

District School Board of Niagara Policy

Human Resources – General

E-09

Human Rights

Date March 2023

Review February 2024

1. PREAMBLE

The District School Board of Niagara (DSBN) commits to creating and fostering learning and working environments that are welcoming, safe, equitable, inclusive, accessible, and free from all forms of discrimination, oppression, harassment, and systemic barriers, where all individuals are treated with respect and dignity.

The DSBN recognizes and acknowledges the historical and ongoing systemic discrimination, oppression, exclusion, marginalization, and racism that continue to have adverse impacts on the rights of individuals within the education system and the DSBN Environments; including, but not limited to ableism, ageism, antisemitism, biphobia, cisnormativity/cisgenderism, cissexism, classism, faithism, heteronormativity, homophobia, Islamophobia, patriarchy, racism (including Anti-Indigenous racism, Anti-Black racism, Anti-Asian racism, and other specific forms of racism), sexism, transphobia, white supremacy, xenophobia and other systems of oppressions. These systems of oppression are pervasive, deeply entrenched and operate in society, institutions, structures, policies, practices, and standards, including in educational institutions, which result in, perpetuate and/or uphold inaccurate and negative information, biases, attitudes, stereotypes, stigmatization and discriminatory structures and barriers for people based on protected grounds.

The DSBN recognizes the devastating and ongoing impacts of colonization on First Nations, Inuit, and Métis peoples. The DSBN 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-governance.

The DSBN acknowledges the land on which our school board and schools are located, is the traditional territory of the Haudenosaunee and Anishinaabe peoples, many of whom continue to live and work here today. This territory is covered by the Upper Canada Treaties and is within the land protected by the Dish With One Spoon Wampum agreement. Today this area is home to many First Nations, Inuit, and Métis peoples and

acknowledging reminds us that our great standard of living is directly related to the resources and friendship of Indigenous Peoples.

The DSBN acknowledges the existence of biases, barriers, and power dynamics that have historically excluded First Nations, Inuit, and Métis peoples, Black, and racialized people. It is important to acknowledge the legacy of colonialism in systemically embedding discrimination and racism, and allowing practices and approaches rooted in dominant culture to reinforce the prioritization of privileged voices, concerns, potentials, and achievements over others.

In adopting the Human Rights Policy (the “Policy”), the DSBN affirms its commitment to understanding and combatting the impacts of historical and ongoing colonialism, systemic discrimination, oppression, and exclusion, as well as the impacts of discriminatory ideologies.

In accordance with the Ontario *Human Rights Code*¹ (the “Code”), the DSBN recognizes the inherent dignity and worth of every member of the DSBN Community and seeks to provide for equal rights and opportunities without discrimination contrary to the law. The DSBN is committed to providing and fostering a climate of understanding and mutual respect for the dignity and worth of each person so that each person feels a part of the DSBN and able to contribute fully to the DSBN Community.

The DSBN recognizes, affirms, and values the diverse lived realities, identities, experiences, perspectives, strengths, abilities and needs of its students, staff, and communities. The DSBN is committed to fostering its diversity, which is viewed as a source of strength, innovation, and cultural enrichment.

The DSBN recognizes that a truly equitable and inclusive education system requires a commitment to identify and eliminate any forms of bias, barriers, discrimination, racism, and inequities by providing equal opportunity and equitable treatment of all to ensure everyone in the DSBN Community achieves their full potential.

2. ROLES AND RESPONSIBILITIES

The Director of Education is responsible for the implementation of the Policy as well as the creation, maintenance, and promotion of an equitable, respectful, inclusive, and accessible environment(s) free from discrimination and harassment.

All DSBN Community members have an obligation to:

- adhere to and uphold the *Human Rights Code* and the Policy;
- recognize and respect the dignity and human rights of every person;

- establish and maintain learning and working environments that are welcoming, safe, equitable, inclusive, accessible, and free from all forms of discrimination, oppression, harassment, and systemic barriers;
- refrain from and not condone any form of discrimination, harassment, hate or bias occurrences, and/or reprisal;
- cooperate fully in the accommodation process, review, inquiry, investigation, and/or concern or complaint;
- keep information disclosed or communicated in a process under the Policy confidential;
- engage in respectful, collaborative, and restorative communication, interactions, and relationships with one another; and
- report violations of the Policy.

All DSBN employees are required to act immediately and report any allegations of discrimination and/or harassment that they observe or receive, to either their principal/vice-principal, immediate supervisor, superintendent, Human Resource Services, and/or the Human Rights and Equity Advisor.

3. APPLICATION AND SCOPE

The Policy is for the benefit of all DSBN Community members in all DSBN Environments, including students, staff, parents/guardians, trustees, and community members. All DSBN Community members have the right to be treated with dignity and respect and be free from discrimination and harassment at all DSBN Environments.

The Policy affirms and supports the DSBN's commitment to defending, upholding, and promoting human rights in all learning and working environments for the benefit of all members of the DSBN Community.

The Policy must be read in conjunction with [Policy G-03: Equity and Inclusive Education](#) and [Policy G-02 Safe Schools](#).

All DSBN policies and procedures shall be interpreted and applied in a manner consistent with the terms of the Policy.

To the extent that the terms of any DSBN policy and/or procedure contradict or are inconsistent with the terms of the Policy, the Policy shall prevail. Where there is inconsistency between DSBN policies and/or procedures, collective agreements, and human rights legislations, human rights legislations prevail.

The Policy prohibits occurrences of hate and/or bias as well as all forms of discrimination and harassment based on the protected grounds under the Code and the Policy.

3.1. Policy Statement

The DSBN reaffirms the inherent dignity and equality of all people and their right to equally enjoy and exercise their rights as enshrined in the [Universal Declaration of Human Rights](#) and reflected in the [Canadian Charter on Rights and Freedoms](#) and the [Ontario Human Rights Code](#), free from harassment and discrimination.

The DSBN recognizes the inherent individual and collective human rights of Indigenous Peoples (First Nations, Inuit, and Métis peoples) as set out in the [United Nations Declaration on the Rights of Indigenous Peoples](#) and commits to upholding these rights.

The DSBN commits to upholding the best interests of the child and, in particular, the rights of the child as set out in the [United Nations Convention on the Rights of the Child](#) and reinforced in Ontario by [Katelynn's Principle](#), subject to limitations permitted by law.

All forms of discrimination and harassment based on protected grounds are unacceptable in accordance with the human rights legislations, and shall not be tolerated, ignored, or condoned in any DSBN Environment.

3.2. Principles and Objectives

The DSBN is committed to promoting human rights and eliminating discrimination by creating a culture of transformative and impactful change that is centered on anti-oppression, anti-racism, and human rights.

In fulfilling its positive human rights obligations and commitments to protect, uphold, and promote human rights, the DSBN will:

- create and nurture a culture of respect, dignity, and acceptance as well as celebrate and embrace the uniqueness of every individual within the DSBN Community.
- recognize and uphold the primacy of the *Code* over any policy, procedure, contractual agreement, directive, rule, practice, process, initiative, and other legislation as specified in s. 47(2) of the *Code*.²
- ensure that its governance, operations, services, and structures are grounded on Universal Design for Learning (UDL) and human rights-based approach centered on principles of fairness, equity, inclusion, human rights, anti-oppression, anti-racism, accessibility, engagement, transparency, and accountability.
- use an equity lens and an anti-oppression, anti-bias, anti-colonial, and anti-racism lens to revisit and re-evaluate our policies, procedures, and practices to proactively identify, disrupt, and eliminate all forms of discrimination, systemic barriers, and biases to create inclusive design so that every individual can participate, prosper, and reach their full potential.

- strive to meet its obligations under the *Code* and address human rights complaints in a fair, equitable, confidential, and timely manner.
- continue to grow in our knowledge about the systems and structures that create and sustain racism, oppression, and exclusion by providing human rights, anti-oppression and anti-racism training and education for staff, students, and Trustees.
- build trust through communication, collaboration, transparency, and a commitment to accountability.
- view complaints as an opportunity for learning, improvement, accountability, and healing.

3.3. Protected/Prohibited Grounds of Discrimination

The Policy prohibits discrimination and harassment in the DSBN Environments based on the following protected/prohibited grounds under the *Code* and the Policy:

- age;
- ancestry;
- citizenship;
- colour;
- creed (religion, includes Indigenous spiritual practices);
- disability (includes mental, physical, developmental and learning disabilities, and addictions);
- ethnic origin;
- family status (such as being in a parent/caregiver-child relationship, includes elder care responsibilities);
- gender identity;
- gender expression;
- marital status;
- place of origin;
- race;
- receipt of public assistance (in housing only);
- record of offences (in employment only);
- sex (includes pregnancy and breastfeeding); and
- sexual orientation.

Although **socio-economic status** is not a prohibited ground of discrimination under the *Code*, the DSBN recognizes that people who are affected by poverty:

- (a) are disproportionately subject to discriminatory attitudes, stigmatization, and marginalization; and
- (b) disproportionately identify based on one or more *Code* ground(s).

Therefore, discrimination based on socio-economic status is prohibited and covered by the Policy.

Treatment that occurs due to (1) association with a person or group with protected characteristics, or (2) perceived membership in a protected group, is also protected under the *Code*.

3.4. Complaints

Complaints of violations of the Policy shall be taken seriously and addressed in a fair, equitable, confidential, and timely manner that contributes to the protection and promotion of human rights within DSBN Environments. Individuals who believe that they have been subjected to discrimination and/or harassment are encouraged to report their concerns or complaints.

Concerns or complaints of violations of the Policy by or about students will be dealt with under the [DSBN Code of Conduct for Schools Policy \(G-08\)](#), [Safe and Accepting Schools: Bullying Prevention and Intervention Policy \(G-29\)](#), [Complaints Resolution Policy \(G-38\)](#), and/or [Human Rights Discrimination and Harassment or Occupational Health and Safety Workplace Harassment Policy \(G-39\)](#).

Concerns or complaints of violations of the Policy by or about DSBN employees will be dealt with under the [Human Rights Discrimination and Harassment or Occupational Health and Safety Workplace Harassment Policy \(G-39\)](#) and/or [Workplace Violence and Harassment Prevention Policy \(E-15\)](#).

Notwithstanding the above, violations of the Policy by Trustees must be addressed under the Trustee Code of Conduct.

Harassment that is not related to a protected ground does not fall under the Policy but may fall under other DSBN policies.

Nothing in the Policy nor in any related procedure(s) precludes DSBN Community members from asserting their rights, pursuing other resolution avenues, or seeking redress through other statutory or contractual rights and remedies (e.g., a grievance through the applicable collective agreement, filing an application to the Human Rights Tribunal of Ontario, filing a complaint under the *Occupational Health and Safety Act*, etc.). The claimant has the right to file an application with the Human Rights Tribunal of Ontario within one year of the date of the alleged discrimination and/or harassment.

3.5. Accommodations

The DSBN has a legal duty to accommodate students, staff, and other Community members based on *Code*-protected grounds to the point of Undue Hardship. The duty to accommodate is about more than providing the most appropriate accommodation in the circumstances. It is also about engaging in meaningful, good-faith processes to

assess individual needs and find appropriate solutions. Failing to carry out either component appropriately may be discriminatory.

The accommodation process shall conform to the principles of:

- (a) respect and dignity;
- (b) individualization; and
- (c) inclusion, integration, and full participation.

3.6. Competing Rights

There may be situations, in DSBN Environments, where rights come into conflict with one another. The DSBN recognizes that no rights are absolute and there is no hierarchy of rights. The DSBN will respect the importance of all rights, collaboratively explore options and solutions to address potential conflicting or competing rights and maximize rights for everyone in accordance with the Ontario Human Rights Commission's *Policy on Competing Human Rights*.

3.7. Reprisal

DSBN Community members shall not be threatened with negative treatment or treated negatively for asserting their rights under the *Code* or the *Policy*, including but not limited to:

- (a) bringing forward a human rights concern or complaint;
- (b) providing information related to a concern or complaint;
- (c) supporting a person involved in a human rights concern or complaint;
- (d) helping in the resolution of a concern or complaint;
- (e) making an accommodation request or receiving an accommodation; or
- (f) refusing to do something that would violate someone else's rights.

Acts of retaliation and/or reprisal or threat of retaliation and/or reprisal against any members of the DSBN Community is prohibited and a violation of the *Policy*. All concerns or complaints of retaliation and/or reprisal shall be immediately reported to a principal, supervisor, or manager.

3.8. Transparency and Accountability

People in Positions of Authority shall hold all members of the DSBN Community accountable for complying with the *Policy*.

The DSBN shall build a culture of human rights through transparent organizational approaches and actions that support system accountability and enhance public trust through public reporting and engagement around human rights initiatives and issues and outcomes at the DSBN.

The DSBN is encouraged to use *Code*-permitted Special Programs to relieve hardship, economic disadvantage, or discrimination, and/or create equal opportunity for disadvantaged persons or groups protected under the *Code*.

3.9. Policy Violations

Engaging in any form of discrimination and/or harassment under the *Code* or the Policy in a DSBN Environment is unacceptable and a violation of the Policy. A policy, practice, behaviour, action, or inaction will also be considered a violation of the Policy where the effect or impact, whether intentional or unintentional, is discriminatory.

Behaviours and practices contrary to the policy include, but are not limited to, the following examples:

- (a) discrimination;
- (b) harassment (including bullying and cyberbullying);
- (c) sexual or gender-based harassment (including sexual solicitation);
- (d) hate-related activity or behaviour;
- (e) creating or contributing to a poisoned learning or working environment;
- (f) condoning or failing to address or prevent potential discrimination;
- (g) interfering with an investigation under the Policy (including but not limited to intimidating any person involved in the investigation, or influencing a person to give false or misleading information);
- (h) misuse of power, authority, or influence that is contrary to the Policy;
- (i) reprisal or threat of reprisal;
- (j) vexatious, frivolous, and/or bad-faith allegations, complaints, or accusations;
- (k) purposefully or recklessly providing false or misleading statements or information to an investigator investigating a matter under the Policy;
- (l) breaching confidentiality provisions of the Policy;
- (m) failure to fulfill the procedural or substantive duty to accommodate under the *Code* (including failure to offer effective or appropriate accommodation up to the point of Undue Hardship); or
- (n) other human rights violation or violation of the Policy.

The *Code* and the Policy are remedial, not punitive, which means that their focus is to prevent and eliminate discrimination by education, learning, and creating awareness.

Violations of the Policy may result in corrective, remedial, responsive, restorative and/or disciplinary action, depending on the circumstances and where appropriate, up to and including a victim impact statement, an apology, counselling, education, verbal or written reprimand, performance management, transfers, progressive discipline up to and including termination of employment (for employees), expulsion (for students), reporting to the Ontario College of Teachers, and/or restricted access to the DSBN Environments. For violations of the Policy by non-employees, the appropriate action to

be taken will be determined in consultation with the superintendent(s) and Director of Education and designates.

4. CONFIDENTIALITY

The DSBN will maintain the confidentiality and privacy of personal information related to human rights issues, complaints, and accommodation requests in accordance with applicable legislation, including the *Municipal Freedom of Information and Protection of Privacy Act*, *Personal Health Information Protection Act*, *Ontario Student Record, Guidelines*, and the provisions of any applicable collective agreement. This is subject to disclosure requirements and certain processes set out in legislation, legal proceedings, and in the related procedure(s).

DSBN Community members who raises an issue, complaint, or accommodation request, or those who participate in the resolution of a matter under the Policy or related procedure(s), must maintain confidentiality.

5. REVIEW AND REVISION

The DRAFT Policy will be reviewed and revised within the 2023/2024 school year. The review and amendment process will be led by the Human Rights and Equity Advisor and will include a consultation process.

6. REFERENCE DOCUMENTS

Ontario Human Rights Commission Policies

For additional information, please consult the following policies and guidelines developed by the Ontario Human Rights Commission:

- [Guide to your rights and responsibilities under the Human Rights Code](#)
- [Teaching human rights in Ontario: A guide for Ontario schools](#)
- [Policy on ableism and discrimination based on disability](#)
- [Policy on accessible education for students with disabilities](#)
- [Policy and guidelines on racism and racial discrimination](#)
- [Policy on preventing discrimination based on creed](#)
- [Policy on preventing discrimination based on gender identity and gender expression](#)
- [Policy on discrimination and harassment because of sexual orientation](#)
- [Policy on preventing sexual and gender-based harassment](#)
- [Policy and guidelines on discrimination because of family status](#)
- [Policy on discrimination against older people because of age](#)
- [Policy on preventing discrimination based on mental health disabilities and addictions](#)
- [Policy on preventing discrimination because of pregnancy and breastfeeding](#)

- [Policy on discrimination and language](#)
- [Policy on competing human rights](#)
- [Policy on Removing the “Canadian experience” barrier](#)

Legal Framework

- Universal Declaration of Human Rights
- United Nations International Covenant on Civil and Political Rights
- United Nations Convention on Economic, Social and Cultural Rights
- United Nations Declaration on the Rights of Indigenous Peoples
- United Nations Convention on the Rights of the Child
- United Nations International Convention on the Elimination of all forms of Racial Discrimination
- United Nations Convention on the Rights of Persons with Disabilities
- United Nations Convention on the Elimination of all forms of Discrimination Against Women
- Canadian Charter of Rights and Freedoms, the Constitution Act, 1982
- United Nations Declaration on the Rights of Indigenous Peoples Act
- Human Rights Code, R.S.O. 1990, c. H.19
- Occupational Health and Safety Act R.S.O. 1990, c. O.1
- Accessibility for Ontarians with Disabilities Act, 2005, R.S.O. 2005, c. 11
- Education Act, R.S.O. 1990, c. E.2
- Anti-Racism Act, 2017, R.S.O. 2017, c.15
- The Final Report and Calls to Action of the Truth and Reconciliation Commission
- Ontario’s Equity and Inclusive Education Strategy (2014)
- Katelynn’s Principle

DSBN Policies

- [Policy G-02: Safe Schools](#)
- [Policy G-03: Equity and Inclusive Education](#)
- [Policy G-08: DSBN Code of Conduct for Schools](#)
- [Policy G-28: Student Discipline](#)
- [Policy G-29: Safe and Accepting Schools: Bullying Prevention and Intervention](#)
- [Policy G-38: Complaints Resolution Policy](#)
- [Policy G-39: Human Rights Discrimination & Harassment or Occupational Health & Safety Workplace Harassment](#)
- [Policy E-15: Workplace Violence and Harassment Prevention](#)
- [Policy E-18: Accessibility Standards for Employment](#)
- [Policy C-03: Service Accessibility Standards for Ontarians with Disabilities](#)
- [Policy D-09: Framework for the Provision of Special Education Services](#)
- [Policy J-02: Accessibility Standards for School Transportation](#)

APPENDIX A - Glossary of Terms

Ableism: attitudes in society that devalue and limit the potential of persons with disabilities. People with disabilities are assumed to be less worthy of respect and consideration, less able to contribute and take part, and of less value than other people. Ableism can be conscious or unconscious and is embedded in institutions, systems, or the broader culture of a society.

Accessibility: a general term for the degree of ease that something (e.g., device, service, physical environment, and information) can be accessed, used, and enjoyed by persons with disabilities. The term implies conscious planning, design and/or effort to make sure something is barrier-free to persons with disabilities. Accessibility also benefits the general population, by making things more usable and practical for everyone.

Accommodation: making an adjustment, providing support, or making exceptions to avoid discrimination based on protected grounds and eliminate barriers to ensure fair and equitable access, treatment, and inclusion. This allows an individual to participate equally and perform to the best of their abilities when learning, working, or accessing facilities and services within the DSBN Environments. The duty to accommodate is a legal obligation that exists to the point of Undue Hardship.

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

Advocate: any individual chosen by the person with a human rights concern or complaint to provide support, advocacy, or advice.

Affirmative action: action designed to address the historic disadvantage that identifiable groups (e.g., women, racialized persons) have experienced by increasing their representation in employment and/or higher education.

Ageism: discrimination based on age.

Allegation: an unproven claim or assertion based on an individual's belief that a DSBN Community member has violated the Policy.

Ally: a member of the dominant group who acts against oppression.

Anti-Asian Racism: prejudice, beliefs, stereotyping and discrimination that is directed at people of Asian descent and rooted in unique experiences of xenophobia.

Anti-Black Racism: prejudice, 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.

Anti-colonial: intentional and critical analysis of structures, processes, and decision-making to identify, challenge, and address or change (and not perpetuate) the legacies and ongoing harmful impacts of colonialism.

Anti-Indigenous Racism: discrimination, racism, negative stereotyping, and injustice experienced by Indigenous Peoples. It includes ideas and practices that establish, maintain and perpetuate power imbalances, systemic barriers, and inequitable outcomes that stem from the legacy of colonial policies and practices.

Anti-Latin American Racism: prejudice, beliefs, stereotyping and discrimination that is directed at people of Latin American descent.

Anti-oppression: an active and consistent process of change to eliminate individual, institutional, and systemic oppression as well as the injustice oppression causes.

Anti-racism: an active and consistent process of change to eliminate individual, institutional, and systemic racism as well as the injustice racism causes.

Antisemitism: antisemitism is latent or overt hostility, or hatred directed towards, or discrimination against individual Jewish people or the Jewish people for reasons connected to their religion, ethnicity, and their culture, historical, intellectual, and religious heritage. Antisemitism can take many forms, including and not limited to acts of discrimination, physical violence, vandalism, and hate.

Appropriation: the adoption of an element or elements of one culture or identity, knowingly or unknowingly, by members of another culture or identity without engaging or consulting with the community. This can often result in diminishing or trivializing significant cultural or spiritually meaningful practices/traditions and can be discriminatory and racist.

Audism: the notion that a person is superior based on their ability to hear or to act like a person who hears.

Barrier: anything that prevents an individual 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: a predisposition, prejudice, or generalization about a group of people based on personal characteristics or stereotypes.

Bigotry: intolerance, negative attitudes or stereotypes related to another person's creed, race, sexual orientation, etc.

Biphobia: negative attitudes, feelings, or irrational aversion to, fear or hatred of bisexual people and their communities, or of behaviours stereotyped as bisexual. Biphobia can lead to discrimination, harassment or violence against bisexual people.

Code: the Ontario *Human Rights Code*.

Competing Rights: situations where parties to 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.

Cisgender: a person whose gender identity corresponds with what is socially expected based on their sex assigned at birth (e.g., a person who was assigned male at birth and identifies as a man). Cisgender is the appropriate term whenever describing individuals whose gender identity aligns with the social expectations of them based on their sex assigned at birth.

Cisgenderism: prejudice that denies, ignores, denigrates, or stigmatizes diverse non-cisgender identities.

Cisnormativity: the common assumption that all people are cisgender and that everyone accepts this as "the norm." The term cisnormativity is used to describe systemic prejudice against trans people.

Cissexism: a system of oppression that considers cis people to be superior to trans people. It includes harmful beliefs that it is "normal" to be cis and "abnormal" to be trans. Examples include scrutinizing the genders of trans people more than those of cis people or defining beauty based on how cis people look.

Classism: prejudice or discrimination based on socio-economic status/class, it is institutional, cultural, and individual sets of practices and beliefs that assign differential values to people according to their socio-economic status and specifically people from lower socio-economic classes.

Colonialism: a practice of domination, which involves the subjugation of one people to another. Settler colonialism – such as in the case of Canada – is the unique process where the colonizing population does not leave the territory, asserts ongoing sovereignty to the land and actively seeks to assimilate the Indigenous populations and extinguish their laws, cultures, traditions, and ties to the land.

Complainant: person(s) who allege(s) a violation of this Policy.

Creed: a religious or non-religious belief system, including Indigenous spirituality and cultural practices, which influences a person's identity, worldview and way of life.

A creed:

- (a) is sincerely, freely, and deeply held;
- (b) is integrally linked to a person's identity, self-definition and fulfillment;
- (c) has a particular and comprehensive, overarching system of belief that governs one's conduct and practices;
- (d) addresses ultimate questions of human existence, including ideas about life, purpose, death, and the existence or non-existence of a Creator and /or a higher or difference order of existence; and
- (e) has "nexus" or connection to an organization that professes a shared system of belief.

Dignity: individual self-respect, self-worth, and inherent worth as a human being. It is concerned with physical and psychological integrity, and empowerment. It is harmful when people are marginalized, stigmatized, ignored, and/or devalued.

Disability: is defined very broadly in the *Code* and includes any degree of physical, developmental, mental, or learning disability. The *Code* specifically includes protection for those who may be perceived to have a disability, even if that person does not have one, and someone who has had or believed to have had a disability in the past. There are many types of disabilities, covering a broad range and degree of conditions. A disability may be apparent or hidden, and present from birth, caused by an accident or developed over time.

Discrimination: any practice or behaviour, whether intentional or unintentional, which results in adverse differential or inequitable treatment based on one or more of the prohibited grounds of discrimination under the *Code* that results in harm in a protected social area. It is treating someone unfairly based on *Code*-related grounds by imposing a burden or denying a benefit, privilege, or opportunity enjoyed by others.

It may involve direct discriminatory actions that are overt, or it may involve rules, policies, procedures, practices, processes, or systems that appear neutral, but disadvantage certain groups of people. Under the *Code*, it is the effect and not the intention that is important. *Code*-based harassment and hate-related behaviour are types of discrimination.

Diversity: the presence of a wide range of human qualities and attributes within an individual, group or organization. Diversity includes such factors as age, sex, race, ethnicity, physical and intellectual ability, religion, sexual orientation, educational background, and expertise.

DSBN: the District School Board of Niagara.

DSBN Community: trustees, committee members, council members, staff members, students, parents/guardians/caregivers, permit holders, vendors, service providers, contractors, volunteers, visitors, and all other persons learning, working, or accessing services and/or facilities in the DSBN Environments.

DSBN Environments: DSBN property, school buses, virtual learning and working environment, electronic media, school or work-authorized events or activities, in before- and after-school programs including co-curricular activities and field trips and may include any other circumstances that may have an impact on the school or work climate.

Equal Opportunity: ensuring that all people have equal access, free of barriers, equal participation, and equal benefit from whatever an organization has to offer.

Equal Treatment: treatment that brings about an equality of results and that may, in some instances, require different treatment. For example, to give all students equal treatment in entering a building, it may be necessary to provide a ramp for a student who uses a wheelchair.

Equity: fairness, impartiality, even-handedness. A distinct process of recognizing differences within groups of individuals and using this understanding to achieve substantive equality in all aspects of a person's life.

Exclusion: denying access to a place, group, privilege, etc.

Failing to Accommodate: not meeting the procedural or substantive duty to accommodate under the *Code* to the point of undue hardship.

Faithism: negative treatment and discrimination directed towards people based on creed. Faithism includes any ideology that ascribes to people values, beliefs, and behaviours, and constructs people as fundamentally different and unequal, or deserving or underserving of respect and dignity, based on their religion or belief. Faithism creates and reproduces a consistent, distorted, negative and stereotypical view of individuals and groups based on their creed, faith, beliefs, or associated characteristics.

Harassment: a course of vexatious comments or conduct in a DSBN Environment that are known, or ought reasonably to be known, to be unwelcome. It can involve words or actions that are known or should be known to be offensive, embarrassing, humiliating, demeaning or unwelcome. Harassment is a form of discrimination.

“Ought reasonably to be known” includes:

- the perspective of the person saying or doing discriminatory behaviour;
- how a reasonable outside party would interpret the comments or behaviour;
- the perspective of the person experiencing the comments or conduct.

Code-based harassment is harassment based on a protected/prohibited ground under the *Code*.

Non *Code*-based harassment is harassment that is *not* based on a protected/prohibited ground under the *Code* (i.e., non-Code workplace harassment – complaints of this nature are covered under Policy G-39: Human Rights Discrimination and Harassment or

Occupational Health and Safety Workplace and/or Policy E-15: Workplace Violence and Harassment Prevention).

If a person does not explicitly object to harassing behaviour, or appears to be going along with it, this does not mean that the behaviour is acceptable; this behaviour could still be considered harassment. In limited circumstances, a serious singular incident may amount to harassment, depending on the nature of the comment or conduct.

Hate-related Activity or Behaviour: a hate crime or a hate incident.

- **Hate Incident:** is non-criminal conduct that is motivated in whole or in part by hatred against an individual or group based on a protected ground. A hate incident can encompass situations in which the conduct is directed against people associated with individuals or groups identified with the protected grounds. The conduct can be verbal (hate speech), nonverbal or written, and may manifest itself in the form of slurs, insults, harassment, abusive gestures, taunting, display of offensive materials or hate symbols, or other acts which may intimidate, degrade and/or marginalize the targeted individual or group.
- **Hate Crime:** a criminal offence that is committed against a person or property, and which is motivated in whole or in part by hatred, bias, or prejudice based on race, ancestry, national or ethnic origin, language, colour, creed, religion, sex, age, mental or physical disability, sexual orientation, gender identity, or gender expression. This includes, but is not limited to, hate-motivated violence, incitement to hate motivated violence, and/or display of symbols or other representations identified with groups promoting hate or violence. It also includes such crimes committed against a person who is associated, or perceived to be associated, with individuals or groups identified with one of the *Code* protected grounds.

Heteronormativity: the common assumption that all people are heterosexual and that everyone accepts this as “the norm”. The term heteronormativity is used to describe systemic prejudice against people that are not heterosexual, and is widespread or systemic in society, organizations, and institutions.

Heterosexism: the assumption that everyone is heterosexual, and that heterosexuality is the superior and preferable expression of sexuality. This definition is often used when looking at discrimination against gay, lesbian or bisexual people.

Historical Disadvantage: disadvantage resulting from historic patterns of institutionalized and other forms of systemic discrimination, sometimes legalized social, political, cultural, ethnic, religious, and economic discrimination, as well as discrimination in employment. This also includes under-representation experienced by disadvantaged groups such as women, Indigenous Peoples, persons with disabilities, 2SLGBTQ+ persons and racialized people.

Homophobia: the irrational aversion to, fear or hatred of gay, lesbian, or bisexual people and communities, or of behaviours stereotyped as “homosexual.”

Inclusion: appreciating and using our unique differences – strengths, talents, weaknesses, and frailties – in a way that shows respect for the individual and ultimately creates a dynamic multi-dimensional organization.

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

Indigenous Rights: derive from Indigenous political, economic, and social structures and from their laws, cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources.

Intergenerational: existing or occurring between different generations of people; involving more than one generation.

Intersectional Discrimination/Intersectionality: discrimination based on the overlap of two or more prohibited grounds of discrimination under the *Code*. This results in a unique and distinct form and experience of discrimination and/or oppression, and recognizes that people's lives involve multiple overlapping identities, and that marginalization, exclusion, oppression, and discrimination may be further exacerbated due to how these identities interact or "intersect."

Islamophobia: includes racism, stereotypes, prejudice, fear or acts of hostility directed towards individuals who are Muslim or followers of Islam. In addition to individual acts of intolerance and racial profiling, Islamophobia can lead to viewing and treating Muslims as a greater security threat on an institutional, systemic, and societal level.

Katelynn's Principle: decisions affecting children must center the child, reflect their voice, and respect their rights and identities (e.g., ancestry, race, disability, sexual orientation, gender identity, gender expression, creed/religion, etc.).

Learning Environment: any space, premise, location, or thing at, upon, or in which a DSNB student or Community member learns or engages in activities connected to the learning environment (e.g., parent engagement/parent council activity, etc.). This includes virtual/online environments. Conduct that has consequences for the learning environment, regardless of where it occurs, may be considered to have occurred in a learning environment (e.g., schools and school-related activities, such as extra-curricular activities and excursions).

Marginalized Group: a long-term, structural process of systemic discrimination that creates a group(s) of disadvantaged peoples. These groups become permanently confined to the margins of society; their status is continually reproduced because of the various dimensions of exclusion in society and affects full and meaningful participation in society.

Microaggressions: indirect or subtle statements, actions, or incidents, whether intentional or unintentional, that communicate hostile, derogatory, or negative messages to target persons based solely upon their marginalized group membership or a protected ground under the Code. A series of microaggressions may amount to harassment.

Occupational Health and Safety Act (OHSa): prohibits all workplace harassment even if not on the basis of a protected ground. The [Workplace Violence and Harassment Prevention Policy \(E-15\)](#) implements the OHSa requirements with regard to workplace harassment and includes both *code* and non *code*-based harassment.

Oppression: systemic social inequity reinforced by social institutions that is also embedded within individual consciousness. Results from institutional and systemic discrimination and personal prejudice limiting and restricting opportunities and resources. Oppression works to benefit dominant or privileged groups and disempowers or subordinates others.

Patriarchy: a social system in which power is held by men through cultural norms and customs that favour men and withhold opportunity from women.

People in Positions of Authority: a manager, or a person with authority over students (e.g., educators, educational assistants, lunchtime supervisors, bus drivers, etc.).

Poisoned Environment: a DSBN Environment that is negative, hostile, oppressive, unwelcoming, non-inclusive or unpleasant due to vexatious behaviour or conduct that is based on a protected ground and that is known, or ought reasonably to be known, to be unwelcome. The vexatious behaviour or conduct does not need to be directed at any specific individual or group. A poisoned environment may result from a serious single event, remark or action, or a series of incidents.

Positive Obligation(s): also called “positive human rights obligations”, mean organizational duties which entail taking active steps to safeguard and advance human rights. Examples of positive obligations include, conducting training; monitoring human rights compliance through data collection, analysis and reporting; and other affirmative measures aimed at preventing human rights violations and fostering a culture of human rights, even in the absence of complaints.

Power: access to privileges such as information/knowledge, connections, experience and expertise, resources and decision-making that enhance a person’s chances of getting what they need to live a comfortable, safe, productive, and profitable life.

Prejudice: negative prejudgment or preconceived feelings or notions about another person or group of persons based on perceived characteristics.

Privilege: unearned power, benefits, advantages, access and/or opportunities that exist for members of the dominant group(s) in society. This can also refer to the relative privilege of one group compared to another.

Prohibited/Protected Ground(s): the attributes or characteristics upon which discrimination is prohibited under the *Code* or the Policy. The *Code*-protected grounds are age, ancestry, citizenship, colour, creed (religion), disability (including mental, physical, developmental or learning disabilities), ethnic origin, family status (such as being in a parent-child relationship), gender expression, gender identity, marital status (including married, single, widowed, divorced, separated or living in a conjugal relationship outside of marriage, whether in a same-sex or opposite-sex relationship), place of origin, race, sex (including pregnancy and breastfeeding) and sexual orientation, record of offences (criminal conviction for a provincial offence, or for an offence for which a pardon has been received – in employment), and receipt of public assistance (in housing). Socio-economic status is an additional ground protected from discrimination at the DSBN under the Policy.

Race: a social construct to categorize people based on geographic, historical, political, economic and social factors. This social construction of race is called “racialization” and the process also contains a value judgment or response to individuals or groups. In addition to physical characteristics such as colour, some characteristics that are commonly racialized include language, accent, name, clothing, beliefs and practices. Racial categories are socially constructed that have significant consequences for people’s lives. Racial categories may vary over time and place and can overlap with ethnic, cultural or religious groupings.

Racialization: the process by which societies construct races as real, different, and unequal in ways that matter and affect economic, political, and social life.

Racialized: racialized persons and/or groups can have racial meanings attributed to them in ways that negatively impact their social, political, and economic life. This includes but is not necessarily limited to people classified as “visible minorities” under the Canadian Census and may include people impacted by antisemitism and Islamophobia.

Racial Profiling: any action that relies on stereotypes about race, colour, ethnicity, ancestry, religion or place of origin, or a combination of these, rather than on a reasonable suspicion to single out a person for greater scrutiny or different treatment.

Racism: a belief that one group is superior or inferior to others. Racism can be openly displayed in racial jokes, slurs or hate crimes. It can also be more deeply rooted in attitudes, values, and stereotypical beliefs. In some cases, people do not even realize they have these beliefs. Instead, they are assumptions that have evolved over time and have become part of systems and institutions.

Reprisal: an adverse action or threat of adverse action, implied or explicit, that is intended as retaliation or punishment against a DSBN Community member for:

- (a) Raising concerns or claiming or enforcing a right, in good faith, under the *Code* and under the Policy or supporting someone to do so;
- (b) for participating in a process to address a matter under the Policy; or
- (c) on the basis of a belief that the individual has engaged in (a) or (b).

Adverse action in the above definition could include, for example:

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

Respondent: any DSBN Community member who has a complaint under the Policy made against them.

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.

Sexism: prejudice, stereotype, and discrimination directed against people based on sex, sexual orientation, gender identity, or gender expression. Sexism may be evident in organizational and institutional structures, policies, procedures, and programs, as well as in the attitudes and behaviours of individuals.

Sexual or Gender-Based Harassment: a course of vexatious comment or conduct against an individual because of sex, sexual orientation, gender identity, or gender expression where the course of comment or conduct is known or ought reasonably to be known to be unwelcome. Sexual harassment includes making a **sexual solicitation** or advances where the person making the solicitation or advances is in a position to confer, grant or deny a benefit or advancement to an employee and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

Special Program(s): programs or measures, permitted under the *Code*, that an organization may create to address inequalities and help generate opportunities for people who experience discrimination, hardship, and disadvantage on protected grounds.

To be a special program, the program must meet one of the following conditions:

- (a) it relieves hardship or economic disadvantage;

- (b) it helps disadvantaged people achieve, or try to achieve, equal opportunity; or
- (c) it helps eliminate discrimination.

Social Areas: the areas of life to which the *Code* applies: employment; goods, services and facilities; housing; contracts; and membership in unions, trade and professional associations.

Socio-Economic Disadvantage: the diminished social and economic standing due to homelessness, low levels of education, chronic or low income, and chronic unemployment or underemployment.

Sovereignty: First Nations, Inuit, and Métis 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.

Stereotype: incorrect assumption based on things like race, colour, ethnic origin, place of origin, religion, etc. Stereotyping typically involves attributing the same characteristics to all members of a group regardless of their individual differences. It is often based on misconceptions, incomplete information and/or false generalizations.

Student: is anyone regardless of age, who is enrolled in any educational program offered by the DSBN.

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, which may appear neutral on the surface but exclude members of groups protected by the *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 for groups because of one or more protected ground.

Trans: an umbrella term referring to people whose gender identities differ from the sex they were assigned at birth. "Trans" can mean transcending beyond, existing between, or crossing over the gender spectrum. It includes but is not limited to people who identify as transgender, transsexual, or non-binary.

Transphobia: the negative attitudes and feelings and the aversion to, fear or hatred or intolerance of trans people and communities. Like other prejudices, it is based on stereotypes and misconceptions that are used to justify discrimination, harassment, and violence toward trans people, or those perceived to be trans.

Undue Hardship: the point at which the legal duty to accommodate ends based on an objective assessment of only three factors: (i) costs, (ii) outside sources of funding (if any), and (iii) health and safety considerations (if any) of the proposed Accommodation.

Universal Design for Learning: a teaching approach that focuses on using teaching strategies or pedagogical materials designed to meet individual needs to enhance learning for all students.

Vexatious/Frivolous/Bad-Faith Complaint: a complaint or claim that is inappropriate, unnecessary, and/or deliberately and maliciously brought forward without sufficient merit or basis or otherwise filed in bad faith, solely to harass, annoy, distress, demean, embarrass, and/or humiliate a DSBN Community member. In some cases, this may amount to harassment and a violation of the Policy.

White Supremacy: a racist ideology based on the belief that white identity is the norm, standard and ideal. “It does not refer to extreme hate groups or far right extremists. It is not about good and bad people. It is about the accumulation of social, cultural, and institutional power that has and continues to advantage a group of people” (from *Addressing Anti-Asian Racism: A Resource for Educator*, TDSB and ETFO). It refers to the “pervasiveness, magnitude, and normalcy of white privilege, dominance, and assumed superiority in society” (from *Is Everyone Really Equal? An Introduction to Key Concepts in Social Justice Education*, Ozlem Sensoy, Robin DiAngelo).

Workplace/Working Environment: under the *Occupational Health and Safety Act*, any land, premises, location, or thing at, upon, in or near which a worker works. It also includes:

- any place where individuals perform work or work-related duties or functions;
- DSBN offices and facilities, including eating, meeting and employee areas/lounges, and vehicles used for work purposes or on work property;
- conferences, workshops, training sessions, and staff functions (e.g., retirement celebrations), etc.; and
- in some instances, the use of social media where it is connected to the workplace environment or workplace relationships.

Worker: any person included in the definition of “worker” under the *Occupational Health and Safety Act*, including but not limited to regular, temporary, probationary employees, co-op students, contract employees and volunteers.

Workplace Harassment: a form of personal harassment that involves engaging in a course of vexatious comment or conduct against a worker in a workplace, where such conduct is known or ought reasonably to be known to be unwelcome. Workplace harassment does not include legitimate performance management of an employee.

Xenophobia: attitudes, prejudices and behaviour that reject, exclude, and often vilify persons, based on the perception that they are outsiders or foreigners to the

community, society, or national identity. It is having or showing a dislike of or prejudice against people from other countries.

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

¹ This policy is complementary to the [Ontario Human Rights Code](#) and does not substitute rights and responsibilities under the Code.

² See [section 47\(2\) of the Ontario human rights Code](#).

NEWLY DEVELOPED