

Human Rights Accountability Procedure

RATIONALE:

Hamilton-Wentworth District School Board (HWDSB) is committed to providing learning and working environments that are welcoming, respectful, accessible, and free from discrimination and harassment. The [Human Rights Policy \(A1.1\)](#) outlines two broad areas of action: 1) creating conditions for human rights to be promoted, respected and upheld proactively and 2) setting out mechanisms to address, correct and remedy human rights barriers and/or infractions when they occur.

This procedure:

- Highlights proactive human rights strategies that focus on preventing and removing barriers to human rights in all HWDSB environments to fulfil the Board's positive human rights obligations.
- Provides an accountability framework that defines roles and responsibilities of all HWDSB community members.
- Creates alignment with the Board's multi-year strategic plan, Board Annual Plan and other proactive and existing human rights related policies and procedures.

This procedure applies to all members of the HWDSB community in all HWDSB environments. The provisions of the Human Rights Policy and Procedures in no way affects the right of any person to exercise their rights under the *Ontario Human Rights Code*.

TERMINOLOGY:

Accountability: In the context of this procedure, accountability means being responsible for and being able to explain decisions and actions. It also refers to the consequences for not fulfilling responsibilities appropriately, specifically where this creates human rights barriers that lead to discriminatory impacts and outcomes.

Anti-racism: A proactive and consistent process of acknowledging racism and of seeking to identify, challenge, disrupt and eliminate racism in all its forms (individual, institutional, systemic racism).

Anti-oppression: A proactive and consistent process of acknowledging different forms of oppression (colonialism, racism, ableism, classism, sexism, homophobia, biphobia, transphobia, classism, islamophobia, antisemitism, ageism and other forms) and of seeking to identify, challenge, disrupt and eliminate oppressive ideologies, practices and outcomes.

Culture of Human Rights: An organizational culture in which everyone is encouraged and empowered to take the initiative to respect, protect and promote the full spectrum of human rights for all.

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Duty Bearers: All HWDSB employees, as duty bearers, have a particular obligation to respect, promote and realize human rights. Those with a position of responsibility have enhanced roles and responsibilities.

HWDSB Community: Students, employees, parents, guardians, caregivers, trustees, community advisory committee members, school council members, permit holders, vendors, service providers, contractors, volunteers, visitors, all other persons who are invited to, access or provide services, or attend Board and school events and any person or entity who enters into an agreement, or uses school board property make up the HWDSB community.

HWDSB Environment: Board property, schools, school buses, virtual or digital learning and working environment, social media, school or work-related events or activities, before- and after-school programs, extracurricular activities, co-instructional activities and excursions are the HWDSB environment and may include any other locations outside HWDSB that may have an impact on the school or work climate.

Human Rights and Equity Impact Assessment: A process for identifying and assessing inequities, unintended, adverse, and disproportional impacts (positive or negative) of a policy, program, procedure, or initiative on the human rights enjoyment and/or educational access for students, staff, families and/or communities.

Human Rights Office (HRO): HWDSB's arm's length office that is mandated to promote and protect the human rights of all HWDSB community members.

HWDSB Leadership: Senior administration (Executive Council, principals, vice principals, managers, supervisors) and any person placed in a position of added responsibility within HWDSB.

Inclusive Design: A consideration of differences among individuals and groups when designing something to avoid creating barriers. Inclusive design can apply to systems, facilities, programs, policies, services etc.

Ontario Human Rights Code (the Code): is the law in Ontario that guarantees equality before the law and prohibits discrimination in specific social areas such as services and employment.

People with Positions of Responsibility: Members of Executive Council, principals, vice principals, managers, supervisors, educators, teachers and any employee who works directly with students.

Poisoned Environment: A negative, hostile, or unpleasant learning or work environment created due to comments or conduct or activities that harass or discriminate against a person or a group. It might not be directed at a specific individual. A poisoned environment may result from a series of incidents or a

single serious incident. Allowing inappropriate behavior to continue and failing to adequately remedy and restore the environment following the incident(s) may result in a poisoned environment.

Positive Human Rights Obligations: An organization's duty to put measures in place to prevent human rights violations from occurring. Examples include implementing policies to ensure human rights are fully recognized and respected, providing training and identifying and addressing barriers to create inclusive and equitable environments by proactively applying principles of inclusive design, whenever reasonably possible.

Supervisor/Manager: HWDSB employees with supervisory responsibilities, including vice-principals, principals, superintendents, and managers.

Right Holders: All members of the HWDSB community are rights holders and have the right to learn, work and access services free from discrimination and harassment. Rights holders have rights and responsibilities to ensure that human rights are protected in all HWDSB learning and working environments.

Responsibility: In this procedure context, responsibility means the duty to fulfill a role, plan or take a specific action. Responsibility may be delegated based on individual roles and level or scope of authority.

Universal Design for Learning (UDL): An educational framework for creating learning environments that address the diverse needs of learners. UDL provides students with flexibility in the ways they access and engage with learning materials and demonstrate mastery of learning objectives. When implemented effectively, UDL-grounded learning environments provide full access to every learner, including those with varying language skills, diverse backgrounds and hidden or visible disabilities.

For more terminologies, refer to [Human Rights Policy \(A1.1\)](#)

PROCEDURES:

1.0 PROACTIVE MEASURES: PREVENTING AND REMOVING HUMAN RIGHTS BARRIERS

The prevention and proactive removal of human rights barriers must occur on both the individual and system levels to create a culture of human rights in all HWDSB environments. The Human Rights Policy affirms that HWDSB will take proactive steps to foster a culture of human rights in all HWDSB environments and create accessible, respectful and inclusive learning and working environments free of discrimination and harassment.

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1.1 Barrier Reviews: Policies and Procedures

- 1.1.1 Review and update HWDSB's Equity and Inclusion Policy (5.4) and its associated procedures to align with the Human Rights Policy.
- 1.1.2 Review and update all Board policies and procedures to align with the Human Rights Policy.
- 1.1.3 Modify HWDSB's policy development process to ensure when new policies are developed and existing ones are updated, an assessment is conducted to identify and remove any potential human rights and equity barriers. To support this, a Human Rights and Equity Assessment tool will be developed and integrated with the policy development process.

1.2 Multi- Year Strategic Plan (Strategic Directions) and Board Annual Plan

- 1.2.1 Embed human rights principles and the guiding principles in the Human Rights Policy in HWDSB's Multi-Year Strategic Plan and Board Annual Plans to ensure that systemic human rights barriers are identified and removed proactively.
- 1.2.2 All schools and departments within the scope of their environment, authority, influence and responsibilities shall apply the key guiding principles of the Human Rights Policy and will be proactive in incorporating key HWDSB equity related strategies in their work to advance, promote and protect human rights.
- 1.2.3 Take steps to collect detailed, disaggregated student identity and human rights-based data and analyze identity data against outcomes (e.g., EQAO results, academic pathways, credit accumulation, graduation rates, post-secondary application, acceptance and attendance) to identify human rights trends, disproportionalities and disparities.

1.3 Indigenous Peoples and Human Rights

- 1.3.1 Working in partnership with Indigenous Education Lead, Indigenous students, employees, families and community members to effectively implement the Indigenous Education Circle Strategic Action Plan.(IECSAP).

1.4 Inclusive Design

- 1.4.1 All schools and departments shall proactively apply inclusive design principles to their work by emphasizing dignity, inclusion, accessibility, barrier-free environments and meaningful participation of individuals and groups with diverse identities and varying levels of ability.
- 1.4.2 When developing or revising programs, procedures, standards, requirements and facilities, planning will be conducted with everyone in mind by intentionally being aware

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of differences among individuals and groups. This is critical in identifying and preventing barriers to inclusion and to maximize a person's ability to independently access and participate in services and employment without discrimination.

- 1.4.3** The Board will incorporate accessibility standards and meet legal requirements under the Accessibility for Ontarians with Disabilities Act.

1.5 Universal Design for Learning (UDL)

- 1.5.1** Universal Design for Learning (UDL) will be used to support the development of universally accessible curriculum instruction, and assessment methods, learning activities in classrooms, experiential experiences, online learning environments, physical spaces and multiple pathways to achieving equitable outcomes to all students.

1.6 Anti-racism and Anti-oppression (ARAO)

- 1.6.1** Schools and departments will apply Anti-racism and Anti-oppression (ARAO) principles to identify and address disproportional impacts of different forms of systems of oppression, including, but not limited to ableism, ageism, antisemitism, biphobia, classism, homophobia, islamophobia, racism (including anti Indigenous racism, anti Black racism, anti-Asian racism, and other specific forms of racism), sexism, transphobia and other systems of oppressions.
- 1.6.2** Anti-racism and Anti-oppression principles will guide the Board's Multi-Year Strategic Plan, Board Annual Plans, and School Improvement Plans.
- 1.6.3** All schools and departments within the scope of their environment, authority, influence and responsibilities will build staff knowledge and capacity to apply key guiding principles of Anti-racism, Anti-oppression and related approaches.

1.7 Human Rights Education

- 1.7.1** The Board will promote human rights by championing and providing human rights education for all staff and students by:
- i. Embedding human rights content in the curriculum, pedagogy and assessment to enable students understand their rights and responsibilities as right holders and future duty bearers.
 - ii. Embedding human rights learning and awareness in staff professional development to ensure that staff are knowledgeable and skilled to meet their obligations under the Ontario Human Rights Code as duty bearers.
 - iii. Embedding human rights and equity competencies as key required skills and knowledge in the hiring process, especially for positions that require staff to have enhanced roles and responsibilities in promoting and protecting human rights as duty bearers.

1.8 Communications

- 1.8.1 HWDSB community members will receive information about the Human Rights Policy and its associated procedures at least once a year.
- 1.8.2 Information about the Human Rights Policy and its procedures will be integrated in school Codes of Conduct (where they exist), school handbooks, newsletters, school websites and other appropriate communication tools to ensure students and families are informed about their rights and responsibilities under the Human Rights Policy and procedures.
- 1.8.3 Information about the Human Rights Policy and its procedures will be integrated in employment related and staff communications, including during the hiring and onboarding processes, to ensure that staff are informed about their rights and responsibilities under the Human Rights Policy and procedures.

1.9 Accountability through a [Human Rights Complaints Resolution Procedure](#)

- 1.9.1 Ensure that all HWDSB community members can access, understand and utilize the HWDSB Human Rights Complaints Resolution Procedure.
- 1.9.2 Ensure that resolution processes are equitable, transparent and culturally responsive.
- 1.9.3 Use human rights reporting to identify, address and ensure accountability for all forms of discrimination, including physical and attitudinal barriers, harassment, bullying and poisoned environment.

2.0 ACCOUNTABILITY FRAMEWORK: ROLES AND RESPONSIBILITIES

2.1 Organizational Accountability

2.1.1 The organization, through its employees, is accountable for:

- I. Proactively promoting and protecting human rights and fostering learning and working environments that are inclusive and are free from discrimination and harassment.
- II. Integrating human rights, anti-racism, anti-oppression, inclusive design, Universal Design for Learning (UDL) and accessibility principles into strategic directions, policies, procedures, practices, programs, initiatives and decision making.
- III. Addressing, correcting and remedying violations of the Human Rights Policy appropriately, in a timely, fair, and culturally responsive manner, in accordance with applicable policies, procedures and the law.
- IV. Applying the remedial nature of *the* Human Rights Code by using incidents and complaints to learn, acknowledge and address the effect of discrimination or harassment where it occurs, regardless of intent, and restore relationships to create and maintain positive climates.

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- V. Meeting its duty to accommodate persons based on a protected ground(s), up to the point of undue hardship, in accordance with the Human Rights Code and other applicable legislations and for fostering principles of dignity, independence, inclusion and full participation.
- VI. Proactively identifying and addressing systemic issues and trends that may lead to inequitable and discriminatory outcomes, and meeting the Board's positive human rights obligations, when applicable (e.g., setting up special programs as set out in section 24 of the Human Rights Code).
- VII. Ensuring that all new policies, procedures, guidelines, programs and reviews of existing ones, comply with the Human Rights Policy and the Human Rights Code.
- VIII. Promoting human rights education and building capacity to embed human rights into all decision making with a goal of integrating human rights responsibilities in Board governance and across all classrooms, schools and systems.
- IX. Nurturing public trust through authentic and responsive engagement, especially with communities that often experience discrimination, and ensure accountability, through meaningful community engagement, public reporting and partnerships around human rights concerns, solutions and outcomes.
- X. Aligning leaders' performance appraisal process to the Board's human rights and equity goals to ensure accountability.
- XI. Holding duty bearers accountable when failing to fulfil their obligations under the Human Rights Policy and this procedure by putting in place accountability measures and effective remedies in accordance with progressive discipline policies and procedures.

2.1.2 The Human Rights Office (HRO) is responsible for:

- I. Providing strategic advice within HWDSB to support all HWDSB community members to understand their human rights, responsibilities and obligations.
- II. Providing timely information and learning about the Human Rights Policy and procedures.
- III. Managing HWDSB internal [Human Rights Complaints Resolution Procedure](#) including resolving, mediating and investigating human rights concerns in a consistent, timely, impartial and fair manner.
- IV. Initiating reviews, inquires and investigations to identify human rights barriers, trends, discriminatory practices and systemic issues and to make recommendations based on findings.
- V. Providing professional development and educational opportunities to create awareness and build capacity on issues of human rights and related topics under the Human Rights Policy.
- VI. Working closely in collaboration with Human Resources Services, the Indigenous Education, Equity and Safe Schools departments, the Specialized Services division and other departments and divisions to identify and address systemic human rights barriers.

- VII. Collaborating and engaging meaningfully with community members to build trust, ensure accountability and receive feedback/input.
- VIII. Developing and implementing a Human Rights and Equity Impact Assessment (HREIA) tool to be applied when new policies, procedures and programs are developed or existing ones are reviewed, updated, or replaced.
- IX. Monitoring, evaluating and reporting human rights trends at HWDSB.

2.2 Individual Accountability

All HWDSB community members have roles, responsibilities and accountabilities in promoting and protecting human rights and meeting requirements under the Human Rights Policy and procedures. Each member's responsibilities and accountabilities are defined based on the relationship between rights holders and duty bearers. While all members of HWDSB are rights holders, employees of the Board have enhanced roles and responsibilities as duty bearers within the scope of their roles, position and authority.

2.2.1 All members of the HWDSB community have a responsibility to:

- I. Adhere with the Board's Human Rights Policy and procedures.
- II. Respect the dignity and rights of others and not engage in discriminatory or harassing behaviours.
- III. Contribute to maintaining a culture of respecting human rights in HWDSB environments.
- IV. Cooperate fully in processes and attempts (e.g., reviews, inquires, early resolution, mediation, investigations) to address a situation or complaint, to the full extent of their capacity and abilities, and in good faith.
- V. Request an accommodation when needed and cooperatively engage in the accommodation process to identify appropriate accommodation.
- VI. Report any violations of the Human Rights policy that they may experience or witness as they become aware of them.

2.2.2 All employees have a responsibility to:

- I. Support and contribute to creating a culture of respect for human rights within the scope of their duties and responsibilities.
- II. Model human rights positive behaviour and not engage in any form of discrimination or harassment.
- III. Participate, in good faith, in ongoing learning and professional development to strengthen their understanding of: 1) the Human Rights policy and associated procedures as provided and 2) human rights, anti-discrimination knowledge, skills and competencies including recognizing how discriminatory biases, beliefs, assumptions,

stereotypes, inequities and barriers operate in the learning and working environments, both in individual and organizational practices.

- IV. Report to a person with a supervisory role (preferably their supervisor who is not involved or implicated in the situation being reported) at their worksite or to the Human Rights Office (HRO) upon becoming aware of discriminatory incidents and other potential violations of the Human Rights Policy.
- V. Intervene to stop all forms of harassment or discrimination against a member of the HWDSB community, especially students, and report it to their supervisor.
- VI. Participate in and cooperate fully with information gathering or investigation procedures, as may be required to respond to a human rights issue or complaint.
- VII. Support individuals who are experiencing or have been targets of discrimination and harassment, including referring them to available supports, providing information and supporting with reporting.
- VIII. Not engage in, tolerate or condone discrimination or harassment or any other violations.
- IX. Not engage in reprisal actions against students (or their family members/caregivers), employees or community members who raise human rights related issues, concerns, accommodation requests or complaints, or who participate in complaint or issue resolution processes.

2.2.3 The Director of Education holds primary responsibility to:

- I. Enforce the Board's Human Rights Policy and fulfil the Board's obligations under the Human Rights Code.
- II. Foster a culture of human rights and providing learning and working environments free from discrimination and harassment.
- III. Set clear direction and expectations to help employees at all levels fulfill individual and organizational roles, responsibilities and accountabilities for human rights.
- IV. Ensure that the Human Rights Office (HRO) is resourced, supported, and equipped to fulfil its mandate and responsibilities without interference and maintain its impartiality.
- V. Receive and determine next steps regarding recommendations coming from the HRO as a result of a review, inquiry, investigation or environmental scan.
- VI. Monitor the implementation of the Human Rights Policy and, when required, revise plans in consultation with the HRO.

2.2.4 Persons with Positions of Responsibility have a responsibility to:

- I. Model behaviour that promotes human rights and make reasonable efforts to protect those under their supervision from all forms of discrimination and harassment.

- II. Intervene when incidents occur or are suspected to have occurred and, when necessary, consult with a direct supervisor, the Human Rights Office, or other departments of the Board, as appropriate, to assist in effectively addressing issues.
- III. Make all reasonable efforts to educate themselves and those under their supervision about the Board's Human Rights Policy and procedures, their rights and responsibilities and encourage reporting of violations of the Human Rights Policy.

2.2.5 HWDSB leadership has a responsibility to:

- I. Provide leadership in fulfilling the Board's obligations to foster a culture of human rights and provide learning and working environments free from discrimination and harassment.
- II. Resolve and address incidents, complaints and allegations of discrimination, harassment and potential violations of the Human Rights Policy following the Board's Human Rights Complaints Resolution Process. Those with supervisory responsibilities have an enhanced duty to respond to and act to resolve any alleged or suspected incidents/complaints involving harassment/discrimination. When necessary, they shall engage the HRO to seek advice and provide support in fact finding, early resolution, mediation and investigations.
- III. Hold duty bearers accountable for meeting their duties and responsibilities set out in the Human Rights Policy and this procedure, including taking appropriate corrective, remedial, responsive, restorative and disciplinary action when responsibilities are not met.
- IV. Collaborate with the HRO to identify systemic issues through reviews and inquiries, develop plans to address human rights issues identified and implement recommendations that come out through the HRO's or other fact finding, early resolution, mediation or investigative processes.
- V. Ensure that those under their supervision understand and have access to policies and procedures on accommodation based on different human rights grounds (disability, religion, gender identity, etc.)
- VI. Make enhanced efforts to educate themselves and those under their supervision about the Board's Human Rights Policy and procedures, their rights, and responsibilities and obligations.

2.2.6 Educators and employees who interact with students directly have a responsibility to:

- I. Foster classroom and school environments that are welcoming, safe, inclusive, accessible and equitable for all students.

- II. Treat students and their families with dignity, respect and care, and respond to individual and intersecting identities, strengths, barriers, needs, circumstances and other factors that influence individual student learning and experiences.
- III. Provide services using culturally responsive approaches, including critically examining and reflecting on discriminatory biases and assumptions that may affect their decisions, actions and interactions in classrooms, schools and services. (e.g. curriculum delivery, assessment, placement, guidance practices, discipline, referrals to third-party services, parent/guardian/caregiver engagement etc.).
- IV. Increase understanding of human rights by embedding human rights content in the curriculum, pedagogy and assessment.
- V. Ensure students understand their human rights and responsibilities as right holders, by modeling behavior that promote and protect human rights.

2.3. Annual Review

This procedure will be reviewed as often as is necessary but at least annually in consultation with the Director of Education.