

HWDSB

Policy Committee

Wednesday, September 14, 2022

Virtual Meeting

AGENDA: 5:30 p.m.

1. Call to Order
2. Approval of the Agenda

Policy Review:

3. [Trustee Honorarium Policy](#)
4. [Anti-Black Racism Policy](#)
5. [Human Rights Policy](#)

6. Adjournment

curiosity • creativity • possibility

Subject:

Trustee Honorarium

Executive Council Member Responsible:

Sheryl Robinson Petrazzini
Director



ISSUE

Ontario Regulation 357/06 required a Trustee Honorarium policy to be developed and reviewed by each school board, prior to the term ending for the current board of Trustees.

Currently, there have been no revisions to the regulation issued by the Government.

RECOMMENDATION(S)

That the Trustee Honorarium policy be recommended for approval.

Trustee Honorarium

Date Approved: 2018

Projected Review Date: 2022

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PURPOSE:

Hamilton-Wentworth District School Board will pay an honorarium to its trustees in accordance with the provisions set forth in the Education Act and all other associated regulations.

GUIDING PRINCIPLES:

The Board is committed to:

- Recognizing the responsibilities and duties of trustees by providing an honorarium
- Being compliant with Ontario Regulation 357/06, Honoraria for Board Members

INTENDED OUTCOMES:

Trustees are provided an honorarium for performing their duties associated with being a Board member.

RESPONSIBILITY:

Director of Education
Associate Director, Support Services
Officer, Trustee Services

TERMINOLOGY:

Average Daily Enrolment (ADE): The enrolment on a daily basis over the course of an academic year for both elementary and secondary students.

Honorarium: Payment in recognition of the duties performed as a member of the Board of Trustees with HWDSB.

Term of Office: A Board members' term of office is four years in length, beginning on December 1 of the election year and ending November 30 of the next election year, as described in the Education Act.

Trustee: Trustees are responsible for the operation of the public school system. They are elected in accordance with the Education Act at each municipal election, by the electoral group the board represents. A trustee is responsible, as a member of the board:

- to govern and set policy for the board
- to govern for the provision of curriculum, facilities, human and financial resources for the board
- to advocate for the needs of their communities

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- as a constituency representative, to explain the policies and decisions of the board to residents

Trustees are available to help taxpayers, parents and others to address any issues they may have about the public school system

ACTION REQUIRED:

The Director of Education, with assistance from the Officer of Trustee Services, will automatically adjust the Trustee Honorarium on an annual basis throughout the term of office to reflect the average daily enrolment (ADE) in the calendar year.

Components of the Trustee Honorarium include:

1. Base Amount

As set forth in Ontario Regulation 357/06, the base amount for all Trustees is \$5900 per year beginning on December 1, 2018.

For each year of a term of office beginning on or after December 1, 2010, the amount calculated for a year of the previous term of office, increased by the percentage increase in the Ontario Consumer Price Index as published by Statistics Canada for the period between:

- July 1 of the calendar year in which the previous term of office started, and
- June 30 of the calendar year in which the term of office starts

The amount paid to the Chair shall be \$5,000 in addition to the base amount (\$10,900) and the amount paid to the Vice Chair shall be \$2,500 in addition to the base amount (\$8,400).

2. Enrolment Amount

The enrolment amount is calculated on an annual basis. The limit for each year of office is connected to the estimate of the board's average daily enrolment (ADE) of day school students for the previous year.

In addition to the base amount set out above, the enrolment amount paid to every member of the board is 100% of \$1.75 multiplied by the board's ADE.

In addition to the base and enrolment amounts set out above, the amount paid to the Chair shall be the enrolment amount plus the sum of the ADE multiplied by five cents (\$0.05), with a minimum of five hundred dollars (\$500) and a maximum of five thousand dollars (\$5,000).

In addition to the base and enrolment amounts set out above the amount paid to the Vice Chair shall be the enrolment amount above plus the sum of the ADE multiplied by two and one-half cents (\$0.025), with a minimum of two hundred and fifty dollars (\$250) and a maximum of two thousand five hundred dollars (\$2,500).



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3. Attendance Amount

Ontario Regulation 357/06 sets out that an attendance amount (limited to \$50 per meeting) can be paid to a member for attending any meeting of a committee of the Board that is required to be established by an Act or a regulation made under the Act.

There are currently four committees that require membership of one or more trustees under the Education Act;

- Audit Committee
- Parent Involvement Committee
- Supervised Alternative Learning Committee
- Special Education Advisory Committee

A trustee, chair or vice chair who is a member of any of the above noted committees is considered to be participating as part of their trustee work and will not receive any additional remuneration.

HWDSB Trustees have elected not to pay this component, noting that attendance at committee is considered part of their Trustee responsibilities.

4. Distance Amount

This component of the calculation for trustee honorarium is not applicable to trustees at HWDSB.

PROGRESS INDICATORS:

Intended Outcome	Assessment
Trustee are provided an honorarium for performing their duties associated with being a board member.	Annually, the calculation for Trustee Honorarium will be reviewed and approved prior to the next year of the term commencing.

REFERENCES:

Government Documents

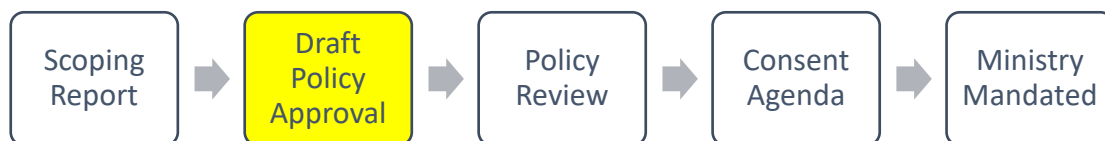
Ontario Regulation 357/06, Honoraria for Board Members.

Subject:

Anti-Black Racism Policy
Human Rights Policy

Executive Council Member Responsible:

Sue Dunlop, Associate Director
Paul Denomme, Superintendent



BACKGROUND

Both the Anti-Black Racism Policy and the Human Rights Policy have completed consultation. Staff have reviewed the feedback provided and updated the policies (please refer to the policy consultation findings and feedback reports attached).

RECOMMENDATION(S)

That both the Anti-Black Racism Policy and the Human Rights Policy be recommended for approval.

Anti-Black Racism Policy

Date Approved: XXXXX

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PURPOSE:

Hamilton Wentworth District School Board (HWDSB) is committed to dismantling structural and institutional anti-Black racism by identifying, preventing, and removing barriers in all HWDSB environments. This policy underlines HWDSB's commitment to understanding and addressing historical and current impacts of systemic anti-Black racism and discrimination that results in inequities experienced by Black students, staff and other members of the HWDSB community.

The United Nations proclaimed 2015-2024 The International Decade for People of African Descent. In proclaiming this Decade, the international community recognized that people of African descent represent a distinct group whose human rights must be promoted and protected. Around 200 million people identifying themselves as being of African descent live in the Americas. Many millions more live in other parts of the world, outside of the African continent. People of African Descent are not a monolithic group and represent multitudes of cultures, backgrounds and histories.

The impact and consequences of historical and ongoing marginalization have created systemic barriers that prevent students from fully participating in Ontario's education system including HWDSB. This is especially true for Black students who are disproportionately impacted by systemic Anti-Black racism and inequitable outcomes such as lower graduation rates, over representation in special education classes, and less likely to learn about their histories in school or to see themselves represented within school staffs in their K-12 school careers.

The purpose of this policy is:

- To strongly acknowledge the existence of anti-Black racism and affirm HWDSB's commitment to take a proactive and systemic approach to identify and address it in HWDSB learning and working environments.
- To acknowledge the need of incorporating awareness of intersectional identities in addressing inequities caused by racism and other forms of oppressions.
- To ensure HWDSB community members understand their roles and responsibilities in identifying and addressing the urgent issues that Black students face in a more targeted way, but in a way that will also benefit all students.
- To promote an approach of targeted universalism to remove systemic barriers experienced by the communities most negatively impacted by the construct of race, in ways that contribute to the universal goal of achieving educational equity for all students.
- To address the Ontario Human Rights Commission recommendations to address Anti-Black racism in a way that provides an intersectional analysis of interconnected socio-economic and racial inequities.
- To promote respect, protection and fulfilment of all human rights and fundamental freedoms by people of African Descent, as recognized in the Universal Declaration of Human Rights.

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- To promote a greater knowledge of and respect for the diverse heritage, culture and contribution of people of African descent to the development of societies.

GUIDING PRINCIPLES:

- HWDSB structures must provide accountability and transparency to all stakeholders.
- K-12 classrooms promote culturally inclusive and responsive programming and assessment practices in ways that recognize Black heritages, histories, experiences, perspectives and contributions.
- HWDSB learning and working environments reflect employment equity and workforce diversity by recruiting, hiring and retaining Black educators, leaders and staff.
- HWDSB policies and procedures are free from anti-Black racism and bias with stakeholder input and feedback.
- Inclusive school-community relationships/partnerships are respectful, and intentionally engage Black students, staff and community organizations and service organizations.
- Learning and working environments promote a positive culture and well-being for students and staff through targeted programming and supports for Black students/staff.
- Professional learning on equity, anti-racism and anti-Black racism is provided for all employees and trustees.
- HWDSB fosters a shared leadership approach to the principles of equity and human rights education.

INTENDED OUTCOMES:

- HWDSB community members are able to learn, work, and access services and facilities in all HWDSB environments without facing anti-Black racism, discrimination or harassment.
- Structures to ensure a proactive approach to identify and address biases, barriers and discriminatory actions related to anti-Black racism including:
 - Identify and address biases, barriers and discriminatory actions related to anti-Black racism.
 - Supportive positive learning and workplace environments where all students and staff feel safe, supported and accepted.
 - Support inclusive community partnerships and engagement as well as communicate ongoing progress on related goals and strategies.
 - Advance barrier-free practices in recruitment, hiring and promotions.
 - Support workforce diversity and leadership that is inclusive of Indigenous, racialized and Black employees and honors intersectional identities.
 - Enhance data collection, analysis, and reporting for evidence-based decision-making, and clearly communicating how the data will be used.
 - Increase understanding of systemic racism and anti-Black racism.

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- Identify and address acts and systems of White Supremacy
- Increase understanding of the Canadian Black Community and Black history in Hamilton.

RESPONSIBILITY:

Director of Education
Members of Executive Council
All members of the HWDSB Community

TERMINOLOGY:

Accountability: Refers to the process whereby organizations and institutions as members of a diverse community are subject to the obligation to maintain a certain level of ethics and responsiveness and reporting regarding the quality, effectiveness and relevance of their service or practices and the method of delivery.

Adverse impact: having a harmful result. Sometimes treating everyone the same will have a negative effect on some people.

African Descent (also referred to as Black, Black Canadian, and African Canadian): The terms African Canadians, Black Canadians, and Black people are used interchangeably to refer to all people of sub-Saharan African ancestry living in Canada, regardless of whether they arrived in Canada directly from their ancestral homeland on the continent of Africa or from other parts of the world. These terms include all people of African descent living in Canada, regardless of their citizenship status. Black Canadians are made up of a diverse mix of cultures, religions, backgrounds, and identities.

Anti-Black Racism: Prejudice in attitudes and beliefs, stereotyping and discrimination that is directed at people of African descent and is rooted in their unique history and experience of enslavement and its legacy. Anti-Black racism is deeply entrenched in Canadian institutions, policies and practices, to the extent that anti-Black racism is either functionally normalized or rendered invisible to the larger society. Anti-Black racism manifests in the current educational marginalization of African Canadians, which includes unequal opportunities, disproportionately low academic achievement, lessened experiences of well-being, and overrepresentation in the disciplinary and Special Education data.

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,



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islamophobia, antisemitism, and other forms); and of seeking to identify, challenge, disrupt and eliminate oppressive ideologies, practices, and outcomes.

Barrier: anything that prevents a person or groups of people with shared identities from fully taking part in all aspects of society, including physical, architectural, information or communications, attitudinal, economic, and technological barriers, as well as policies or practices.

Bias: An opinion, preference, prejudice, or inclination that limits an individual's or a group's ability to make fair, objective, or accurate judgements.

Board: Hamilton Wentworth District School Board or HWDSB

Board of Trustees: locally elected representatives of the public, who are required to carry out their responsibilities in a manner that assists the Board in fulfilling its duties under the *Education Act*.

Black People: The terms African Canadians, Black Canadians, and Black people are used interchangeably to refer to all people of sub-Saharan African ancestry living in Canada, regardless of whether they arrived in Canada directly from their ancestral homeland on the continent of Africa or from other parts of the world. These terms include all people of African descent living in Canada, regardless of their citizenship status. Black Canadians are made up of a diverse mix of cultures, religions, backgrounds, and identities.

Community Partnerships: Collaborative relationships between institutions and groups within the community in which there is recognition of the experience of participants and evidence of their involvement in the decision making of the institutions.

Competing rights: situations where parties involved in a dispute claim that the enjoyment of an individual or group's human rights and freedoms, as protected by law, would interfere with another's rights and freedoms.

Culture: The way in which people live, think, and define themselves as a community.

Culturally Responsive Curriculum: A curriculum that accurately reflects and uses the variety of knowledge of all peoples as the basis for instruction; that acknowledges and respects the diverse social backgrounds, identities and experiences of all students, and places them at the centre of the learning environment. The curriculum provides opportunities for students to understand the similarities, differences, and connections between people of diverse communities. The curriculum helps students to acquire the skills and knowledge that enable them to challenge unjust practices and to build positive human relationships among their peers and among all members of the society.



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Curriculum: Curriculum is defined as the total learning environment, including physical environment, learning materials, pedagogical practices, assessment instruments and co-curricular and extracurricular activities.

Discrimination: Unfair or prejudicial treatment of individuals or groups because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status, disability, gender expression, gender identity, receipt of public assistance, record of offences (in employment only), as set out in the Ontario Human Rights Code, or based on other, similar factors. Discrimination, whether intentional or unintentional, has the effect of preventing or limiting access to opportunities, benefits, or advantages that are available to other members of society. Discrimination may be evident in organizational and institutional structures, policies, procedures, and programs, as well as in the attitudes and behaviours of individuals.

Diversity: The presence of a wide range of human qualities and attributes within a group, organization, or society. The dimensions of diversity include, but are not limited to, ancestry, culture, ethnicity, gender identity, language, physical and intellectual ability, race, religion, sex, sexual orientation, and socio-economic status.

Employment Equity: A program designed to remove systemic barriers to equality of outcome in employment by identifying and eliminating discriminatory policies and practices, remedying the effects of past discrimination, and ensuring appropriate representation of designated groups, i.e., women, aboriginal peoples, persons with disabilities and members of visible minorities. Employment equity programs usually involve setting goals and timelines in order to ensure that defined objectives are met by a specified date.

Equality: The principle that each person must be treated equally by and under the law. In Canada, the right to equality is enshrined in provincial and federal human rights legislations and the *Charter*. Equality is often understood by the notions of both formal equality (treating everyone the same in all situations) and substantive equality (treating some differently than others in order to treat some equally).

Equitable: Just or characterized by fairness or equity. Equitable treatment can at times differ from same treatment.

Equity: A condition or state in which access to opportunities and resources are distributed fairly, justly, and equitably. Equity involves treating some people differently or giving them what they need so they may meet the same outcomes as others.

Ethnic / Ethnicity: The shared national, ethnocultural, racial, linguistic, and/or religious heritage of a groups of people, whether or not they live in their country of origin.

Ethnocultural Group: A group of people who share a particular cultural heritage or background.

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Harassment: is defined in the Code as *engaging in a course of vexatious comment or conduct that is known, or ought reasonably to be known, to be unwelcome*. This policy covers code-based harassment, which is a type of harassment that is directed towards a person or group on the basis of a protected code ground(s). It can involve words or actions that are known or should be known to be offensive, embarrassing, humiliating, demeaning, or unwelcome. More than one event must take place for there to be a violation of the Code. However, one incident could be significant or substantial enough to be interpreted as harassment. Some examples of harassment are name-calling, unwelcome remarks, jokes, slurs, displaying derogatory or offensive messages, and bullying.

Inclusion: While diversity is the presence of a wide range of human qualities and attributes within a group, organization, or society, inclusion is about people with different identities feeling valued, accepted, and welcomed within an environment. Having diversity does not mean there is inclusion.

Inclusive Education: Education that is based on the principles of acceptance and inclusion of all students. Students see themselves reflected in their curriculum, their physical surroundings, and the broader environment, in which diversity is honoured and all individuals are respected.

Inclusive school-community relationships: Relationships and partnerships that reflect the principles of equity and inclusive education and engage a cross-section of diverse students, parents, staff, community members and community organizations.

Identity-based data: Refers to the socio-demographics information about a person including, but not limited to, their race, ethnicity, sexual orientation, and gender identity and so on.

Intersectionality: recognizes how each person simultaneously exists within multiple and overlapping identities. Intersectional oppression may arise out of the combination of experiences of oppressions, which, compounded, produce a distinct experience of discrimination or oppression. (See also 'Intersecting Grounds')

Intersecting Grounds: Discrimination can be connected to the compounding effects of more than one grounds of discrimination. For example, a Black Muslim woman can be seen as a "Black person," or as a "Muslim," or as a "woman" and is protected under the grounds of race, religion, and gender. She may experience discrimination on these intersecting grounds. (See also 'Intersectionality')

Leadership: The Board of Trustees, Senior Administration, Principals, Managers and any person placed in a position of added responsibility within HWDSB.

Ontario Human Rights Code: A provincial law that gives everyone equal rights and opportunities, without discrimination, in devoted areas such as education, jobs, housing, and services. The goal of the Code is to address and prevent discrimination and harassment. (Available at www.ohrc.on.ca)

Race: A social construct that groups people based on common ancestry and characteristics such as colour of skin, shape of eyes, hair texture, and/or facial features. The terms are used to designate the

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social categories into which societies divide people according to such characteristics. Race is often confused with ethnicity; there may be several ethnic groups within a racial group.

Racism: A set of erroneous assumptions, opinions and actions stemming from the belief that one race is inherently superior to another. Racism may be evident in organizational and institutional structures, policies, procedures, and programs, as well as in the attitudes and behaviours of individuals.

Reprisal: an action or threat that is intended as retaliation or punishment for claiming or enforcing a right under the *Code and under this policy*. Section 8 of the *Code* protects people from reprisal or threats of reprisal.

Special programs: are programs or measures that an organization may create to address inequalities and help generate opportunities for people who experience discrimination, hardship, and disadvantage. To be a special program, the program must meet one of the following conditions: (a) it must relieve hardship or economic disadvantage, or (b) help disadvantaged people achieve, or try to achieve, equal opportunity, or (c) help eliminate discrimination.

Systemic barrier: a barrier embedded in the social or administrative structures of an organization, including the physical accessibility of an organization, organizational policies, practices and decision-making processes, or the culture of an organization. These may appear neutral on the surface but exclude members of groups protected by the Human Rights Code.

Systemic discrimination: patterns of behaviour, policies or practices that are part of the social or administrative structures of an organization which create or perpetuate a position of relative disadvantage, advantage, or privilege for people of certain for groups.

Targeted Universalism: Targeted universalism, as a principle, recognizes that everyone benefits from HWDSBs targeted removal of systemic barriers faced by the most disadvantaged communities. Reducing barriers and disparities leads to a better HWDSB learning and working environment for everyone.

White Supremacy: The belief that white people constitute a superior race and should therefore dominate society, typically to the exclusion or detriment of other racial and ethnic groups, in particular Black or Jewish people.

Workforce Diversity: Workforce diversity is a characteristic of a workplace that is comprised of people with a wide range of experiences, backgrounds, and characteristics. Those key characteristics include (but are not limited to): race, ethnicity, gender, religion, age, ability, gender identity and sexual orientation. In the education sector, strengthening diversity in leadership and in the classroom is proven to be important; not only to promote a sense of belonging among students, but also to enhance innovation and creativity in the school environments.

ACTION REQUIRED:

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- Implement culturally inclusive and responsive programming and assessment practices, taking proactive instructional steps to identify, prevent and mitigate systemic barriers in all classrooms.
- Take proactive steps to identify, prevent and remove systemic barriers in hiring practices with measurable outcomes.
- To create an Anti-Black Racism Strategy that includes an intersectional anti-oppressive approach to address racial disparities in HWDSB learning and working environments.
- Use disaggregated race data to assist in assessing the potential of systemic barriers in board policies and procedures, taking into consideration that racism is experienced differently by various Black identifying and racialized groups, and within those groups, based on other dimensions of diversity including ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex (including pregnancy), sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status, disability and language.
- Create structures for respectful, open and ongoing communication between HWDSB and Black staff, students and community members by creating advisory groups. The lived experience, perspectives and guidance of those most adversely impacted by anti-Black racism will be considered when developing policies and programs.
- Use the approach of targeted universalism when identifying, removing, and preventing systemic barriers thereby supporting all students and staff in achieving full participation in all HWDSB learning and working environments. The targeted removal of systemic barriers faced by the most disadvantaged communities will reduce barriers for all communities in HWDSB.
- Develop and implement anti-Black racism capacity and competency building for all students, employees and trustees. All will be required to complete anti-Black racism training in order to promote and develop anti-racism competency, capacity and understanding and build a shared understanding of the principles of equity.
- Structure capacity building in a way that is customized for students, families and staff so all HWDSB members are able to share leadership and share in identifying and removing barriers that exist to full participation in the system.
- Regular review of mental health strategies/resources to ensure students and staff impacted by anti-Black racism or oppression, whether as targets or witnesses, are provided with the support to implement strategies for self-care and dialogue to address concerns and prioritize students feeling safe mentally, emotionally and physically.

PROGRESS INDICATORS:

Intended Outcome	Assessment
HWDSB community members are able to learn, work, and access services and facilities in all HWDSB environments without facing anti-Black racism, discrimination or harassment.	<ul style="list-style-type: none"> • Human rights incidents, inquiries, reviews and reports related to anti-Black racism • School climate surveys

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	<ul style="list-style-type: none"> • Staff voice surveys • Parent/community voice surveys • Student Voice Surveys
<p>Structures to ensure a proactive approach to identify and address biases, barriers and discriminatory actions related to anti-Black racism including:</p> <ul style="list-style-type: none"> • Identify and address biases, barriers and discriminatory actions related to anti-Black racism. • Supportive positive learning and workplace environments where all students and staff feel safe, supported and accepted. • Support inclusive community partnerships and engagement as well as communicate ongoing progress on related goals and strategies. • Advance barrier-free practices in recruitment, hiring and promotions. • Support workforce diversity and leadership that is inclusive of Indigenous, racialized and Black employees and honors intersectional identities. • Enhance data collection, analysis, and reporting for evidence-based decision-making, and clearly communicating how the data will be used. • Increase understanding of systemic racism and anti-Black racism. • Identify and address acts and systems of White Supremacy • Increase understanding of the Canadian Black Community and Black history in Hamilton. 	<ul style="list-style-type: none"> • Environmental scan reports, policy reviews • Training evaluation and feedback • School climate surveys • Staff voice surveys • Parent/community voice surveys • Human rights- Data collection and feedback mechanism • Student Voice surveys • Create a feedback mechanism to consistently evaluate the effectiveness of the policy and its associated strategy to be reviewed on a regular basis. • Community Partner data base and feedback

REFERENCES:

[Ontario Anti-Racism Act, 2017](#)

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

<http://www.edu.gov.on.ca/eng/policyfunding/inclusiveguide.pdf>

Ontario's Equity and Inclusive Education Strategy, 2009

[Ministry of Education | ontario.ca](#) Policy and Program Memorandums 119, 145, 151, 159 and 165
[Education Act](#)

[Student and Family Advocates initiative | ontario.ca](#)

[Ontario's Anti-Black Racism Strategy | ontario.ca](#)

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UN General Assembly [resolution 68/237](#), The International Decade for People of African Descent
[United Nations Declaration on the Rights of the Child](#)
[Canadian Charter of Rights and Freedoms](#)
[Ontario Human Rights Code](#)
[Equity and Inclusion Policy 5.4.](#)
[HWDSB Code of Conduct Policy 5.3.](#)
[Barrier-Free Learning Environments Policy 1.1.](#)
[Workplace Violence and Harassment Prevention Policy 4.9](#)
[Bullying Prevention and Intervention Policy 5.2](#)
[Policies - Hamilton-Wentworth District School Board](#)5.7
[Professional Advisory on Anti-Black Racism - oct.ca](#)

Policy Consultation Feedback and Response Chart

POLICY: Anti-Black Racism Policy

Feedback was gathered through: Online Public Consultation, 1 Public Consultation Meeting, Targeted Small Group Consultation Meetings, Email Feedback from Community Members/Groups

Categories	Comment/ Feedback	Response
Purpose	+ Agreed with the purpose and felt the policy was appropriate - Feel this is an American issue and feel all children should be treated equally. 65% of written, online comments were opposed to this policy implementation	- Understand that many within our community will have different opinions on anti-Black Racism. HWDSB must continue to respond to student and community voice, research and operate with the understanding that racism, oppression and marginalization exist within our community, schools and system.
Guiding Principles	+ Generally, the positive feedback agreed with the Guiding Principles. Many comments we focused on operationalizing the policy. Many more comments were focused on structures of accountability. - Negative comments were similar in nature to the purpose.	- Guiding Principles were not changed. They reflect the pre-engagement session feedback as well as the draft policy consultations feedback
Intended Outcomes	+ Generally, the Intended Outcomes matched the pre-engagement and small group consultation feedback. Participants had further comments around accountability for breaking the policy. - Negative comments outlined that we are practicing CRT, that anti-Black racism does not exist	- No change to the Intended Outcomes from the original draft policy. Feedback around accountability will be built into the procedure and strategy.
Terminology	- One comment - not want to see 'Black' or African Canadian' used interchangeably. - Student Small Group would like to see the definitions of White Privilege and White Supremacy within the policy	- Terminology aligns with Human Rights Policy, definitions used within the Ontario Human Rights Code - Terminology of 'Black' and 'African Descent' are described. It also outlines that this is not a monolithic group - We added White Supremacy
Action Required	+ Positive comments agreed with the Action Required + Comments were mainly related to accountability, implementation, recruitment of staff, training + Comments to included mental health and other resources that support anti-Black Racism	- These items will be reflected within the Procedure and Strategy - Addition of Regular review of mental health strategies and resources

Progress Indicators	<ul style="list-style-type: none"> - Comments to included intersectionality and a recognition that there are intersectional identities - Need a clear understanding of how race based data will be used 	<ul style="list-style-type: none"> - Added honor intersectionality to intended outcomes - Added 'clearly communicate' to how the data will be used
Overall Readability/understandability	<ul style="list-style-type: none"> - No Comment 	
Items for the Procedure	<ul style="list-style-type: none"> - Communication - Education - Accountability - Representation - Understanding of Black Identities and Histories 	<ul style="list-style-type: none"> - These will be added to the Procedure of ongoing Strategies
Other	<ul style="list-style-type: none"> - No Comment 	

Anti-Black Racism Policy Consultation Summary Report 2022

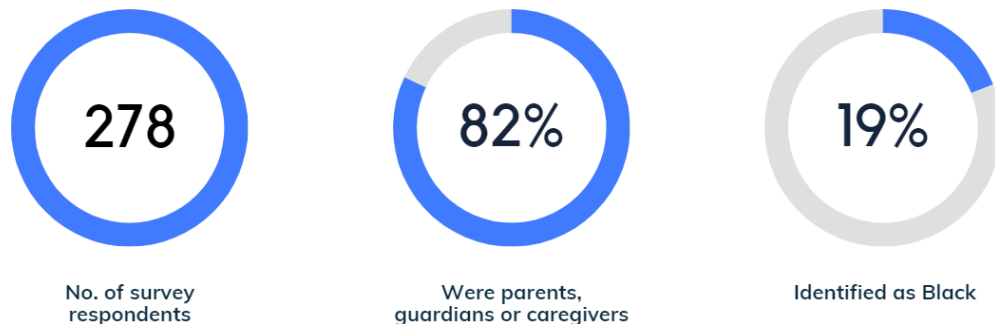
Background

Black students face several systemic barriers that prevent them from fully participating in the education system. Research shows that Black students are less likely to graduate; are over-represented in applied courses and special education; are more likely to be racially profiled and face harsher disciplinary measures; are less likely to learn about their histories in school and in a culturally responsive way; and are less likely to see themselves represented in board personnel, instructional resources, and the day-to-day curriculum. Black staff also experience prejudice, stereotyping and discrimination in their schools and work environments.

A policy focused on anti-Black racism will allow HWDSB to address urgent issues that Black students and staff face, which will contribute to the universal goal of equity and inclusion for *all* students and staff. In May 2022, staff, students, families, and community members were invited to provide feedback via a survey on a [draft Anti-Black Racism Policy](#). This report summarizes the survey feedback.

Survey Participants

We received 278 survey responses. Most people who participated (82%) were parents/guardians/caregivers. Staff, students, and community members made up about 5% of participants each; and 2% of responses were from representatives of community organizations. About 20% of participants identified as Black.



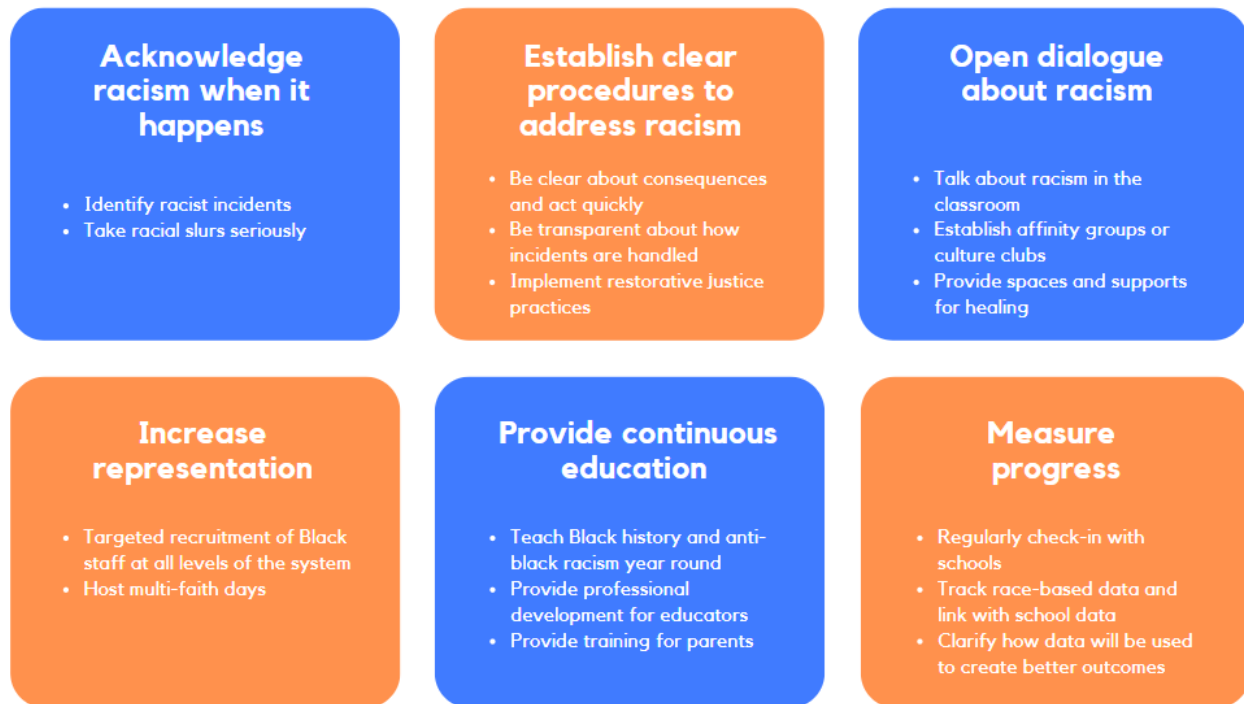
Barriers Faced by Black Students and Staff

Participants identified several barriers Black students and staff experience in their learning and workspaces. Examples include lack of access to resources (e.g., language interpreters, wellness supports); lack of diverse representation among staff, especially in leadership positions; stereotypes that lead to educators making assumptions about Black students (e.g., intelligence levels and family income); harsher punishments for Black students; and direct discrimination (e.g., use of racial slurs).

Addressing Anti-Black Racism

Survey participants were given a list of ways HWDSB currently addresses anti-Black racism and were asked to indicate whether they think it makes a positive contribution. Actions seen as the most helpful include identifying and addressing racism, discipline for racial slurs and other forms of discrimination, and discussing racism in the classroom. Actions that were seen as less helpful were social justice education for students, educating parents and school councils, and curriculum resources.

Participants were also asked to provide suggestions on what else HWDSB could do to address anti-Black racism and include in the anti-Black racism strategy. Suggestions centered around promoting a culture of anti-Black racism; increasing representation of Black educators and cultures; education and professional development; accountability when racism happens; and monitoring progress through race-based data.



Participants Opposed to the Policy

A large proportion of participants who completed the survey were opposed to its implementation for various reasons. Participants expressed their beliefs that:

- Anti-Black racism is not a problem that exists, or it exists only in the United States
- All children are the same and should be treated the same. Children should simply be taught to be kind, respectful and non-judgmental.
- School boards should not be concerned with issues of racism. They should focus on teaching academics.
- The Anti-Black Racism Policy and critical race theory perpetuates racism because talking about racism keeps it alive and it treats Black people as if they need help.
- The policy should be broadened to include other races.
- The policy will divide instead of unite.

Feedback on the Policy

About half of the survey participants strongly agree or agree that the policy uses language that is easy to understand and has a clear definition of anti-Black racism. About 40% of participants agreed that the policy addressed what it needed to regarding anti-Black racism. Participants offered suggestions for how to improve the policy, including: translation into different languages; shorter length; simpler language; and use of concrete examples/actions. Participants also asked for clarity in how the policy will be operationalized (e.g., protocols to address racial incidents, consequences for racist behaviour, etc.) which will be outlined in the accompanying procedure.

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PURPOSE:

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* is complementary to and does not substitute individual or group rights and responsibilities under the *Ontario Human Rights Code (the Code)*. The purpose of this policy is:

- to affirm HWDSB's commitment to foster and maintain a culture of human rights in all HWDSB environments;
- to ensure that members of the HWDSB community understand their rights and responsibilities in upholding and protecting human rights where they learn, work, access or provide services;
- to put in place accountability measures and procedures for human rights concerns to be brought forward, and be resolved in a fair and timely manner using culturally responsive approaches; and
- to articulate the Board's commitment in fulfilling its positive human rights obligations.

The *Human Rights policy* applies to all members of the HWDSB community in all HWDSB environments, and affirms that:

- All forms of discrimination and harassment based on one or any combination of the human rights protected grounds identified in the [Ontario Human Rights Code](#) are prohibited in all HWDSB environments.
- HWDSB will take reasonable and 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.
- HWDSB upholds and affirms Indigenous peoples' distinct, inherent and collective rights including Indigenous students' rights to language and culture.
- All HWDSB community members have the right to participating in addressing human rights-related concerns, without facing reprisal.
- HWDSB commits to treat all human rights concerns seriously and will not tolerate, condone or ignore discrimination and harassment issues in all HWDSB environments. When there is a policy violation, action will be taken according to applicable policies and procedures.
- HWDSB commits to put in place adequate measures in identifying and addressing adverse human rights impacts through inclusive design, prevention, mitigation and, where

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appropriate, remediation. The Board commits to providing reasonable and appropriate accommodations when inclusive design is not possible.

GUIDING PRINCIPLES:

HWDSB community members and Human Rights

- HWDSB reaffirms the principles of equality, equity and non-discrimination in upholding universal human rights and dignity of all people.
- All HWDSB community members have a right to learn, work, access or provide services in an environment that is free of discrimination and harassment as set out in international agreements and Canadian law including the [*United Nations Universal Declaration of Human Rights*](#), the [*Convention on the Rights of the Child*](#), the [*Canadian Charter of Rights and Freedoms*](#), the [*Ontario Human Rights Code*](#), the [*Education Act*](#), the [*Accessibility for Ontarians with Disabilities Act \(AODA\)*](#), and the [*Occupational Health and Safety Act*](#).
- HWDSB affirms that education is foundational to human rights and is committed to prepare students for their role in society as engaged and responsible citizens that are not only aware of their rights, but also accept their responsibilities for protecting their own rights and the rights of others.
- Fostering and maintaining a culture of human rights at HWDSB requires providing equitable and inclusive services grounded in the principles of equity, inclusive design, anti-racism, anti-colonialism and decolonization, and anti-oppression; and identifying and addressing discriminatory biases and systemic barriers. The Board commits to governance and services grounded on human rights-based approach centred on principles of participation, inclusion, belonging, transparency and accountability.
- HWDSB acknowledges and commits to identifying and addressing impacts of historical and ongoing systemic discrimination and oppression that continue to have adverse impacts on the rights of individuals in accessing services and employment; 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.
- When making a decision affecting a child, HWDSB commits to upholding the best interests of the child as set out in the United Nations Convention on the Rights of the Child and legislated in Ontario by [*Katelynn's Principle*](#), including centering the child, listening and respecting the child's voice, and giving the child's view due weight in accordance with the child's age and maturity.

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- HWDSB recognizes and values the diversity of HWDSB community. Sometimes rights may come into conflict with one another. HWDSB will equip its leadership with knowledge and skills to recognize and address competing rights, by encouraging cooperation and shared responsibility for finding agreeable solutions that maximize enjoyment of rights, and considering the key legal principles that include:
 - No rights are absolute
 - There is no hierarchy of rights
 - Rights may not extend as far as claimed
 - The full context, facts and constitutional values at stake must be considered
 - Must look at extent of interference (only actual burdens on rights trigger conflicts)
 - The core of a right is more protected than its periphery
 - Aim to respect the importance of both sets of rights.
 - Statutory defences may restrict rights of one group and give rights to another.

Indigenous Peoples and Human Rights

HWDSB recognizes Indigenous Peoples as the original inhabitants of this land. HWDSB commits to listening, understanding, encouraging care and respect, and cultivating reciprocal trust with Indigenous students, families and communities.

HWDSB acknowledges the devastating and ongoing harm that churches, the Canadian government on behalf of the Crown and educational systems have caused to First Nations, Métis, and Inuit people. So-called Residential and Training “Schools” and Federal Indian Day Schools used the guise of education and the guise of religion as a tool for forced assimilation and genocide to erase Indigenous cultures, governance models, knowledges, languages, laws and traditions.

HWDSB acknowledges that true reconciliation requires restorative steps based on renewed friendships, hope, honesty, mutual respect, peace, and trust. We must undertake meaningful reconciliation work guided by the four ethical standards of the teaching profession: care, integrity, respect to earn trust.

As treaty partners, all members of the HWDSB community, including trustees, staff, parents, guardians and caregivers, students, unions, volunteers, and partner organizations, are called to consider their individual and collective ethical responsibilities, to nurture and grow this relationship, and to enhance knowledge in support of commemoration, education, and healing/wellness.

Treaty responsibilities include working together with Indigenous peoples, in particular the local urban Indigenous communities, the Six Nations of the Grand River and the Mississaugas of the Credit First Nation in the spirit of the Two Row Wampum. We also consider responsibilities within the Dish with One Spoon Wampum, the Friendship Belt and the Silver Covenant Chain. All are based on the foundation of eternal friendship, respect and peace.



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HWDSB affirms the *United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)* and that Indigenous peoples have an inherent and collective right to sovereignty, self-determination and self-government.

HWDSB confirms the *United Nations Declaration of the Rights of the Child* which states that every child has the right to understanding and love, protection, education, housing, nutrition and medical care. In addition, all children, including Indigenous children, have the right to an education that is affirming and free from discrimination or harassment. These rights also include every child's right to their nation of birth, their language, their name, and their right to be raised by their parent(s). Indigenous children lived under the threat of the genocidal policy regarding residential schools that was quietly expunged from the Indian Act in 2014. Every Child Matters.

INTENDED OUTCOMES:

- HWDSB community members are able to learn, work, and access services and facilities in all HWDSB environments without discrimination and harassment.
- Structures to ensure Human Rights are protected and upheld are in place including:
 - A process to identify, monitor and address barriers in organizational systems relating to *Code* grounds
 - Human Rights education and awareness of rights and responsibilities for all
 - Accountability measures and an effective and fair complaints procedure

RESPONSIBILITY:

Director of Education
Members of Executive Council
All members of the HWDSB community

TERMINOLOGY¹:

Accommodation: are changes or modifications that organizations make to ensure a person is able to fully access facilities or services by removing barriers and discriminatory practices. Under *the Code*, organizations are required to prevent and remove barriers by providing reasonable accommodations.

Adverse impact: having a harmful result. Sometimes treating everyone the same will have a negative effect on some people.

¹ Sources for definitions are Ontario Human Rights Commission, Ontario Anti-racism Directorate, Ontario Education Equity Action Plan, Restorative Journey: Indigenous Educational Wellness

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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, and other forms); and of seeking to identify, challenge, disrupt and eliminate oppressive ideologies, practices and outcomes.

Barrier: anything that prevents a person or groups of people with shared identities from fully taking part in all aspects of society, including physical, architectural, information or communications, attitudinal, economic and technological barriers, as well as policies or practices.

Board: Hamilton Wentworth District School Board or HWDSB

Board of Trustees: locally-elected representatives of the public, who are required to carry out their responsibilities in a manner that assists the Board in fulfilling its duties under the *Education Act*.

Collective Rights: Inherent rights which Indigenous peoples have practiced and enjoyed since time immemorial. Each First Nation historically functioned as a distinct society, so there is no one official overarching Indigenous definition. In general, they include rights to the land, rights to subsistence resources and activities, the right to self-determination and self-government, and the right to practice one's own culture and customs including language and religion. Collective rights are the result of Indigenous peoples' own occupation of their ancestral home territories as well as their ongoing social structures, patterns, political and legal systems. Therefore, collective Indigenous rights are separate and distinct from rights afforded to non-Indigenous citizens under Canadian common law and were to be protected in Indigenous/Crown treaties. It should be noted that inherent rights were entrenched with responsibility. For example, Sewatokwá:tsera'/the Dish With One Spoon treaty agreement outlines the rights to utilize the entities that Mother Earth carries on her body, to share the sustenance and to protect her, in order to protect this same right for the coming faces.

Colonialism: The policy or practice of acquiring full or partial political control over another country, occupying it with 'unsettlers'², and exploiting it economically. In Canada, this historically and currently means that Western European-derived ways of being, believing, knowing, and doing are implicitly or explicitly imposed as the standard or norm. Colonialism remains embedded in the legal, political and economic context of Eurocentric Canada today and in the lived experience of marginalized Indigenous peoples. For example, the Indian Act and the Canadian institutions known as Indian Residential "Schools", historic provincial child welfare misapplications, and non-Indigenous peoples' refusal to acknowledge the land and treaty rights of Indigenous people continues to contribute to this legacy.

² Term used in place of "settler" as Indigenous Peoples don't see colonization as settling anything.

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Competing rights: situations where parties involved in a dispute claim that the enjoyment of an individual or group's human rights and freedoms, as protected by law, would interfere with another's rights and freedoms.

Culture: The way in which people live, think and define themselves as a community.

Culturally Responsive Services: In this policy context, culturally responsive approaches mean providing services in ways that respect and take into consideration the relevance of the beliefs, backgrounds, practices, cultural, linguistic and other needs of the diverse communities in HWDSB environments, especially those that have historically and currently experienced discrimination. Culturally responsive services intentionally consider diverse cultural approaches, strengths, perspectives, experiences of the communities that are being served to make the service more welcoming, accessible, appropriate, relevant and fair.

Decolonization: In Canada, decolonization is related to Indigenous people reclaiming and restoring their culture, land, language, laws, relationships, knowledge, and a reaffirmation of traditional governance. Decolonization is also associated with other relationships between groups of people within Canada and in other countries and contexts around the world and can be linked to broader principles of inclusion and equity. Canada's identity as an 'unsettler', colonial state complicates the task of decolonization, since the original colonizers are still here and acts of colonization continue to the present.

Discrimination: any form of unequal treatment based on a *Code* ground, whether imposing extra burdens or denying benefits. It may involve direct actions that are discriminatory on their face, or it may involve rules, practices or procedures that appear neutral, but have the effect of disadvantaging certain groups of people. It can be direct or indirect, individual or systemic. It may be intentional or unintentional, and it may take obvious forms (direct), or occur in very subtle ways (indirect). In any case, even if there are many factors affecting a decision or action, if discrimination is one factor, that is a violation of this policy. Hate activities and harassment are forms of discrimination. Putting measures to correct, relieve or remedy hardship or systemic discrimination experienced by persons or groups in an attempt to achieve equity, is not discrimination.

Duty to accommodate: Under the *human rights Code*, people identified by *Code* grounds are entitled to the same opportunities and benefits as everybody else. In some cases, they may need special arrangements or "accommodations" to take part equally in the social areas the *Code* covers, such as employment, housing and education. Employers, housing providers, and education providers have a legal obligation to accommodate *Code*-identified needs, unless they can prove it would cause them undue hardship.

Equality: The principle that each person must be treated equally by and under the law. In Canada, the right to equality is enshrined in provincial and federal human rights legislations and the *Charter*. Equality is often understood by the notions of both formal equality (treating everyone the same in all situations) and substantive equality (treating some differently than others in order to treat some equally).

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Equity: A condition or state in which access to opportunities and resources are distributed fairly, justly and equitably. Equity involves treating some people differently or giving them what they need so they may meet the same outcomes as others.

Harassment: is defined in the Code as engaging in a course of vexatious comment or conduct that is known, or ought reasonably to be known, to be unwelcome. This policy covers code-based harassment, which is a type of harassment that is directed towards a person or group on the basis of a protected code ground(s). It can involve words or actions that are known or should be known to be offensive, embarrassing, humiliating, demeaning, or unwelcome. More than one event may take place for there to be a violation of the Code. However, one incident could be significant or substantial enough to be interpreted as harassment. Some examples of harassment are: name-calling, unwelcome remarks, jokes, slurs, displaying derogatory or offensive messages, and bullying. This policy covers code-based harassment. Other types of harassment are addressed through other policies, for e.g.- Workplace Harassment and Prevention Policy.

Hate Activity: comments or actions against a person or group motivated by bias, prejudice or hate based on factors connected to one or more code grounds. Examples are: hate incidents (non-criminal activities), hate crime (criminal activities), hate propaganda, advocating violence, bullying, promoting hate, and publicly displaying hate in notices, signs, symbols, and emblems.

HWDSB Community: means students, staff, 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.

HWDSB Environment: means 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, excursions, and may include any other locations outside HWDSB that may have an impact on the school or work climate.

HWDSB Leadership: Senior administration (Executive Council, Principals, Vice Principals, Managers, Supervisors) and any person placed in a position of added responsibility within HWDSB.

Human Rights Office (HRO): The Human Rights department at HWDSB that operates free of interference and is responsible for:

- Providing advice to the HWDSB community about their human rights and responsibilities.
- Managing the human rights procedure including resolving, mediating, investigating human rights concerns, in a consistent, timely, impartial, and fair manner.
- Initiating reviews, inquires and investigations to identify human rights trends, discriminatory practices, and systemic issues; and make recommendations based on findings.

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- Providing professional development and educational opportunities to create awareness and build capacity on issues of human rights and related topics under this policy.
- Collaborating and engaging meaningfully with community members to build trust, ensure accountability and receive feedback/input.
- Monitoring, evaluating, and reporting human rights trends at HWDSB.

Intersectionality: recognizes how each person simultaneously exists within multiple and overlapping identities. Intersectional oppression may arise out of the combination of experiences of oppressions, which, compounded, produce a distinct experience of discrimination or oppression. (See also 'Intersecting Grounds')

Intersecting Grounds: Discrimination can be connected to the compounding effects of more than one grounds of discrimination. For example, a Black Muslim woman can be seen as a "Black person," or as a "Muslim," or as a "woman" and is protected under the grounds of race, religion, and gender. She may experience discrimination on these intersecting grounds. (See also 'Intersectionality')

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

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 poisoned environment.

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

Protected grounds/Code grounds: These are the human rights grounds upon which discrimination is prohibited under the *Code* and this policy:

- Age
- Ancestry
- Citizenship
- Colour
- Creed (includes religion)
- Disability (including mental, physical, developmental, or learning disabilities)
- Ethnic origin
- Family status (such as a parent-child relationship, elder relationships)
- Gender Identity and Gender Expression

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- Marital status (including the status of being married, single, widowed, divorced, separated, or living in a conjugal relationship outside of marriage, whether in a same sex or opposite sex relationship)
- Place of origin (may include language³)
- Race
- Sex (including pregnancy and breastfeeding)
- Sexual Orientation
- Record of offences (criminal conviction for a provincial offence, or for an offence for which a pardon has been received) (applies to employment only)
- Association or relationship with a person identified by one of the protected grounds
- Perception that one of the above grounds applies
- Socio-economic status (not a protected ground under the *code*, but protected under this policy)

Policy Violations: Under this policy, human rights violations include, but are not limited to:

- Discrimination and Harassment (examples: name-calling, unwelcome remarks, inappropriate jokes, slurs, displaying derogatory or offensive messages, bullying and intimidation and so on);
- Creating or contributing to a poisoned environment;
- Hate activities;
- Allowing inappropriate behavior to continue, and failing to remedy and restore the environment
- Failure of staff in fulfilling the Board's duty to accommodate, up to the point of undue hardship.
- Reprisal; (punishment and retaliation against a person for reporting an issue or complaint)
- Bad faith allegations, complaints, or accusations
- Providing false or misleading statements or information to in an investigation under this policy
- Failure to identify and eliminate discriminatory practices (including systemic discrimination)

Reconciliation: In Canada, the term was used by the federal government when it was required to establish the Truth and Reconciliation Commission as part of the Indian Residential Schools Settlement Agreement. It has come to describe attempts made by individuals and institutions to raise awareness about colonization and its ongoing effects on Indigenous peoples. Reconciliation also refers to efforts made to address the harms caused by various policies and programs of colonization. For some, the word represents an opportunity to reflect on the past, to heal and to make right. For others, however, current gestures of reconciliation are merely performative and lack meaningful action to address the harms done by colonization. Ideally, reconciliation is something that both parties would agree to, as opposed to having it announced, ordered or proclaimed.

Reprisal: an action or threat that is intended as retaliation or punishment for claiming or enforcing a right under the *Code and under this policy*. Section 8 of the *Code* protects people from reprisal or threats of reprisal.

³ *Language is a characteristic that may be racialized or connected to one of the race-related Code grounds such as, ancestry, ethnic origin, and place of origin. There is also a link between an accent spoken and these Code grounds.*

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Remedy/ Remediation: The means to recover a right, or to prevent or repair a wrong. Remedies for violations of this policy may include but are not limited to a victim impact statement, an apology, healing circle, counselling, education, reprimands, suspension, expulsion, transfer, or termination of employment, depending on the nature and severity of the behaviour.

Self-determination: The right of Indigenous Peoples to manage their affairs, provide stewardship over the land, maintain a cultural and political community, and uphold government-to-government relations with all other nations, including present-day nation states. The criteria for maintaining nationhood status, language, culture, ceremony, governance and territory, must be honored.

Special programs: are programs or measures that an organization may create to address inequalities and help generate opportunities for people who experience discrimination, hardship, and disadvantage. To be a special program, the program must meet one of the following conditions: (a) it must relieve hardship or economic disadvantage, or (b) help disadvantaged people achieve, or try to achieve, equal opportunity, or (c) help eliminate discrimination.

Sovereignty: Indigenous peoples maintain a distinct identity as the only group who have nation to nation agreements with the Crown. Treaty and other rights and freedoms entrenched in *The Royal Proclamation* of 1763 and *the Canadian Charter of Rights and Freedoms* related to land resources and protections, as well as the right to deal directly with the Crown.

Systemic barrier: a barrier embedded in the social or administrative structures of an organization, including the physical accessibility of an organization, organizational policies, practices and decision-making processes, or the culture of an organization. These may appear neutral on the surface but exclude members of groups protected by the *Human Rights Code*.

Systemic discrimination: patterns of behaviour, policies or practices that are part of the social or administrative structures of an organization which create or perpetuate a position of relative disadvantage, advantage, or privilege for people of certain for groups.

Treaty: A treaty is a legal, nation to nation agreement. Indigenous/ European treaties were expressed as promises and conveyed in wampum (purple and white beads of quahog shell) between peoples. They are sacred and are to be honored forever - "as long as the sun shines, as long as the grass grows, as long as the rivers flow".

Undue Hardship: Circumstances involving cost, health or safety issues that would make it impossible or extremely difficult for an employer or service provider to meet the duty to accommodate. Organizations covered by the *Code* have a duty to accommodate to the point of undue hardship.

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ACTION REQUIRED:

To effectively implement this policy, the following steps will be taken.

Human Rights Procedure: Reporting and Complaints Process

- establish a human rights procedure that defines the internal resolution process, grounded on principles of equity, accountability, and transparency.
- address and remedy violations of this policy appropriately, in a timely, fair, and culturally responsive manner, in accordance with applicable policies, procedures and the law. **Policy Violations** under this policy include, but are not limited to:
 - a) Discrimination and Harassment connected to a human rights ground (examples: name-calling, unwelcome remarks, inappropriate jokes, slurs, displaying derogatory or offensive messages, bullying and intimidation and so on);
 - b) Creating or contributing to a poisoned environment;
 - c) Hate activities;
 - d) When those with position of authority allow inappropriate behavior to continue, and failing to remedy and restore the environment
 - e) Failure of staff in fulfilling the Board's duty to accommodate, up to the point of undue hardship.
 - f) Reprisal; (punishment and retaliation against a person for reporting an issue or complaint)
 - g) Bad faith allegations, complaints, or accusations
 - h) Providing false or misleading statements or information to in an investigation under this policy
 - i) Failure to identify and eliminate discriminatory practices (including systemic discrimination)

Accommodations

- Meet the Board's duty to accommodate persons based on a protected ground(s), up to the point of undue hardship, in accordance with *the Code* and other applicable legislations; fostering principles of dignity, independence, inclusion and full participation.
- Existing accommodation related policies and procedures must be reviewed and updated to align with the Human Rights Policy.
- Accommodation processes (e.g., creed/religious accommodation, accommodation based on disability, accessibility) must be communicated regularly and must be made to be accessible and easy to navigate.

Proactive measures based on equity and accountability principles

- Identify and address systemic barriers and trends that may lead to discriminatory outcomes, and meet its positive human rights obligations, when applicable, applying principles of inclusive design and by setting up special programs.

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- Ensure that all new policies, procedures, guidelines, programs, and reviews of existing ones, comply with this policy and the *human rights code*;
- Promote human rights education and build 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.
- Acknowledge inherent and collective Indigenous rights and develop specific culturally responsive strategies to identify and address barriers to Indigenous education by consulting with Indigenous communities, staff, students and families.
- Create an accountability framework to accompany the human rights procedure to nurture public trust and ensure accountability around human rights concerns, solutions, and outcomes.

Policy implementation, monitoring and review:

- A human rights procedure and communication plan will be developed and implemented.
- HWDSB community members will receive information regularly about this policy and its associated procedure through communications, training, and education.
- Annually, a public report will be compiled on the number, types, trends and systemic issues of human rights concerns, complaints, and other related issues pursuant to this Policy.
- A feedback mechanism will be created to consistently evaluate the effectiveness of the policy and its associated procedure, which will be reviewed on a regular basis.

PROGRESS INDICATORS:

Intended Outcome	Assessment
HWDSB community members are able to learn, work, and access services and facilities in all HWDSB environments without discrimination and harassment	Human rights incidents, inquiries, reviews and reports School climate surveys Staff voice surveys Parent/community voice surveys Human rights- Data collection and feedback mechanism
Structures to ensure Human Rights are protected and upheld are in place including: <ul style="list-style-type: none"> • A process to identify, monitor and address barriers in organizational systems relating to <i>Code</i> grounds • Human Rights education and awareness of rights and responsibilities for all • Accountability measures and an effective and fair complaints procedure 	Environmental scan reports, policy reviews Human rights incidents, inquiries, reviews and reports Training evaluation and feedback School climate surveys Staff voice surveys Parent/community voice surveys Human rights- Data collection and feedback mechanism

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REFERENCES:

Legal Framework

[United Nations Universal Declaration of Human Rights](#)
[United Nations Declaration on the Rights of Indigenous Peoples](#)
[United Nations Convention on the Rights of Person with Disabilities](#)
[United Nations Declaration on the Rights of the Child](#)
[Canadian Charter of Rights and Freedoms](#)
[Ontario Human Rights Code](#)
[Occupational Health and Safety Act](#)
[Accessibility for Ontarians with Disabilities Act](#)
[Education Act](#)
[The Final Report and Calls to Action of the Truth and Reconciliation Commission](#)
[Jordan's Principle](#)
[Katelynn's Principle Act \(Decisions Affecting Children\)](#)

HWDSB Policies and Resources

[HWDSB First Nations, Métis and Inuit Education Policy](#)
[Equity and Inclusion Policy 5.4.](#)
[HWDSB Code of Conduct Policy 5.3.](#)
[Accommodation of Staff Policy 4.1.](#)
[Barrier-Free Learning Environments Policy 1.1.](#)
[Occupational Health and Safety Policy 4.3](#)
[Workplace Violence and Harassment Prevention Policy 4.9](#)
[Bullying Prevention and Intervention Policy 5.2](#)
[HWDSB Indigenous Cultural Safety Team](#)

Other resources:

[Policy on Ableism and Discrimination Based on Disability \(OHRC\)](#)
[Policy on Accessible Education for Students with Disabilities \(OHRC\)](#)
[Policy and Guidelines on Racism and Racial Discrimination \(OHRC\)](#)
[Policy on preventing Discrimination on the Basis of Creed\(OHRC\)](#)
[Policy on preventing Sexual and Gender-based Harassment\(OHRC\)](#)
[Policy on preventing Discrimination because of Gender Identity and Gender Expression\(OHRC\)](#)
[Policy on Discrimination and Harassment because of Sexual Orientation\(OHRC\)](#)
[To Dream Together: Indigenous Peoples and Human Rights Dialogue Report \(OHRC\)](#)
[Restorative Journey: Indigenous Educational Wellness \(2021\)](#)

Policy Consultation Feedback and Response Chart

POLICY: Human Rights Policy

Feedback was gathered through: Public Consultation, which included an online survey, email submissions and focus groups discussions (listening sessions)

Categories	Comment/ Feedback	Response
Purpose	Use stronger language to affirm commitment- 'affirm' instead of 'convey'	- Change made in updated policy
Guiding Principles	<ul style="list-style-type: none"> - Add affirmation that HWDSB acts in the best interest of the child according to the United Nations Declaration of the Rights of the Child. That applies to all children. - adding "ageism", where different systems of oppressions are listed and acknowledged 	<ul style="list-style-type: none"> - statement affirming the best interest of the child is added - "ageism" is added
	Indigenous Peoples <ul style="list-style-type: none"> - Switches between Indigenous and non-Indigenous issues – hard to tell if they are one in the same or in a different category - Specific information on other groups (LGBTQIA2S+ or people of colour), not just Indigenous people) - Add language to acknowledge the local urban Indigenous communities 	<ul style="list-style-type: none"> - All part of the policy applies to Indigenous peoples, but Indigenous peoples are different from other equity seeking/deserving groups. The Indigenous section acknowledges the distinct need to recognizing the enduring impact of colonialism on Indigenous peoples and their distinct rights to the land as the original peoples. - language to acknowledge the local urban Indigenous communities
	Competing Rights: Not clear how the board addressing competing rights- for example: a student's rights for education vs a staff's right for a workplace free from physical/sexual violence.	<ul style="list-style-type: none"> - A statement is added to clarify commitment on competing human rights and the basic principles based on the Human Rights code. - The 'How' to address competing rights will be addressed in the procedure and in implementation. .
Intended Outcomes	No comment/feedback	
Terminology	Terminologies <ul style="list-style-type: none"> - Good resource but dense and inaccessible - Distracts from reading the policy 	<ul style="list-style-type: none"> - Formatting of the policy follows the policy template at HWDSB. - Edits are made to incorporate some of the concepts in the policy as per feedback- example - policy violation

Categories	Comment/ Feedback	Response
	<ul style="list-style-type: none"> - Key elements that are in terminology should be highlighted in the policy as many might not read the terminologies- for example – Human Rights Office, Policy Violation, Code Grounds - Terminologies should be listed at the end as resource and reference - Some commented more definitions are needed – Examples of words asked to be included in terminologies- culturally responsive services - Review definition of harassment specific to code-based harassment 	<ul style="list-style-type: none"> - Definitions related to complaints reporting and process will be defined in detail in the Human Rights Procedure. - Reviewed definition of Harassment - Definition of ‘Culturally Responsive Services’ is added.
Action Required	<p>Policy Violation</p> <ul style="list-style-type: none"> - The policy violations are hidden in the terminologies. It should be part of the policy in plain language and with clear examples. - Not clear how violations will be handled - Consequences for policy violations isn’t clear for many (In the survey- 37% (39 of 107 respondents) of participants slightly or did not understand the consequences) - What happens if policy violation happen- this may go in to procedure – but the policy should affirm steps will be taken. 	<p>Policy Violation</p> <ul style="list-style-type: none"> - A short description of the policy violations is added in the action required section - Added- affirmation that steps when there is policy violation will be outlined in procedure. Detail will be provided in the Human Rights Procedures
	<p>Accommodations</p> <ul style="list-style-type: none"> - Religious and other accommodation processes are not easy to navigate and aren’t known to many. - The policy should make connection to other accommodation policies and procedures for clarity 	<p>Accommodations</p> <p>To make sure Accommodation policies align with human rights policy, Information is added to connect the human rights policy with other accommodation policies. (example- religious and creed accommodation, staff accommodation etc).</p>

Categories	Comment/ Feedback	Response
	<p>Policy Implementation</p> <ul style="list-style-type: none"> - Policy Implementation (In the survey, 37% (40 of 108 respondents) of participants slightly or did not understand how the policy would be implemented) - In open responses and sessions, several comments were provided to clarify on the policy implementation and the 'how'. - How the policy will be assessed and reviewed isn't clear (32% (34 of 107 respondents) of participants slightly or did not understand how the policy would be assessed) - Less understanding how HWDSB will fulfill its obligations under the policy (25%, 29% and 26% of 108 participants completely, mostly or somewhat understood HWDSB's responsibilities, respectively) 	<p>Policy Implementation</p> <ul style="list-style-type: none"> - Details of the 'how' of policy implementation will be included in the Human Rights Procedure. - In the policy, the 'Action Required' area is updated to provide clear steps on what actions will be taken to implement the policy divided in to 4 sections- 1) Human Rights Procedure- Reporting and complaints process, 2) Accommodations, 3) Proactive measures based on equity and accountability principles, 4) Policy implementation, monitoring and review
Progress Indicators	No Comment/feedback	
Overall Readability/understandability	<p>Related to accessibility and language:</p> <p>Examples:</p> <ul style="list-style-type: none"> • Too much legal ease, jargon, geared toward an academic audience. Too "top down" in terms of format and language. • Too much text, include more visuals • Translation to other languages to increase access to non-English speaking newcomer families. • Can there be a child-friendly version of this policy so we can educate students? • The language is vague <p>Use a different fonts, sizes, colours and highlighting to make it more manageable to read</p>	<p>Communication plan will be developed to communicate the policy for different audience. Examples:</p> <ul style="list-style-type: none"> - Student friendly version produced and distributed on student friendly platforms- avoiding jargons and using simple language - Family/caregiver friendly version to be produced and distributed- avoiding jargons and using simple language - Video introduction to the policy - Information session to be shared in classrooms - Translation of the family/caregiver friendly version to different languages - Use print and digital media to communicate <p>Work with community partners to share the information</p>
Items for the procedure	<p>Roles and Responsibilities</p> <ul style="list-style-type: none"> - 25%, 29% and 26% of 108 participants completely, mostly or somewhat understood HWDSB's responsibilities, respectively. 	<p>Roles and Responsibilities</p> <ul style="list-style-type: none"> - Board of Trustees are responsible for policy development and review. - Details of role and responsibilities to be defined in the human rights procedure.

Categories	Comment/ Feedback	Response
	<ul style="list-style-type: none"> - In open responses and sessions, several comments on the lack of clarity on roles of responsibilities of all stakeholders. - Comments that Board of Trustees should hold the major responsibility - Comments that the role of the Human Rights office should be defined in the policy , not in terminologies 	<ul style="list-style-type: none"> - Human Rights Office, roles and responsibilities – to be defined in detail in the Human Rights Procedure.
	<p>Communications: How are students, staff and families are going to be educated about the policy and human rights in general</p>	<ul style="list-style-type: none"> - Communication plan to be developed - Alignment with classroom activities/curriculum - Added in professional development plan for 2022-23 for all staff, including adding learning about the policy in staff onboarding plan.
	<p>Reporting, Investigation Process</p> <ul style="list-style-type: none"> - Not clear in the policy - Consideration of restorative process - Leaders need to training on how to investigate properly - How are outcomes of investigations communicated to all parties- no transparency harms victims - Role of Human Rights Office should be communicated - Support for those who experience discrimination after - What does culturally responsive reporting structure look like - Accountability should be clear in the process - Power dynamics in the process needs to be considered 	<p>Reporting and related processes will be detailed in the Human Rights Procedure</p>
	<p>Good that socio-economic status included in the draft human rights policy and classism is named. What would implementation look like? Consider competing rights that may occur in the policy.</p>	<p>Socio-economic status is identified as one of the grounds of discrimination that are prohibited in the Human Rights Policy. How to implement this will be detailed in the procedure and through the existing Anti-classism and Socio-economic Equity Procedure.</p>

Categories	Comment/ Feedback	Response
Other	<p>Policy alignment</p> <ul style="list-style-type: none"> - With Canadian Charter of Rights and Freedoms and the Ontario Human Rights Code, Education Act etc - With existing HWDSB policies and procedures 	<ul style="list-style-type: none"> - There is alignment with Canadian Charter of Rights and Freedoms and the Ontario Human Rights Code, Education Act, etc <p>After the policy is approved, all HWDSB policies and procedures will be reviewed to align with the Human Rights Policy.</p>
	<p>Feedback that don't agree with the policy and that we don't need the policy- examples:</p> <ul style="list-style-type: none"> - Dividing children into intersectional groups and treating them differently based on immutable characteristics is the very nature of discrimination. - <i>Why do we even care about background, race or colour - everyone is equal.</i> - Focus on teaching reading and maths etc, not about oppression - The policy is against Euro-Canadian human rights 	<ul style="list-style-type: none"> - The policy aligns with internationally recognized human rights treaties and declarations and Canadian law (e.g- United Nations Universal Declaration of Human Rights, the Convention on the Rights of the Child, the Canadian Charter of Rights and Freedoms, the Ontario Human Rights Code, the Education Act, the Accessibility for Ontarians with Disabilities Act (AODA), and the Occupational Health and Safety Act.) We don't agree the policy creates division but affirms basic human rights.
	<p>Specifically, to this line on the purpose;</p> <ul style="list-style-type: none"> • "HWDSB commits to treat all human rights concerns seriously and will not tolerate, condone or ignore discrimination and harassment issues in all HWDSB environments. <p>Comment said 'A hypocritical statement because of Covid Vaccination Mandate and Mask Mandated policies that limited 'personal freedom'</p>	<p>Covid Vaccination Mandate Policy and Mask mandate are no longer in place. At the time, to protect students and staff, a vaccine mandate policy (staff only) and mask mandate were in place. Medical and disability-based accommodations for those who can't get vaccinated was provided. Those who wish to get unvaccinated were allowed to continue working by providing positive Covid test results before entering the workplace. Test kits were provided with no cost to the employee. This is in alignment of the Ontario Human Rights Commission position which states:</p> <ul style="list-style-type: none"> - "While receiving a COVID-19 vaccine remains voluntary, mandating and requiring proof of vaccination to protect people at work or when receiving services is generally permissible under the <i>Human Rights Code (Code)</i> as long as protections are put in place to make sure people who are unable to be vaccinated for <i>Code</i>-related reasons are

Categories	Comment/ Feedback	Response
		reasonably accommodated. This applies to all organizations.”
	<p>Comment on religious accommodation: The policy draft has no mentions of those of Christian faith and protecting their rights and ensuring their faith is protected. You have listed protection of discrimination for those practicing Judaism and Islam, but not Christianity. Is there a reason for this or is this the view of the HWDSB that Christian families and their children are not offered the same rights?</p>	<p>All religions/creed are protected from discrimination, including Christianity, under the Human Rights Code and under the Human Rights Policy. Based on hate crime data and incidents that are prevalent in schools, Islamophobia and anti-Semitism are specifically identified as examples of hate activities or discrimination on religious grounds in the policy.</p>

Disclaimer – Through the survey open ended questions and email submissions anonymous written feedback has been collected. A few numbers of the feedback and comments failed to reflect respect to human rights, dignity and are harmful. For these reasons and to not further perpetuate harm to readers, comments and feedback that are harmful and hateful are not included in this report.



Human Rights Policy Consultation

A. Purpose of Consultation

Hamilton-Wentworth District School Board (HWDSB) is committed to upholding the Human Rights Code in all HWDSB learning and working environments. The Human Rights Policy applies to all HWDSB members which includes staff, parents, caregivers, community partners and service providers. Two online surveys were used to inform this work, one which informed the drafting of the policy and a second one to get feedback on the draft. This report focuses on the second survey. Small group sessions or “engagement sessions” were also held to hear feedback, and input from email was also received to inform the development of this policy (<https://www.hwdsb.on.ca/wp-content/uploads/2022/06/HR-Policy-Engagement-report-Final-Updated-May-24-2022.pdf>).

B. Participation

The online survey ran from April 13th to May 13th, 2022 and garnered a total of 114 responses. Engagement sessions focusing on diverse communities that experience discrimination due to disabilities, race, gender, sexual orientation, ancestry, ethnicity, religion, socioeconomic status and other code grounds were held between November, 2021 and January, 2022. In all, 27 sessions were held and they were attended by over 200 people.

C. Limitations of the Consultation

Sample size is always a concern when we see small numbers such as we see here. Furthermore, not all participants answered every question so we did not necessarily receive 114 responses for each question. That said, as a complement to the engagement sessions, the survey contributes to the cumulative voices reflecting fairly diverse sample populations.

D. Overview of Survey

Survey participants were invited to provide feedback on all areas of the policy as well as its readability, accessibility, what may be missing from the policy, how it can be improved, and any additional comments they wished to provide. Results of closed ended questions are provided in charts and tables below. Open ended responses were themed and organized along with engagement session themes in a table format appended as the “Policy Consultation Feedback and Response Chart”.

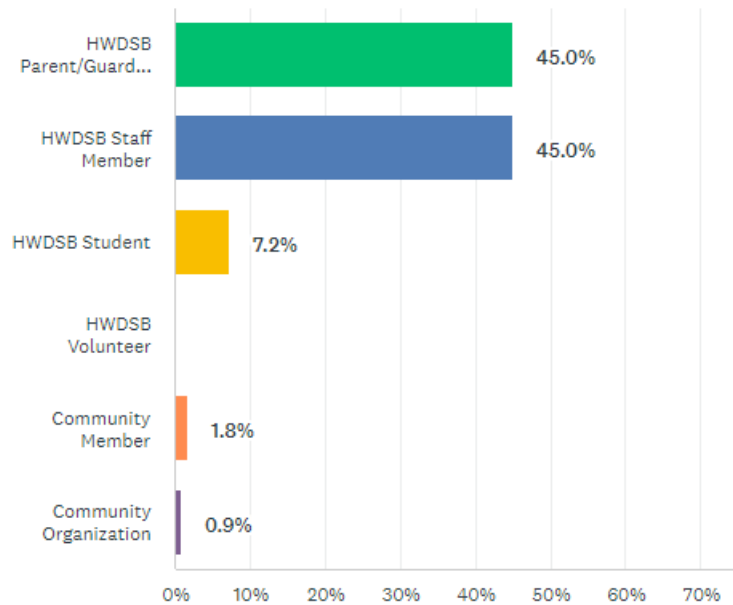
E. Findings

HWDSB

Human Rights Policy Consultation

Please indicate which group best describes you:

Answered: 111 Skipped: 3



Participants were asked what concepts related to human rights the draft policy helps them to understand:

	Mostly or Completely	Somewhat or Slightly	Not at All
My rights under the Human Rights Code	62% 67	27.7% 30	10.2% 11
My responsibility for human rights in HWDSB schools or workplaces	61.6% 66	28.9% 31	9.3% 10
What HWDSB will do to fulfil its human rights obligations and responsibilities	53.7% 58	37.9% 41	8.3% 9
The role of HWDSB leadership in protecting human rights	51.8% 56	38.9% 42	9.3% 10
What behaviours are not allowed under this policy (i.e., policy violations)	54.7% 59	34.2% 37	11.1% 12
The consequences for policy violations	37% 40	37.9% 41	25% 27

HWDSB

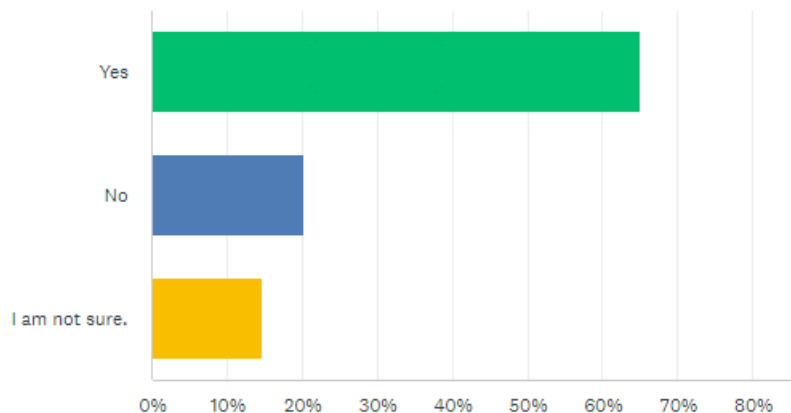
Human Rights Policy Consultation

How the policy will be implemented	38.3% 41	42% 45	19.6% 21
How the policy will be assessed and reviewed	47.7% 51	35.6% 38	16.8% 18

Of note is that the policy, by and large, helped more than half of respondents to understand their rights under the Human Rights Code, responsibility for human rights in board spaces, what HWDSB will do to fulfill its responsibilities to uphold human rights, the role of HWDSB leadership and what behaviours are not permitted under the policy. Fewer than half, however, felt that they understood the consequences for policy violations, how the policy will be implemented, assessed and reviewed.

Is the draft policy accessible and easy to understand?

Answered: 109 Skipped: 5

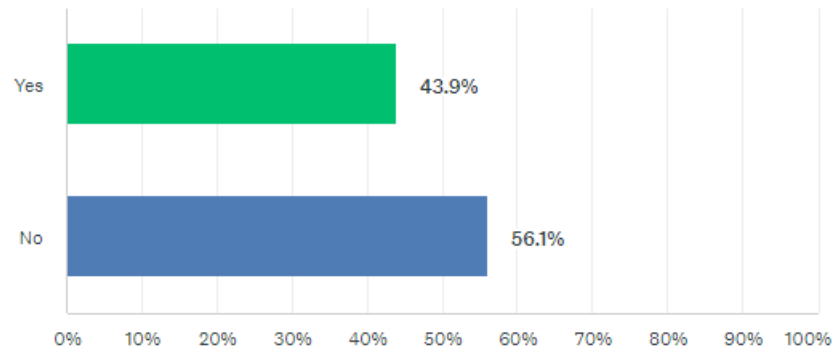


HWDSB

Human Rights Policy Consultation

Is there anything you think is missing from the draft policy?

Answered: 98 Skipped: 16



Of the 43 people who responded positively--that there is something missing from the draft policy--and the 55 people who indicated there is not, 46 text responses were submitted. Distilled from those during the analysis were themes that are incorporated into the Policy Consultation Feedback and Response Chart. Omitted are responses that express anti-human rights sentiments, are off-topic and/or do not answer the question.

Please refer to the Policy Consultation Feedback and Response Chart for a synthesis of the open text responses from the survey along with actions taken in response.