions that achieve respect and dignity, individualization and full and integration and participation.

Harassment means a course of vexatious comment or conduct, based on a protected ground, which is known, or ought reasonably to be known, to be unwelcome, and includes sexual harassment. Harassment is a form of discrimination. It is usually the result of a series of incidents (“a course” of comment or conduct) but may also result from one very serious incident.

Harassment that is not related to a Code-protected ground falls outside the scope of this policy and is instead addressed in the TVDSB Harassment Policy and Procedure and in accordance with the OHSA.

Harassment falling within the scope of the Policy may include:

- Epithets, remarks, jokes or innuendos related to a person’s race, gender identity, gender expression, sex, disability, sexual orientation, creed, age, or any other ground
- Posting or circulating offensive pictures, graffiti or materials, whether in print form or via e-mail or other electronic means
- Singling out a person for humiliating or demeaning “teasing” or jokes because they are a member of a *Code*-protected group
- Comments ridiculing a person because of characteristics that are related to a ground of discrimination. 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.

Hate Activity means a **hate incident** or a **hate crime**.

Hate Incident means non-criminal conduct that is motivated in whole or in part by hatred against an individual or group based on a protected ground. A hate incident can encompass situations in which the conduct is directed against people associated with individuals or groups identified with the protected 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 hate symbols, or other acts which may intimidate, degrade and/or marginalize the targeted individual or group.

Hate Crime means a criminal offence that is committed against a person or property, and which is motivated in whole or in part by hatred or bias based on race, national or ethnic origin, language, colour, creed, religion, sex, age, mental or physical disability, sexual orientation, gender identity, or gender expression. This includes, but is not limited to, hate-motivated violence, incitement to hate motivated violence, and/or the display of symbols or other

representations identified with groups promoting hate and violence. It also includes such crimes committed against a person who is associated, or perceived to be associated, with individuals or groups identified with a Code-protected ground(s).

Poisoned Environment means a TVDSB environment that is oppressive, negative, hostile, unwelcoming, or non-inclusive because of vexatious behavior that is based on a protected ground and that is known, or ought reasonably to be known, to be unwelcome. The vexatious behaviour or conduct does not need to be directed toward any person or group in particular.

A poisoned environment may result from a series of incidents or a single serious incident, condonation of such behavior, and/or the failure to adequately remedy and restore the environment following the incident(s).

Protected Ground means the grounds upon which discrimination is prohibited under the Ontario Human Rights Code:

- Age (an age that is 18 years or more)
- Ancestry
- Citizenship
- Colour
- Creed
- Disability
- Ethnic origin
- Family status (including child, adoptive, elder relationships)
- Gender expression
- Gender identity
- Marital status (including single, separated, widowed, common law and covers same and opposite sex relationships)
- Place of origin
- Race
- Sex (includes pregnancy and breastfeeding)
- Sexual orientation
- Socio-economic status
- Record of offences (in employment only)
- Association with a person identified by a ground listed above.

Reprisal means adverse action or threat of adverse action against an individual that is in retaliation:

- (a) for, in good faith, raising concerns or claiming or enforcing a right under this Policy or associated procedures or supporting or assisting someone to do so;
- (b) for participating in a process to address a matter under this Policy or associated procedures; or

(c) on the basis of a belief that the individual has engaged in (a) or (b).

Adverse action could include, for example:

- disciplining, suspending, dismissing, or expelling;
- intimidating or coercing someone not to report a situation;
- changing an employee's position, shift, work location, work assignments or the nature of their work;
- moving a student to a different class;
- unfair grading;
- reducing or changing an employee's hours;
- denying a promotion; or
- harassing or discriminating.

School Administrator means the principal or vice-principal of a school.

Senior Administration means the Director of Education, associate directors, and superintendents.

Sexual Harassment means:

- (a) engaging in a course of vexatious comment or conduct 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;
- (b) a reprisal or a threat of reprisal for the rejection of a sexual solicitation or advance;
or
- (c) making a sexual solicitation or advance where the person making the solicitation or
- (d) advance is in a position to confer, grant or deny a benefit or advancement and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

Thames Valley District School Board Community/TVDSB Community means individual Trustees and the Board of Trustees, members of Senior Administration, Administrators, Managers and Supervisors, TVDSB staff, job applicants, students, caregivers, school/parent council members, committee members, third party service providers and knowledge experts, vendors and contractors, volunteers, visitors, community partners, permit holders (including organizations who use TVDSB facilities) and all other persons who are invited to, work in, or are permitted to attend or participate in TVDSB learning and working environments.

TVDSB Learning and Working Environments means all TVDSB owned or operated places, premises, offices, and facilities; vehicles used for TVDSB purposes or on TVDSB property; schools and school-related activities; TVDSB-related functions, activities, or events; and online environments and activities, including electronic messages and postings on electronic and social media. Working environments include any land, premises, location or thing at, upon, in or near which an employee performs work or work-related duties or functions.

7.0 Responsibilities under the Policy

7.1 All members of the TVDSB community, as defined in this Policy, are responsible for complying with the Policy and TVDSB's Discrimination and Harassment Procedure and respecting the human rights and dignity of each person within their respective sphere of interaction and influence. All members of the TVDSB community are responsible for the creation and maintenance of TVDSB learning and working environments that are free of discrimination and harassment.

7.1.1 All members of the TVDSB community are also responsible for cooperating fully in the actions and processes required under this Policy, the Discrimination and Harassment Procedure, and any other associated procedures, to address an incident, issue, concern or complaint, including an investigation, as appropriate in the circumstances of each case.

7.2 Director of Education

The Director of Education, who holds primary responsibility for implementation of this Policy, will safeguard and promote an equitable, accessible, inclusive environment free of discrimination and harassment including by:

- (a) Regularly assessing the effectiveness of and revising as needed measures designed to protect and advance human rights within TVDSB, in consultation with the Human Rights and Equity Office.
- (b) Taking necessary proactive steps to identify, address, and prevent systemic discrimination, and advance human rights organizational change, including by ensuring the implementation of an appropriate process to identify, respond to and address issues, complaints and concerns of discrimination and harassment, and of reprisal for raising human rights concerns.
- (c) Holding all members of the TVDSB community accountable for complying with this Policy and associated procedures.
- (d) Ensuring that the Human Rights and Equity Office is independent and impartial as it carries out its mandate, and taking reasonable measures to ensure it is seen as such by all members of the TVDSB community.
- (e) Designating and preserving adequate resources for ensuring the full and proper implementation of this Policy and the associated procedures.
- (f) Publicly support and maintain TVDSB's commitments to protecting and promoting human rights, including by addressing resistance to board initiatives and strategies that challenge discriminatory ideologies, practices and inequities and that promote increased access to, and opportunities and participation for, groups that are discriminated against.

7.3 School administrators, managers/supervisors, and superintendents

7.3.1 School administrators, managers/supervisors and superintendents are

responsible for not only their own conduct, but also for addressing the conduct of those under their supervision.

7.3.2 To prevent and address issues, instances, concerns and complaints of discrimination and harassment, hate activity and reprisal, school administrators, managers/supervisors and superintendents will:

- (a) Lead by example by not engaging in, tolerating or condoning discrimination or harassment or any other violations of this Policy.
- (b) Make all reasonable efforts to protect those under their supervision from all forms of discrimination and harassment by maintaining equitable, accessible, respectful, and inclusive learning and working environments that are free of discrimination, harassment, poisoned environments, and reprisal.
- (c) Where appropriate to their position of authority, educate or provide educational opportunities for members of the TVDSB community to ensure they are aware that discrimination and harassment will not be tolerated, that they understand their rights and responsibilities as they relate to this Policy and its associated procedures.
- (d) Take all instances, issues, concerns and complaints of discrimination and harassment, or any other violations of this Policy, seriously, including by promptly:
 - i. Intervening when it occurs or is suspected to have occurred;
 - ii. Making inquiries or consulting with a supervisor, the HREO, or other department of the board, as appropriate; and
 - iii. Fulfilling all other responsibilities assigned under the Discrimination and Harassment Procedure and any other procedures associated with this Policy.
- (e) Where appropriate to their role and position, take steps to respond to and address human rights-based accommodation requests, in fulfillment of TVDSB's duty to accommodate as defined in this Policy.
- (f) Build and sustain relationships within the TVDSB community that create a foundation for dialogue and effective resolution of human rights issues and concerns.

7.3.3 Principals

In addition to the above, principals will:

- (a) Review this Policy and the associated procedures with school staff at the start of each school year; and
- (b) Ensure that students are provided information, resources, and education in accordance with s. 2.0 above;
- (c) Build and sustain relationships with caregivers and other school

community members that create a foundation for conversations and collective learning related to human rights.

7.4 All employees

It is the responsibility of every TVDSB employee to:

- (a) Treat all students with respect and take all reasonable steps to ensure that their learning environment is safe and inclusive. For employees in educator roles, this includes the responsibility to learn about and apply equitable, anti-racist, and anti-oppressive practices in the classroom.
- (b) Support individuals who are, or have been, targets of discrimination and harassment.
- (c) Take steps to remove any discriminatory barriers in accessing programs, resources, and facilities.
- (d) Be aware of and sensitive to issues of discrimination and harassment and hate activity and respond appropriately when these are observed or identified, even in the absence of a complaint, in compliance with the TVDSB Discrimination and Harassment Procedure and any other applicable TVDSB policy, procedure, protocol and Guidelines, Ministry directive, law and regulation.
- (e) Take all allegations of discrimination and harassment seriously and respond promptly, seeking support from School Administration, Senior Administration and the Human Rights and Equity Office as appropriate.

8.0 Prohibited conduct

8.1 Engaging in discrimination, harassment or hate activity of any kind is a violation of this Policy, as is the failure of members of the TVDSB community to comply with their obligations as outlined in this Policy and its associated procedures. Conduct, behaviour or practices that are contrary to this Policy include, but are not limited to:

- (a) discrimination;
- (b) harassment including sexual harassment;
- (c) creating or contributing to a poisoned environment;
- (d) hate activity;
- (e) failure of a person to respond appropriately and expeditiously to allegations, instances, potential instances or complaints of discrimination, harassment, poisoned environment, or reprisal consistent with the person's responsibilities under this Policy;
- (f) failure of the TVDSB, as represented by its Director of Education, senior administration, principals and managers/supervisors to identify, address, or remove systemic discrimination;
- (g) interference with an investigation under this Policy and the Discrimination and

Harassment Procedure, 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) bad faith allegations, complaints, or accusations (e.g., submitting a complaint knowing there has been no violation of this Policy);
- (j) purposefully or recklessly providing false or misleading statements or information to an investigator investigating a matter under this Policy and the Discrimination and Harassment Procedure;
- (k) failure to adhere to the confidentiality provisions set out in the Discrimination and Harassment Procedure and any other associated procedures; and
- (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.

8.2 Non-compliance

Conduct, behaviour or practices that are contrary to this Policy may result in consequences including but not limited to:

- Corrective action with respect to employment with the TVDSB, as defined in this Policy.
- Suspension or expulsion from educational services, or removal from or denial of access to TVDSB environments, in accordance with applicable TVDSB policies and procedures, applicable legislation and regulation, the remedial purpose of the Code, and where appropriate, principles of progressive discipline.
- Termination or discontinuation of a contract, permit or other agreement or relationship with the TVDSB.



PROCEDURE

Title: **DISCRIMINATION AND HARASSMENT**

Procedure No.: **N/A (New Proc)**

Effective Date: **YYYY Month DD**

Department: Director's Services – Human Rights and Equity

Reference(s): [Human Rights Code](#)
[PPM 119 \(2013\)](#)

[Ontario's Education Equity Action Plan](#)
[Occupational Health and Safety Act](#)
[Canadian Charter of Rights and Freedoms](#)
[OCTA Regulation 437/97: Professional Misconduct](#)

TVDSB Employee Code of Conduct Policy and Procedure

TVDSB Non-Use of Slurs and Epithets Procedure

TVDSB Harassment Policy and Procedure

TVDSB Accommodation Policy and Procedure

TVDSB Equity and Inclusive Education Policy

TVDSB Safe Schools Policy and Procedure

TVDSB Guidelines for Supporting Trans and Gender Diverse Students and Staff

TVDSB Guidelines on the Non-Use of Racial and Other Slurs and Epithets

TVDSB Decision Support Tool for Resource Selection

The Thames Valley District School Board ("TVDSB", "Thames Valley") is committed to respecting, protecting, and promoting the human rights of students and employees. It is committed to providing learning and working environments that are free of discrimination and harassment, in which all individuals are treated with respect and dignity, contribute fully, and experience equity and fairness in their employment or in receiving educational services.

Every person within the Thames Valley educational community has a right to work and learn in a safe and inclusive environment, free from all forms of discrimination and harassment, which protects, promotes, and supports human rights.

TVDSB is committed to responding to and addressing human rights concerns, issues, and

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complaints in a fair and equitable manner according to principles of human rights and procedural fairness as outlined in this procedure.

1.0 Application

This Procedure applies to all TVDSB employees, students, parents/guardians and caregivers, trustees, committee members, permit holders, vendors, service providers, contractors, volunteers, and visitors.

This Procedure applies to all issues, incidents, conduct and behaviour that impact TVDSB learning and working environments as defined in TVDSB's Human Rights Policy, which include issues, incidents, conduct and behaviour taking place both on and off TVDSB property and in virtual environments.

This Procedure is not intended to discourage or prevent individuals from exercising any other legal rights they may have, including the right to file a complaint with the Human Rights Tribunal of Ontario or any other administrative law process.

An individual may complete a formal harassment complaint under the TVDSB Harassment Policy and Procedure regarding a concern about the conduct of a TVDSB employee at any time before, during, or after attempting to resolve their issue, concern or complaint through other pathways outlined in this Procedure.

2.0 Scope

This Procedure describes the process for responding to and addressing human rights incidents, issues, concerns, and complaints, raised by, or on behalf of Thames Valley students and employees, as set out in the TVDSB Human Rights Policy and this Procedure.

Human rights incidents, issues, concerns, and complaints falling within the scope of this Procedure include:

- (a) Incidents of discrimination, including hate activity.
- (b) Harassment, based on a fundamental aspect of identity that is protected by the Code, including hate activity.
- (c) Failure on the part of TVDSB to fulfill its duty to accommodate a student or employee based on a fundamental aspect of identity protected by the Code.
- (d) Failure on the part of TVDSB to take appropriate steps to address or resolve a complaint, and/or to maintain a learning environment free from discrimination and harassment.

2.1 A human rights concern does not need to be raised by the individual that is or has been directly impacted. All members of the Thames Valley community may raise concerns about human rights issues impacting others or impacting the learning and working environment. Human rights issues may also be identified by staff, Principals, Managers, Supervisors, Senior Administration, or the HREO without a complaint or report having been made.

2.2 This Procedure does not apply with respect to rights or responsibilities in private matters. The Procedure applies to complaints or concerns about human rights issues arising between parents/caregivers or community members only to the extent that these disputes impact

Thames Valley staff, students, and learning and working environments.

3.0 Definitions

In addition to the definitions set out in the TVDSB Human Rights Policy:

Complainant means an individual submitting a complaint to TVDSB, including to Human Resources, and/or to the HREO.

Corrective action means action taken to address acts of discrimination and harassment on the part of individual respondent(s), including employees. Corrective action with respect to employees may include performance management, remedial action or discipline up to and including termination of employment.

Informal resolution means an action or strategy to respond to an issue, concern or complaint that does not involve formal investigation. The goal of informal resolution is to review and understand a concern, determine an appropriate path to resolution, and implement a remedy for a complainant(s) or individual(s) that has been impacted, in a timely way.

Investigation means a process for identifying issues, gathering information and evidence, and making and reporting findings based on the evidence, in relation to a complaint or concern falling within the scope of this Procedure, as outlined in s. 10.0.

Remedy means an action or measure the goal of which is to remove or stop discrimination from happening and make sure that it does not happen again. Remedies are specific and tailored to individual situations and circumstances in which discrimination or harassment has occurred.

A remedy may include, for example:

- An apology
- Education
- Change in work location
- Change in organizational policy or practice

Systemic discrimination means attitudes, patterns of behaviour, policies or practices that are part of the social or administrative structures of an organization or sector, and that create or perpetuate a position of relative disadvantage for people based on a protected ground of discrimination under the Code.

Vexatious means, with respect to conduct, annoying or provoking. With respect to a complaint made under this Procedure, vexatious means without merit, pursued in a manner that is malicious, intended to inconvenience, embarrass or harass, and/or representing a pattern of conduct by the complainant that amounts to the misuse of TVDSB's processes for raising concerns or complaints.

4.0 Remedial Purpose

This Procedure focuses on addressing the impact or harm caused by discrimination and harassment through an appropriate remedy in the circumstances. The intent of an individual respondent or person of authority involved in the matter is irrelevant to the analysis of whether discrimination has occurred. Intent may, however, be considered in determining a response to an issue, complaint or concern and the appropriate remedy.

5.0 Roles and Responsibilities

5.1 Director of Education

The Director of Education is responsible for receiving and reviewing Investigation Reports prepared by the HREO and determining whether any or all the recommendations made in the Reports will be implemented. The Director may delegate responsibility for implementing or overseeing the implementation of recommendations made in the Reports to members of Senior Administration, as appropriate.

The Director of Education is also responsible for receiving and reviewing the Annual Reports of the HREO, identifying and monitoring systemic issues impacting the TVDSB, and assessing the effectiveness of the HREO and other strategies, mechanisms and resources dedicated to responding to and addressing human rights issues in the TVDSB.

5.2 Associate Directors

Associate Directors of Education are responsible for supporting Superintendents under their supervision in responding to and addressing human rights issues, concerns and complaints, and fulfilling any other responsibilities assigned to them under this Procedure.

Associate Directors are responsible for involving the HREO as appropriate to provide consultation, advice, direction, facilitation, or other form of support falling within the HREO mandate.

5.3 Superintendents

Superintendents are responsible for supporting Principals, Manager and Supervisors under their supervision in responding to and addressing human rights issues, concerns, and complaints. Superintendents are also responsible for directly responding to and addressing human rights issues, concerns and complaints that are unresolved after review and response by a Principal, Manager or Supervisor, or in which the conduct of a Vice-Principal or Principal is in issue.

Superintendents are responsible for involving the HREO as appropriate to provide consultation, advice, direction, facilitation, or other form of support falling within the HREO mandate.

Superintendents are responsible for involving TVDSB Human Resources as appropriate where an issue, concern or complaint involves a concern regarding an employee's conduct under the Employee Code of Conduct Policy and Procedure, professional regulatory obligations, collective agreements, and/or the OHSA.

5.4 Principals

5.4.1 Principals are responsible for responding to and addressing human rights issues, concerns and complaints raised by students, caregivers and employees. This responsibility includes supporting and assisting school staff in responding to and addressing incidents of discrimination and harassment consistent with their responsibilities and obligations outlined in the TVDSB Human Rights Policy, this Procedure, and the Code.

5.4.2 This responsibility also includes:

- (a) Promptly and impartially investigating allegations, instances, issues, concerns, and complaints of discrimination, harassment, and any other violations of the TVDSB Human Rights Policy, in accordance with this Procedure, the Code and, where applicable, the *Occupational Health and Safety Act* ("OHSA");
- (b) Making findings based on the evidence obtained through an investigation, including:
 - i) That an alleged incident did or did not amount to discrimination or harassment under the Human Rights Code;
 - ii) That staff did or did not fulfill their responsibilities under the Human Rights Policy, this Procedure, and their obligations under the Code to maintain learning and working environments free from discrimination or harassment;
 - iii) That there is insufficient evidence to conclude on a balance of probabilities whether discrimination or harassment took place, and/or whether staff met their responsibilities and obligations as outlined in ii) above.
- (c) Communicating findings to students, parents/guardians, staff, Senior Administration, and the HREO as appropriate in the circumstances and in alignment with applicable principles of privacy and confidentiality;
- (d) Identifying next steps to address harm caused by the incident to both students and staff, including restorative practices;
- (e) Identifying strategies for informal resolution, including those outlined below in 10.4.1;
- (f) Determining avenues and mechanisms of support for individual staff members or all staff collectively through professional learning or other capacity building activities.
- (g) Determining measures for monitoring the implementation of actions taken to address and resolve the human rights incident, issue, concern or complaint;
- (h) Seeking support and direction from the School Superintendent and other members of Senior Administration and the HREO as needed, in undertaking any of the steps in (a)-(g) above.

5.4.3 Principals are responsible for involving TVDSB Human Resources as appropriate where a human rights issue, concern or complaint involves a concern regarding an employee's conduct under the Employee Code of Conduct Policy and Procedure, professional regulatory obligations, collective agreements, and/or

the OHSA.

Principals will consult with TVDSB Human Resources if:

- The complaint relates to alleged conduct by a staff member for whom the complaint or alleged conduct is not a first occurrence; or
- The conduct is particularly egregious in the opinion of the Principal.

5.4.4 A Principal addressing a complaint about a staff member will notify the relevant employee group to ensure all employees involved have access to representation.

5.5 Managers and Supervisors

5.5.1 Managers and Supervisors are responsible for responding to and addressing human rights issues, concerns and complaints raised by students, caregivers and employees, consistent with their managerial and supervisory roles.

This responsibility may include:

- (a) Promptly and impartially investigating allegations, instances, issues, concerns, and complaints of discrimination, harassment, and any other violations of the TVDSB Human Rights Policy, in accordance with this Procedure, the Code and, where applicable, the *Occupational Health and Safety Act* (“OHSA”);
- (b) Making findings based on the evidence obtained through an investigation, including:
 - i) That an alleged incident did or did not amount to discrimination or harassment under the Human Rights Code;
 - ii) That staff did or did not fulfill their responsibilities under the Human Rights Policy, this Procedure, and their obligations under the Code to maintain learning and working environments free from discrimination or harassment;
 - iii) That there is insufficient evidence to conclude on a balance of probabilities whether discrimination or harassment took place, and/or whether staff met their responsibilities and obligations as outlined in ii) above.
 - iv) Communicating findings to students, parents/guardians, staff, Senior Administration, and the HREO as appropriate in the circumstances and in alignment with applicable principles of privacy and confidentiality;
 - v) Identifying next steps to address harm caused by the incident to both students and staff, including restorative practices;
 - vi) Identifying strategies for resolution, including those outlined below in 10.4.1;
 - vii) Determining avenues and mechanisms of support for individual staff members or all staff collectively through professional learning or other capacity building activities.
 - viii) Determining measures for monitoring the implementation of actions taken to address and resolve the human rights incident, issue, concern

- or complaint;
- ix) Seeking support and direction from members of Senior Administration and the HREO as needed, in undertaking any of the steps in (a)-(g) above.

5.5.2 Managers and Supervisors are responsible for involving TVDSB Human Resources as appropriate where an issue, concern or complaint involves a concern regarding an employee's conduct under the Employee Code of Conduct Policy and Procedure, professional regulatory obligations, or collective agreements.

Managers and Supervisors will consult with TVDSB Human Resources if:

- The complaint relates to alleged conduct by a staff member for whom the complaint or alleged conduct is not a first occurrence; or
- The conduct is particularly egregious in the opinion of the Manager or Supervisor.

5.5.3 A Manager or Supervisor addressing a complaint about a staff member will notify the relevant union or association to ensure all employees involved have access to representation.

6.0 Mandate of the Human Rights and Equity Office (HREO)

The Human Rights and Equity Office is responsible for

- Responding to and addressing issues, complaints, and concerns regarding the TVDSB from students, parents/guardians, and caregivers, as well as board employees, regarding discrimination and harassment based on grounds protected under Ontario's Human Rights Code, from a position of independence, primarily as an office of last resort.
- Supporting all TVDSB staff, Administration, Managers, Supervisors, Senior Administration, and Trustees to prevent and address all forms of discrimination and harassment based on grounds protected under Ontario's Human Rights Code in all Thames Valley spaces, and to establish and maintain learning and working environments that promote respect for human rights.
- Supporting the board to identify and address systemic discrimination in its policies, processes, and practices, and guiding structural and systemic changes necessary to ensure protection and promotion of the human rights of all members of the Thames Valley community.

6.1 Office of last resort

The Human Rights and Equity Office is, in most circumstances, an office of last resort. Exceptions to this may be identified by the HREO in accordance with its preliminary assessment of an issue, concern, or complaint, and as outlined in this Procedure. The HREO

is always a resource and support to staff, Principals, Managers, Supervisors, and Senior Administration in relation to issues, concerns and complaints raised under this Procedure.

A student/caregiver or employee who has a human rights concern, or their advocate or representative, may contact the Human Rights Office at any time before, during, or after a Principal, Manager/Supervisor and/or Superintendent is responding to and taking steps to resolve their concern.

Students, caregivers and staff (including advocates, representatives and support persons) may contact the HREO

- To obtain more information about their rights and responsibilities, or the responsibilities of the TVDSB and any member(s) of the TVDSB community in relation to human rights.
- To express concerns about bias or a lack of procedural fairness in the Principal's, Manager's/Supervisor's or Superintendent's response to their issue, concern, or complaint.
- To express concerns that the Principal's, Manager's/Supervisor's or Superintendent's approach to resolving their concerns is not culturally appropriate.
- To express concerns about the Principal's, Manager's/Supervisor's or Superintendent's compliance with 5.4 and 5.5 of this Procedure.
- If the Principal, Manager/Supervisor or Superintendent is not responding in a timely manner.

6.2 HREO Roles and Responsibilities

6.2.1. The Human Rights and Equity Advisor (HREA) is responsible for overseeing Thames Valley's implementation of this Procedure. The HREA provides direct support, in the form of consultation, guidance and advice, to Senior Administration in identifying human rights related complaints, issues and risks, and engaging in resolution efforts with school administrators, students, caregivers and staff.

6.2.2 The HREA, together with other HREO staff, will review and assess issues, concerns and complaints referred to the HREO to determine whether these fall within the HREO's jurisdiction and scope, and to identify an appropriate pathway for responding to, and addressing the issue, concern, or complaint.

6.2.3 HREO staff should include:

- A Human Rights Specialist responsible for investigating complaints or concerns where a formal HREO investigation has been identified as appropriate under this Procedure.
- A Human Rights Policy Advisor role responsible for providing legal and policy-focused support and guidance to the board on human rights issues.

7.0 TVDSB Human Resources

7.1 Human rights issues, concerns and complaints relating to the conduct of a TVDSB employee(s) fall within the scope of both this Procedure and the TVDSB Harassment Policy and Procedure, Employee Code of Conduct Policy and Procedure, and applicable

legislation and regulation. Notwithstanding the application of this Procedure, TVDSB Human Resources will follow the processes outlined in other applicable TVDSB policies and procedures, legislation and regulation, for responding to and addressing harassment and other staff conduct concerns.

7.1.1 Upon receipt of a complaint or concern, Human Resources will conduct a threshold assessment to determine whether the alleged conduct constitutes harassment within the meaning of TVDSB Policy and applicable legislation. Where the threshold has been met, Human Resources will determine the next steps, which may include, but are not limited to, an investigative inquiry or formal investigation.

7.2 Where a complaint or concern, upon initial review by Human Resources, alleges discrimination or harassment based on a ground protected by the Human Rights Code, Human Resources will refer the matter to the Human Rights and Equity Office for a preliminary assessment. Matters found not to fall within the scope of the HREO's mandate will continue to be addressed by Human Resources.

7.3 Where an issue, concern or complaint involves both allegations of discrimination and harassment falling within the scope of this Procedure and allegations of harassment and/or staff conduct that do not engage human rights, Human Resources' process will overlap or intersect with this Procedure. In these circumstances, the HREO will communicate and work cooperatively with Human Resources staff in responding to and addressing the concern. The HREO will inform Human Resources of any resolution or next steps arrived at with respect to a complaint or concern and the outcome of any investigation.

8.0 Responding to and addressing discrimination and harassment

8.1 Guiding Principles

8.1.1 Collective responsibility

Identifying, responding to and addressing human rights issues is the shared responsibility of all TVDSB employees, school Administrators, Senior Administration, Managers, Supervisors and other Persons of Authority in Thames Valley. This responsibility exists independent of a complaint or concern being made by a member of the Thames Valley community.

8.1.2 Raising human rights issues, concerns and complaints

Individuals are encouraged, in the first instance, to tell the person who is engaging in the conduct giving rise to a human rights concern to stop, and to seek to address the concern directly with that person. However, TVDSB recognizes that students (or their caregivers on their behalf), employees and community members may be vulnerable, have safety concerns, fear reprisal and/or require assistance and support. There may also be power imbalances. This step is therefore not required.

8.1.3 Procedural fairness

All complainants and respondents in a process under this Procedure or any associated

procedure or process are entitled to a fair process that provides an opportunity to respond and findings and decisions made based on a standard of reasonableness and informed by the Code.

8.1.4 Access to support persons

Individuals who bring forward an issue, concern or complaint under this procedure will have access to a support person(s) of their choice. Where an individual does not have, or have access to, a support person, TVDSB will engage its community partners to offer support. Individuals are entitled to support from persons within their own community, or who shares their identity/identities.

Employees are entitled to representation from their professional union or association, if applicable.

The role of a support person may be to advocate or represent the complainant in the complaint process, to facilitate access to the process or provide information, or to provide a general sense of community and support for the complainant, in accordance with the complainant's wishes and the circumstances of each case.

8.1.5 Cultural safety

TVDSB's response to a concern will take into consideration the individualistic, hierarchical nature of dispute resolution mechanisms. All steps taken under this procedure to respond to, and address discrimination and harassment will be flexible, and will take into consideration cultural relevance and cultural safety for individual(s) who have raised an issue, concern or complaint, or on whose behalf a concern has been raised. TVDSB will consult with or engage community partners as required.

8.1.6 Privacy and confidentiality

TVDSB will communicate with an individual raising a concern under this procedure about the sharing of information or documentation in responding to and addressing the concern according to its responsibilities under the Human Rights Policy and this procedure.

9.0 HREO Process

9.1 Human rights issues and concerns may be raised to the HREO in several ways, including

- (a) specific complaints from individual students/caregivers or staff about issues they are themselves experiencing
- (b) concerns raised by students/caregivers, staff, Administrators, Senior Administration, or other member(s) of the Thames Valley community about issues impacting others or impacting the learning and working environment
- (c) concerns regarding discrimination or harassment based on a ground(s) protected by the Code on the part of TVDSB employees that are referred to the HREO by

TVDSB Human Resources

9.2 The HREO will review and respond to concerns raised by individuals who wish to otherwise remain anonymous to the greatest extent possible. However, maintaining a complainant's anonymity may limit the mechanisms or pathway available to address a complaint, based on the circumstances of each case.

Anonymous reports of human rights issues or concerns will be documented confidentially and followed up wherever possible.

9.3 Support for local response – student/caregiver concerns

The HREO will provide support, guidance and direction to Administrators and Senior Administration in taking appropriate steps to respond to and address human rights issues, concerns and complaints raised by students and caregivers, consistent with s. 6.1 of this Procedure.

9.4 Direct complaints

The HREO will review and respond to issues, concerns and complaints raised directly to the HREO by students, caregivers and staff. The HREO will first complete a preliminary assessment to determine the next steps in responding to the issue, concern or complaint. This may include referring the concern to a Principal, Manager, Supervisor or Superintendent, or to TVDSB Human Resources, for review and response.

The HREO will monitor the local response to the concern to ensure appropriate action is taken and provide support as necessary.

9.5 Support for students, caregivers, and staff

The HREO will provide education, support and guidance to students, caregivers and staff (including advocates, representatives and support persons) regarding human rights matters, issues, concerns and complaints. This may occur within the context of a specific complaint or issue raised with the HREO, or as a matter of general inquiry.

9.6 Preliminary assessment

The HREO's mandate is specific to human rights issues, concerns or complaints. For this reason, the HREO will conduct a preliminary assessment to determine

- (a) that the concern relates to alleged discrimination or harassment as defined in the Human Rights Policy; or
- (b) that the concern relates to an alleged failure on the part of TVDSB to appropriately respond to or address a human rights issue, concern or complaint, and/or to maintain learning and working environments that are free from discrimination and harassment; or
- (c) that the concern relates to an alleged failure on the part of TVDSB to accommodate

a student based on an aspect of identity protected by the Code.

9.7 Determining next steps

Where the HREO has determined that a human rights issue, concern or complaint falls within the scope of this Procedure, the HREO will identify next steps by considering

- (a) whether the concern should be addressed through strategies for early resolution
- (b) The nature and extent of the actions the HREO will take to respond to and address the concern, taking into consideration the roles and responsibilities of other members of the TVDSB community and all the circumstances of the concern
- (c) whether the concern is appropriate for formal investigation
- (d) whether there is a need to facilitate access to a support person or representative for a complainant and/or respondent
- (e) whether immediate or interim measures are required to mitigate harm to an individual(s)

9.8 Informal resolution

Informal resolution may be appropriate where

- (a) there is a continuing relationship between the individuals involved in the concern that is respectful and/or they have demonstrated willingness to work toward a resolution.
- (b) the concern focuses on specific, individual allegations as opposed to broad or systemic issues, and contains allegations alleged to have impacted only an identified individual or complainant.
- (c) the concern does not involve conduct or conflict that is part of an alleged historical pattern.
- (d) there is direct information and evidence available regarding the concern.
- (e) the complainant or individual impacted is seeking a remedy that can be implemented through informal resolution.

A determination of whether informal resolution is appropriate will not be based on any one of the above factors, but on consideration of all factors in the circumstances of each case.

9.8.1 Informal resolution strategies may include, for example:

- facilitation or dialogue between and among the parties
- sharing of information about the parties' rights and obligations under the Human Rights Code and their application in the circumstances
- restorative approaches, including informal meetings or circles, as appropriate, in consultation with community partners.

10.0 HREO Investigation

10.1 Determining whether an investigation is appropriate

Investigation of an issue, concern or complaint by the HREO may be appropriate where

- (a) the relationship between the parties is fractured or acrimonious, or other circumstances indicate that the parties are unwilling to work toward informal resolution.
- (b) the concern involves systemic issues, or issues impacting multiple individual complainants.
- (c) the concern is alleged to be part of a historical pattern, rather than related to an initial or isolated incident or issue.
- (d) the information or evidence related to the concern is indirect or circumstantial only.
- (e) review of the concern involves consideration of large amounts of documentary or other material evidence.
- (f) the complainant is seeking a remedy that cannot be arrived at through informal resolution.

A determination of whether investigation is appropriate will not be based on any one of the above factors, but on consideration of all factors in the circumstances of each case.

10.2 Steps in an investigation

10.2.1 When the HREO determines that an investigation is appropriate in response to an issue, complaint or concern falling within the scope of this Procedure, the Human Rights Specialist will inform any complainant or individual affected of the next steps that have been identified, and of the investigation process. If a comprehensive intake interview has not yet been conducted with a complainant or affected individual, the Specialist will arrange an interview for this purpose. Additionally, the Specialist may request other relevant evidence (e.g., documents, correspondence) from the complainant or impacted individual.

10.2.2 The Human Rights Specialist will inform a member of the relevant union or association executive of any need to interview an employee as either an individual respondent or witness in relation to the investigation. The Specialist will coordinate scheduling of interviews with the union or association representative(s) identified by the executive. Union or association representatives will confirm the availability of the employee to be interviewed at the agreed upon date/time.

10.2.3 The Specialist will notify any individual respondent(s) and the Superintendent, Principal, or Manager/Supervisor involved that an investigation is proceeding and will provide them with a summary of the issues or allegations. The Specialist will propose available dates to interview the individual respondent(s). The Specialist may request other relevant evidence (e.g., documents, correspondence) from individual respondent(s) and/or the responsible Administrator(s) or Manager(s)/Supervisor(s).

10.2.4 Throughout the investigation process, the Specialist will determine

which other individuals, if any, are relevant witnesses for the purposes of the investigation and need to be interviewed. The Specialist may request other evidence (e.g., documents, correspondence) from relevant witnesses. Additionally, there may be instances where parties may need to be interviewed more than once to clarify information and/or address new information obtained during the investigation.

10.2.5 The Human Rights Specialist may also interview or request evidentiary material from other Thames Valley employees who may be considered subject matter experts with knowledge or expertise relevant to the complaint. These individuals will be consulted, and information requested on general topics or subjects relevant to the complaint. Specific information regarding a complainant, any individual respondent(s), other parties or witnesses, will not be shared with subject matter experts.

10.2.6 The Human Rights Specialist will review and analyze all interview statements and other evidence and make findings to determine whether discrimination occurred, and/or whether the board failed to appropriately respond to or address the issue, concern or complaint. The standard of proof that is used is a balance of probabilities standard which is in line with the *Human Rights Code* and the *Occupational Health and Safety Act*. This means that the information and evidence obtained must show that the alleged discrimination or harassment, or the board's failure to respond/address, was more likely than not to have occurred.

10.3 Investigation outcomes

The Human Rights Specialist may determine that:

- (a) An alleged incident did or did not amount to discrimination or harassment under the Human Rights Code.
- (b) TVDSB did or did not meet its obligation under the Code to maintain learning and working environments free from discrimination or harassment.
- (c) There is insufficient evidence to conclude on a balance of probabilities whether discrimination or harassment took place, and/or whether TVDSB met its obligation under the Code.
- (d) A complaint was vexatious.

10.4 Remedial and corrective action

10.4.1 If, at the conclusion of an investigation, the Human Rights Specialist finds that the alleged discrimination or harassment occurred, or that TVDSB failed to meet its obligations under the Code, the Human Rights Specialist will recommend remedial and/or corrective (related to individual respondent employees) action. The goal of this action is to redress the harm caused by the discrimination or harassment, and to take proactive steps to prevent it from reoccurring. Some examples of remedial/corrective action may include:

- An apology

- Learning/working environment counselling.
- Customized or generalized training or education for staff and/or students
- Being directed to complete specific training
- Restorative practices such as meeting/circle between the parties, where appropriate, in consultation with community partners
- Steps to ensure an ongoing positive relationship between the parties
- Steps to monitor, foster and maintain a positive and productive learning and working environment.
- Review and revision of applicable policies or procedures
- Counselling
- Letter of expectations
- Various forms of discipline, up to and including termination of employment

10.4.2 Any corrective recommendations with respect to an individual respondent employee will be in accordance with the board's policies and procedures and collective agreements.

10.4.3 The Director of Education or designate is responsible for deciding which of the Human Rights Specialist's recommended remedial and/or corrective measures will be implemented.

10.5 Communicating the outcome of an investigation

10.5.1 At the conclusion of an investigation the Specialist will prepare a written Investigation Report that will include the following information:

1. The findings with respect to the allegation(s) in the human rights complaint
2. The reasons for the findings
3. Recommendations regarding any remedial/corrective action

10.5.2 The outcome of an investigation will be shared with the complainant and any individual respondent(s) separately. The Human Rights and Equity Office will determine the information to be provided to either party, informed by principles of procedural fairness and the guiding principles of the HREO, and will provide this in writing.

10.5.3 The Investigation Report will be provided to the Director of Education. The Director may elect to share the Report with Senior Administration who will be involved in the implementation and monitoring of any remedial or corrective action recommended in the Report. Senior Administration may also share information regarding the outcome of the investigation with a school Principal who will be involved in implementing and monitoring compliance with remedial or corrective measures, as necessary.

10.5.4 The Investigation Report will not to be disclosed or distributed to anyone within or outside the TVDSB, except as outlined above and in accordance with applicable privacy legislation. This is to protect the integrity of the investigation process and prevent the use of the Report in creating a hostile or unhealthy learning and/or working environment for the parties involved in the complaint.

10.6 Implementation and monitoring of recommendations

10.6.1 The Director or designate will communicate decisions regarding implementation of the recommendations in the Investigation Report to the HREO. The HREO will determine appropriate next steps on a case-by-case basis, together with timelines, for monitoring implementation.

10.6.2 If the HREO determines that the recommendations in the Report are not being complied with, the HREO will address non-compliance with the responsible Superintendent, Manager or Supervisor. If the issue remains unresolved, the HREO will bring the non-compliance to the attention of the Director of Education for a resolution.

11.0 Preventing and addressing reprisal

11.1 Reprisal is prohibited by the TVDSB Human Rights Policy and the Code and will not be tolerated. No student, caregiver or employee will be penalized, threatened, negatively treated, or otherwise subjected to reprisal for seeking information about or asserting their rights under the Human Rights Policy, this Procedure, or the Code, including:

- Requesting accommodation.
- Raising a human rights issue, incident, or complaint
- Raising a concern about an issue, incident, complaint or accommodation process or outcome
- Filing an application to the HRTO or raising a complaint to another external body to assert their rights
- Providing information related to an issue or complaint or participating as a party or witness in a complaint, investigation, or issue resolution process under this Procedure.

11.2 All members of the TVDSB community and in particular all Persons of Authority, have responsibilities under the Human Rights Policy and this Procedure not to engage in acts of reprisal, and to identify, respond to, address and instances, issues, concerns and complaints about reprisal. The HREO remains a resource to support all members of the TVDSB community in fulfilling these responsibilities.

12.0 Systemic human rights issues

Individual complaints to the Human Rights Office are an important source of information in identifying and addressing systemic discrimination.

Systemic issues may be alleged as part of a complaint, or potential systemic issue(s) may be identified during the HREO's involvement with one or more issues, complaints or concerns. The HREO will review and respond to concerns regarding potential systemic issues.

Where the HREO identifies potential systemic issues during an investigation, the HREO will determine if the systemic concerns are best responded to within the scope of the current investigation or through a separate review and response. If the scope of an investigation includes potential systemic concerns, the Specialist may request and review information (e.g., other District policies, procedures, data, etc.) relevant to those concerns.

Possible recommendations to respond to and address systemic human rights issues may include, for example:

- Learning, training or professional development for groups (e.g., at a school, system department or system level);
- Review of a policy, procedure, practice or professional development to identify, prevent and address barriers in accordance with the Human Rights Code and TVDSB's Equity and Inclusive Education Policy; and
- Development of new policy, procedure or practice to ensure compliance with the Code and consistency and transparency in board process and decision-making.

13.0 Annual Reporting

13.1 The HREO will maintain complete records of the incidents, issues, complaints and concerns raised to the HREO, in order to:

- (a) Identify, on an ongoing basis, patterns and trends that may suggest a systemic human rights issue.
- (b) Monitor progress at all levels and in all areas of the TVDSB in identifying, responding to and addressing human rights concerns.
- (c) Develop new and modify existing practices to support the TVDSB meeting the objectives and fulfilling the commitments set out in the Human Rights Policy.

13.2 The HREO will report on its work, including the number and type of issues, concerns and complaints raised, any identified trends, and future priorities for the HREO's work, on an annual basis. The Annual Report may include information regarding issues raised in complaints/types of complaints, aspects of TVDSB's response to these complaints, and complaint outcomes, to support transparency and accountability. This will be done in alignment with the HREO's principles and practices with respect to confidentiality and procedural fairness as outlined in this Procedure.

Human Rights Policy

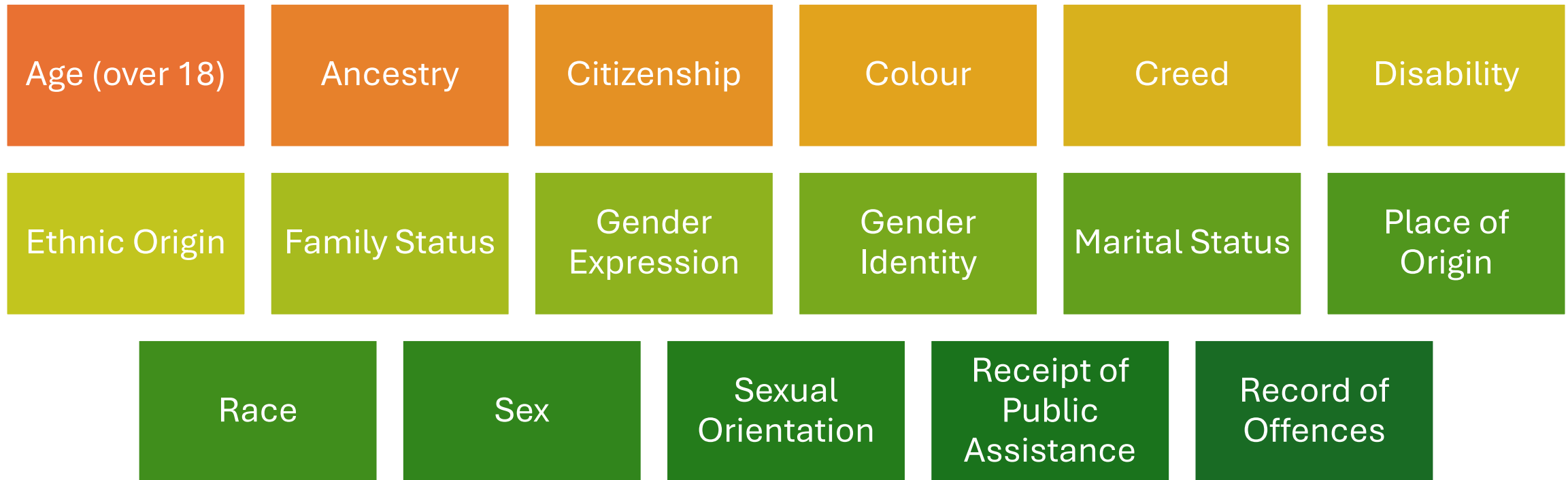
Administered by: Human Rights
and Equity Office



Policy Objectives

- Under Ontario's *Human Rights Code*, every person has the right to be free from harassment and discrimination.
- The objectives of the Policy are to:
 1. Promote understanding of human rights issues,
 2. Declare and address harassment and discrimination, and to
 3. Outline mechanisms TVDSB may use to address human rights disputes.

Protected/Prohibited Grounds of Discrimination



Roles & Responsibilities

TVDSB Community

- Comply with the Policy and associated procedures.
- Create an environment that is free from discrimination and harassment.

Director of Education

- Identify, address, and prevent systemic discrimination, advance human rights organizational change.
- Hold all member of TVDSB accountable for complying with the Policy and associated procedures.
- Ensure the Human Rights and Equity Office is independent and impartial.
- Publicly support and maintain TVDSB's commitment to protecting and promoting strategies.

Roles & Responsibilities

Human Rights and Equity Office

- Advise the TVDSB community about their human rights and obligations.
- Provide training to staff on human rights issues in education and employment.
- Respond to and address human rights complaints (arising from education and employment) in a fair and impartial manner. This may include resolving complaints through an alternative dispute resolution process or by way of a formal investigation.
- Advance human rights organizational change through education, policy review, community engagement, and data collection and analysis.

School Administrator, Managers/Supervisors, and Superintendents

- Take all reasonable steps to protect those under their supervision from discrimination/harassment.
- Educate/provide educational opportunities for members of the TVDSB community on human rights.
- Take all complaints under the Policy seriously – intervene when suspected violations have occurred + consult with HREO when needed.
- Take steps to respond to human rights-based accommodation requests .
- Build and maintain community relationships that promote effective complaint resolution.

Main Roles & Responsibilities

Principals Specifically

- Review Policy and associated procedures with school staff at the start of each year.
- Ensure that students are provided with resources and education on human rights
- Build and sustain relationships with parents and caregivers and community members.

All Employees

- Treat all students with respect and apply equitable practices in classrooms
- Support anyone who has been a target of discrimination
- Remove barriers to accessing programs, resources, and facilities.
- Take all allegations of discrimination and harassment seriously, respond promptly and seek support from administration and the HREO as necessary.

Prohibited Conduct

Engaging in any discrimination, harassment, or hate activity is a violation of the Policy. Specific behaviours include, but are not limited to:

Discrimination

Harassment

Creating a poisoned environment

Hate activity

Failure to respond appropriately and expeditiously to complaints under the Policy

Failure to identify, address, and remove systemic discrimination

Interference with an investigation initiated under the Policy or associated procedures.

Reprisal

Vexatious complaints

Purposely providing false information during an investigation

Breaching confidentiality

Failure to accommodate

Non-Compliance

Failure to comply with this Policy or associated Procedures may result in consequences including, but not limited to:

- a) Employee corrective action
 - Performance management, remedial action, and/or disciplinary action.
- b) Student progressive discipline
- c) Termination or discontinuation of a contract, permit, agreement, or relationship with TVDSB.

Anti- Discrimination / Anti-Harassment Procedure

Administered by: Human Rights
and Equity Office



Scope of Procedure

- This Procedure applies to human rights-related issues, incidents, and conduct that impact the learning and working environments at TVDSB.
 - There is a one-year limitation period for human rights complaints in Ontario. This means that if a person believes that their rights have been violated, they may file a complaint:
 - a) within one year after the incident to which the complaint relates, or
 - b) if there was a series of incidents, within one year after the last incident in the series.
- * The Board may elect to address a complaint that is submitted after the limitation period if it is satisfied that the delay was incurred in good faith and no substantial prejudice will result in any person affected by the delay.
- This Procedure is not intended to discourage or prevent individuals from exercising their legal right to file a human rights complaint with the Human Rights Tribunal of Ontario or any other administrative or labour process.

Scope of Procedure

- Human rights incidents that fall within the scope of this Procedure include:
 - a) Incidents of discrimination, including hate activity.
 - b) Harassment based on a prohibited ground.
 - c) Failure to accommodate a student or staff member
 - d) Failure to take appropriate steps to take appropriate steps to address a human rights complaint, and
 - e) Failure to maintain an environment that is free from discrimination and harassment.

Submission of Complaints

- Individuals who believe that they have experienced discrimination may choose to address the concern directly with the person by telling them to stop.
- If the individual does not feel comfortable addressing the matter on their own, they may raise their concern with their teacher, administrator, or manager/supervisor.
- The individual may at any time file a complaint directly with the HREO.

Submission of Complaints

Anonymous Complaints:

The HREO will review and respond to complaints submitted anonymously and by those who wish not to be named throughout the investigation process.

Maintaining anonymity may limit the mechanism available to address the complaint.

Submission of Complaints

Complaints Received by HREO:

- The individual may at any time file a complaint directly with the HREO.
- The HREO will confirm receipt of a complaint within 3 business days of receiving it.
- Upon receiving a complaint, the HREO will conduct a preliminary assessment to determine whether the concern relates to discrimination (including harassment, a failure to accommodate, or a failure to address discrimination).
- If the complaint does not pertain to human rights, the HREO will refer the matter to the appropriate department (e.g. Human Resources, school administration).

Dispute Resolution Methods

Facilitated (Informal) Resolution is a flexible and adaptive response to human rights complaints. Strategies may include:

- a) Facilitation discussion between the parties,
- b) Mediation,
- c) Counselling,
- d) Peacemaking Circles, and
- e) Workplace Assessments

Dispute Resolution Methods

Formal Investigations

- Administration and managers/supervisors are responsible for investigating human rights complaints.
- The HREO is available as a resource to support the fair and thorough investigation of human rights issues.
- The HREO may investigate an issue, concern, or complaint consistent with its mandate as outlined in the Procedure.

Dispute Resolution Methods

HREO Investigations

- The HREO may undertake an investigation when appropriate. This may include complaints where:
 - parties are unwilling to work towards a resolution,
 - the respondent is in a position of power over the complainant,
 - the complaint involves systemic issues or multiple complainants,
 - the complaint alleges a pattern of behaviour,
 - the evidence related to the complaint is indirect or circumstantial,
 - the complaint involves consideration of a large amount of documentary evidence, or
 - the complainant is seeking a remedy that cannot be arrived at through facilitated resolution. administration

Board-Initiated Investigations

The HREO may determine that a Board-initiated investigation (TVDSB is named as the complainant) is appropriate in matters where:

- The complainants are unable or unwilling to come forward,
- There is a concern over safety of the affected parties,
- There is a significant power imbalance between the parties.

External Investigations

An external investigator may be appointed at any time the HREO deems appropriate. The HREO may appoint an external investigator if:

- the complaint is against the Director of Education,
- the complaint is against a member of the HREO,
- the allegations are very serious or complex,
- the HREO finds it necessary to ensure that the matter is promptly investigated, or
- it is in the public interest to do so.

Interim Measures

- Interim measures are actions taken to safeguard the environment of the complainant(s) and or respondent(s) at any stage of a process described in this Procedure. These measures may include:
 - Separating individuals,
 - Changing work hours,
 - Placing a party (usually the respondent) on an administrative leave with pay. Other measures may be required if the allegations are against a third-party or member of the public.
- Interim measures may be proposed by the HREO, Human Resources, or a responsible School Administrator, Manager, Supervisor, or member of Senior Administration. Input from the parties may be taken into consideration, dependent on the circumstances of the complaint.

HREO Investigation Process

Step 1: The Human Rights Specialist will inform the complainant of the decision to initiate a formal investigation, identify next steps, and provide a copy of the Procedure. The Specialist may request an interview or additional evidence from the complainant.

Step 2: The Specialist will provide the complainant with a written summary of the allegations for confirmation.

Step 3: Within 3 days of confirming the allegations, the Specialist will inform the respondent of the allegations, the need to interview them, and their right to have a union representative or support person present. The Specialist may request physical evidence from the respondent.

HREO Investigation Process

Step 4: Throughout the investigation, the Specialist will determine which other individuals are relevant witnesses and need to be interviewed. The Specialist will inform these witnesses that they have the right to have a union representative or support person present during their interview. The Specialist may request physical evidence from any of the witnesses.

Step 5: Throughout the investigation, the Specialist may request other relevant evidence from administration and/or managers/supervisors. The Specialist may also interview staff who have expert knowledge relevant to the complaint. No complaint specific information will be disclosed during expert witness interviews.

Step 6: The Specialist will review and analyze all interview statements and other evidence and make factual findings and a determination of the Human Rights Policy was breached. Factual findings are determined on a balance of probabilities, the civil standard of proof.

Timelines

- According to Ontario's Ministry of Labour, institutions should complete investigations as soon as possible within 90 days or less, unless there are compelling reasons why a longer investigation is needed (e.g. multiple witnesses, a party or witness is unavailable due to illness, etc).
- The HREO will act as expeditiously as possible, considering the nature and complexity of the circumstances of a complaint, as well as other circumstances that may arise during the investigation that are beyond a party's reasonable control.
- Parties will be notified as required if an extension is required.

Investigation Outcomes

- Upon completion of an investigation, the Specialist may determine that:
 - a) An alleged incident did or did not occur,
 - b) An alleged incident did or did not amount to discrimination,
 - c) TVDSB did or did not meet its obligation under the OHRC to maintain an environment free from discrimination,
 - d) TVDSB did or did not fail to accommodate a student or staff member, or
 - e) A complaint was submitted in bad faith.

Remedial and Corrective Action

- If the Specialist finds that discrimination has occurred or that TVDSB failed to meet its obligations under the OHRC, the Specialist will recommend remedial and/or corrective action. Some examples include:
 - An apology,
 - Customized or general training or education,
 - Restorative practices (e.g. facilitated discussions, Circles, mediation, etc.)
 - Workplace / learning environment restoration (relationship building practices)
 - Review and revision of applicable policies and procedures,
 - Counselling, and
 - Disciplinary action, up to and including termination (employees) or expulsion (students).

** The Director of Education (or designate) is responsible for deciding which of the Specialist's recommendations will be implemented.

Communication of Findings

Investigation Report

- At the conclusion of an investigation, the Specialist will prepare a written Investigation Report that includes the following information:
 - a) The allegations,
 - b) A summary of the evidence considered,
 - c) Factual findings and reasoning with respect to the alleged conduct,
 - d) A determination on whether the Human Rights Policy was breached, and
 - e) Recommendations regarding remedial and/or corrective action.
- This report will be submitted to the Director of Education. The Director may elect to share the report with members of Senior Administration who will be involved in the implementation and monitoring of any remedial or corrective action. Senior Administration may share information regarding the outcome of the investigation with the Principal or manager/supervisor who will be involved in implementing and monitoring compliance with the remedial or corrective measures.

Communication of Findings

Summary of Findings

- The Specialist will meet with provide each party (and their representative or support person) and provide them with a written summary of the findings.

Implementation & Monitoring of Recommendations

- The Director (or designate) will communicate decisions regarding implementation of the recommendations to the HREO.
- If the HREO determines that the approved recommendations are not being complied with, the HREO will address non-compliance with the responsible administrator or manager/supervisor. If non-compliance continues, the HREO will bring the matter to the attention of the Director to determine appropriate resolution.

Preventing & Addressing Reprisal

No student, caregiver, employee, or contractor will be penalized, threatened, or negatively treated for seeking information about or asserting their rights under the OHRC, the Human Rights Policy, or this Procedure. These rights pertain to:

- Requesting an accommodation,
- Raising a human rights complaint,
- Raising a complaint about a human rights process (e. g. investigation or accommodation process),
- Filing an application with the Ontario Human Rights Tribunal, or other external body,
- Filing a grievance related to a human rights complaint,
- participating in an investigation or informal resolution process related to a human rights complaint.

Preventing & Addressing Reprisal

Responsibilities:

- All members of the TVDSB community have a responsibility not to engage in acts of reprisal.
- Administration and managers/supervisors are responsible for addressing complaints of reprisal.
- The HREO is a resource to support all members of the TVDSB community in fulfilling these responsibilities.

Systemic Human Rights Issues

- The HREO will review and respond to allegations of systemic discrimination.
- If allegations of systemic discrimination are raised during an investigation, the HREO may respond to the allegation within the investigation or through a separate investigation.
- Possible recommendations in response to a finding of systemic discrimination include:
 - Learning, training, or professional development for leaders
 - Review of a policy, procedure, practice, or program to identify, prevent and address barriers,
 - Development of new policy, procedure, or practice to ensure compliance with the OHRC and the Human Rights Policy.

Annual Reporting

- The HREO will maintain records of the incidents, issues, and complaints raised to the HREO in support of:
 - identifying patterns and trends that may suggest systemic discrimination,
 - monitoring progress in identifying, responding, and addressing human rights concerns, and
 - developing or modifying practices to ensure human rights.
- The HREO will complete an Annual Report that contains information regarding the number and types of issues, concerns, and complaints received, trends, and complaint responses to support transparency and accountability.