tdsb | Human Rights Office

Annual Report 2020 - 2021

Toronto District School Board

Context and Overview

All students and staff at Toronto District School Board schools and workplaces have the right to work and learn in places that are free from discrimination, where they feel safe, welcome and respected.

The mission of the Board's Human Rights Office (HRO) is to enable, support and inspire the creation and preservation of a proactive, inclusive and transformational culture of human rights in which all members of the TDSB community:

- Equitably flourish with dignity and respect
- Achieve equitable outcomes in TDSB learning and working environments, free from discrimination and harassment
- To fulfill this mission, the Human Rights Office, as the centre of human rights expertise in the Board:
- Advises the TDSB community about their human rights and obligations;
- Impartially and fairly investigates, mediates and addresses human rights complaints and incidents, including in the areas of employment and education;
- Proactively and systemically advances human rights organizational change including through:
- Leads the identification of systemic issues;
- Engages in professional development, education, and capacity building related to human rights;
- Supports policy review and development;
- Engages community partners; and,
- Researches, evaluates and reports on the TDSB's human rights record.

A recent scan indicates that this may be the only report of its kind in the Canadian primary and secondary school education sector. This year's update builds on last year's inaugural report while using a similar structure. A status update on the Board's Human Rights Office is presented to outline the progress made and the challenges experienced over the last year. The presentation of the data from the Human Rights Office follows and it is very important to note that some data contained within this report gives cause for serious concern. The data clearly indicates that the Board continues to have a serious racism problem. For the third consecutive year, Race or Race Related Grounds (race, colour, ethnic origin, ancestry, place of origin, citizenship) is the most frequently cited ground of complaint (63%). Furthermore, the percentage of all complaints to the HRO citing this specific ground has risen for the third consecutive year, from 49%

in 2019-2020, to 54% last year to 63% this year. As in the previous two years, disability remains the second most frequently cited ground for complaints (21%) received by the HRO.

While the total number of complaints received by the HRO has decreased over the last year, the Office is experiencing challenges resolving complaints in a timely manner. The specific reasons for this are outlined in Section 1.3 Complaints.

Data collection related to incidents of racism, bias and hate involving or impacting students in schools has evolved greatly in the Board over the course of the last three years with the introduction of Board Procedure PR 728 and the Racism, Bias and Hate (RBH) Reporting Portal. The number of reports has more than tripled in the past three years. This increase can be partly attributed to the fact that the portal has moved beyond its initial purpose of capturing data on hate incidents only. Currently, all incidents of racism and bias as well as those related to hate, are to be entered into the RBH Portal by staff. Additional promotion and training for staff and system culture shifts related to reporting of these incidents may have also contributed to the increase. Over the past three years, the overwhelming majority of incidents reported into the RBH related to Race or Race Related Grounds (race, colour, ethnic origin, ancestry, place of origin, citizenship). As well as comprising the majority of race-related incidents, anti-Black racism incidents comprised the majority of incidents reported in total into the RBH over the course of the past three years.

The report concludes with a detailed action plan which aims to inspire, support and facilitate the creation and preservation of a proactive, inclusive and transformational culture of human rights at TDSB. To achieve our goal, systemic change must be made across all areas of the Board. This type of deep cultural shift takes time but ultimately leads to prevention of racism, bias and hate incidents. This is our ultimate goal. We will be able to track our progress and secure greater accountability through more frequent, detailed and transparent reporting of data that is entered into the RBH Portal.

Our work in the area of human rights intends to create and build trust between the Board and those we serve. Each one of our students and staff will have a greater opportunity to succeed when we create conditions in schools and workplaces which are free of racism, discrimination, harassment and hate. This is what our students and staff deserve and it is what we have a duty to provide.

1. HRO KEY ACTIVITIES

1.1   GOALS

The goal of the Human Rights Office [HRO] as set out in the Multi-Year Strategic Plan (MYSP) and accompanying Action Plans, and as updated in 2019, is to "Identify and eliminate embedded systemic barriers and discriminatory institutional and instructional practices that negatively impact the achievement and well-being of students and staff and lead to inequitable outcomes."

Aligned with the above is a key objective for the HRO as set out in the Ministry of Education's Transfer Payment Agreement that provided funding for 2.5 FTE positions within the HRO, which is to "lead transformational change to further build cultures of respect for human rights and to identify and eliminate systemic barriers".

The HRO incorporated the above goal and objective into its Mission and Mandate [Appendix 1].

1.2   Structure of the Human Rights Office

Prior to the 2018 restructuring, the HRO had four designated staff positions (1 Manager; 1 Human Rights Assistant; 2 Human Rights Investigators). The HRO then expanded to ten staff as of September 2019 (1 Senior Manager; 1 Manager; 1 Human Rights Assistant; 2 Senior Human Rights Policy, Education & Organizational Change Specialists; 1 Human Rights Outreach & Engagement Officer; and 4 Senior Human Rights Officers).

Last year's annual report highlighted the increased demand for human rights services. The Office continues to experience more requests for support from staff as they address human rights incidents and complaints. Additionally, there has been an increase in requests to assist with human rights student based issues. To address those demands, funding was approved in the Spring of 2021 to create two additional Senior Human Rights Officer positions.

The permanent Senior Manager position is vacant. The recruitment process for this position is underway. Staff turnover has contributed to two of the six case management positions remaining vacant. In a poll of current and past staff, workload, intensity, backlog, and work-life balance were consistently noted as factors of concern. The staff turnover has resulted in the remaining staff experiencing an increased workload and more pressure, which has prevented the office from being able to deliver on all the commitments set out in last year's annual report. It is anticipated that these positions will be filled in the

spring of 2022. For updated timelines on these commitments, see APPENDIX 5 - HUMAN RIGHTS ACTION PLAN: 2021 – updated for the 2020/2021 Annual Report.

1.3   Complaints Management

Addressing the volume of complaints received in a timely manner is a priority of the HRO. Over the 2020-2021 school year, the Human Rights Office received and closed fewer total complaints (both human rights based complaints as well as non-human rights based workplace harassment complaints) as compared to the previous two years. However, the number of human rights based complaints did not change. A number of factors have contributed to this. The inherited case backlog, the size of HRO relative to the size of the Board, staff turnover, the delay in transition of non-human rights based complaints out of the HRO, the growing proportion of human rights based complaints, the expansion of HRO services to include human rights issues impacting or involving students in schools, the launch and increasing number of incidents being reported through the RBH, and the significant increase in demand for consultations have resulted in additional pressures on the Office. Additionally, human rights cases are generally more complex and time-consuming to address, requiring deep understanding of human rights law and theory. Anecdotally, the complexity and severity of the incidents that led to the complaints have increased. Both those factors mean that the complaints received are taking more time and effort to resolve. More specific data related to "Complaints Management" is found in Section 2.1 – Complaints.

Backlog

As previously stated, addressing the historic complaints backlog of cases that exists within the HRO is an important step towards making the Office more effective and efficient. Additional resources have been directed towards clearing the backlog by hiring external expert investigators who have the capacity to deal with a large volume of cases. Work on the backlog project began in March 2021 and is ongoing. The Interim Senior Manager is overseeing this work. An additional Human Rights Assistant has been hired on a temporary basis to assist with the processing outstanding cases. The goal is to have the backlog complaints closed by the end of the June 2022. More specific data related to the backlog is included in Section 2.1.

Grounds

Of the human rights based complaints, the majority has and continues to be based on race or race related grounds (race, colour, ethnic origin, ancestry, place of origin, citizenship). In fact, the percentage of

complaints based on race-related grounds has increased to 63% of all complaints. Race was cited as a ground three times as often as the next most frequently cited grounds.

The next most frequently cited grounds were disability, sex, gender identity and expression, and creed. Respectively, those grounds were cited in 21%, 19%, 16%, and 14% of complaints. Compared to previous years, gender identity and gender expression doubled in terms of both number and percentage of human rights based complaints; and complaints citing creed tripled.

At this time, for formal human rights complaints (as compared to RBH data), information on the type of racism is not collected. However, anecdotally, staff have observed that a disproportionate number of complaints involve allegations of anti-Black racism. More specific data related to the grounds for human rights complaints is included in Section 2.1.

Racism, Bias and Hate Incidents (RBH) Data

In 2020/2021, there were 816 reported incidents. Although the number of reported incidents has more than tripled over the past three years, it is important to note that this number likely does not reflect the actual number of incidents occurring in the schools. The increase in reports may be linked to a number of factors. Reporting incidents of racism and hate involving or impacting students was made mandatory in November 2020. The subsequent promotion of, and education about the RBH portal to school administrative and executive staff has impacted reporting. Additionally, societal trends and cultural shifts may also be leading to increased reporting.

The overwhelming majority of reported incidents relate to race or a race-related grounds (ancestry, citizenship, colour, ethnic origin, place of origin, race). This year race-related grounds accounted for 57% of incidents. Of those, the overwhelming majority continue to involve anti-Black racism and hate, which this year accounted for 61% of race-related incidents. Overall, anti-Black racism incidents comprised the majority of all incidents reported into the RBH portal. This year, 2020/2021, anti-Black racism and hate incidents comprised 51% of all reported incidents in the RBH portal.

The second most frequently cited ground in 2020/2021, were incidents directed at those in the 2SLGBTQ+ community; this would include incidents of homophobia, biphobia, and transphobia. They accounted for 26% of all incidents which was a huge increase in proportion of incidents compared to the previous two years.

The third most frequently cited grounds in 2020/2021 were incidents based on creed which accounted for 10% of incidents. Of those creed-based incidents, 44% were based on antisemitism and 42% were based on Islamophobia.

As expected, the majority of incidents, 89%, were based on comments or conducts by other students. It is important to note that 10% of reported incidents were as result of behaviour by TDSB staff.

The above complaint and RBH data, indicates that Black TDSB staff and students continues to suffer a disproportionate amount of discrimination, harassment, and hate. TDSB needs to continue to dedicate resources and efforts to identify and remedy systemic issues, educate, and implement accountability goals and supports. With the major revisions to the Human Rights Policy completed, the HRO can now focus on this systemic work.

More specific data related to the RBH portal is included in Section 2.3.

Education related human rights issues

The HRO is slowly being able to dedicate more resources to human rights issues in the area of education (i.e. related to the human rights of students and parents) and not exclusively focus on employment related issues (i.e. related to the human rights of employees). Currently, HRO's involvement on the education side is mainly through the ongoing increase in the number of reported RBH incidents in schools. There is also a continued slow growth in the proportion of HRO consultations involving student and parent human rights issues.

There is currently no specific complaints procedure for students and parents; the process is to follow the Parent Concern Protocol. A parent/guardian/student may copy the HRO when they get to the stage of raising concerns to the Superintendent. If the matter is still not resolved they can file a complaint with the Human Rights Office. The HRO also adapted the staff 515A Complaint form for students/parents/guardians to file their complaint. The TDSB community has expressed the desire to able to engage more directly with the HRO. HRO's ability to effectively engage and address student and parent human rights issues and concerns will be largely dependent on resourcing going forward. Currently, it does not have the capacity to provide this service in addition to the current demands.

1.4 CASE MANAGEMENT SYSTEMS AND PORTALS

Work continues on modernizing case management and online reporting systems. Work began in 2018 on the new online reporting portals, which also allow electronic case management and reporting.

The use of the Racism, Bias and Hate (RBH) Reporting Portal for Principals and Superintendents to report and manage responses to incidents of racism and hate involving or impacting students was made mandatory in November 2020. Recently, TDSB Information Technology (IT) services created dashboards for those in management positions (superintendents and above) to view real-time pictures of activity in their learning networks. The robustness of the portal through dashboard use was starting to be explored in the 2021/2022 year and will be discussed in the next annual report. The exercise of pulling and analyzing RBH data has exposed some technical issues. HRO and IT staff are continuously working to correct and improve these issues to ensure clear and accurate data.

Two additional HRO portals, an Inquiry Portal and a Complaint Portal, are still being completed. In addition, in response to last year's HRO Annual Report, the Board passed a motion for staff to determine the feasibility and potential timeline of creating a portal similar to the Board's Racism, Bias and Hate Reporting portal to provide opportunities for students, parents and staff to initiate informal complaints related to human rights. In response, HRO is working with IT to incorporate RBH reporting for students into a student safety reporting application which will be operational at the beginning of September 2022. Surfacing more issues will allow the TDSB to have a more accurate understanding of the human rights issues faced by students.

1.5   POLICY AND PROCEDURE

Crucial for systemic human rights organizational change, the HRO revised two key policies: (P031) Human Rights Policy and (P034) Workplace Harassment Prevention Policy.

The Human Rights Policy, P031, was previously focused on the main requirements as set out in the Ontario Human Rights Code. The revision process included significant consultation with: TDSB Community Advisory Committees; TDSB community (via a live webinar organized by PIAC); staff from four identified human rights protected groups (through facilitated Staff Feedback Forums); and union and association partners.

The revised Human Rights Policy actions TDSB's commitment to meeting its obligation under the Ontario Human Rights Code to have schools, workplaces, and other TDSB environments that respect human rights. The Policy seeks to protect, promote and advance the human rights of all TDSB members to learn, function and work in an equitable, accessible, respectful and inclusive environments free of discrimination and harassment on the basis of the protected grounds of discrimination. The new policy

focuses on positive human rights obligations, including to proactively identify, address and prevent all forms of discrimination, including individual and systemic discrimination.

The key accomplishment was the commitment, through the policy, to a Human Rights Organizational Change Program. The program is comprised of four components: (a) A process to identify, remove and prevent potential systemic forms of discrimination, whether by virtue of acts of commission or omission, in TDSB policies, procedures or practices; (b) A performance management framework that integrates and embeds accountability for human rights across the organization, including in hiring and promotion decisions; (c) Data collection, analysis and reporting to measure and evaluate TDSB's progress in protecting and advancing human rights, and to inform appropriate remedial and preventive systemic interventions; and (d) Information, learning and awareness to ensure TDSB members are aware of their rights and responsibilities under this Policy and have the necessary knowledge, skills and competencies to exercise those rights and to fulfill those responsibilities.

The Policy to address workplace harassment, P034, was formerly called Workplace Harassment Prevention Policy. The policy was revised and retitled to Workplace Harassment Prevention for Non-Human-Rights-Code Harassment to operationalize the move of non-human rights-based workplace harassment complaints to Employee Services. The decision to do so was made by the Director of Education in December 2019 to enable the HRO to direct its resources and expertise to human rights issues.

Both of the above policies were presented to and approved by Governance and Policy Committee on June 2, 2021, and approved by the full Board at its June 30, 2021 meeting.

PR515, the Workplace Harassment Prevention and Human Rights Procedure, was revised in December 2020, to introduce a new Expedited Investigation Process which balances being thorough and fair with being timely. The Expedited process respects procedural fairness but is faster and gives life to the requirement to conduct an investigation that is appropriate in the circumstances. The previous investigation process, now called the Formal Investigation Process, is retained to be used in appropriate cases. Further revisions are planned for the procedure to make it even more streamlined and clear and easy to follow.

HRO staff are also involved in providing a human rights lens to other policies, procedures, and programs across the board such as: Alternative Schools Pilot Project – Equity Identifiers; Optional Attendance; Specialized Program Policy; and Sexual Harassment Policy.

1.6 ENGAGEMENT

HRO staff participate on many inter-departmental committees and working groups. This allows HRO staff to provide human rights expertise and bring a human rights lens to issues. Inter-departmental collaboration also facilitates the mainstreaming of and capacity building for human rights understanding and responsibility across TDSB.

Some committees on which HRO participated this year include:

- the inter-departmental working group to address, in a systemic way, accommodation barriers and issues for both staff and students on the basis of gender identity
- Calendar Review Committee
- Priority hiring of Indigenous staff to address and prevent discrimination

The HRO continued to hold regular meetings with union and association executives to share HRO directions and proactively address issues. Building and maintaining these relationships creates space to discuss and address human rights issues.

The HRO also created two websites: a staff-facing one on the intranet; and a public-facing one on the internet. Resources such as "Ramadan and Duty to Accommodate," "Tips when Filing A Complaint," and steps, a flowchart, and form to file a complaint, are shared on both sites. The staff intranet site also includes guides and training on PR728 and updates are added several times a year.

1.7 HUMAN RIGHTS LEARNING AND GROWTH

The HRO has continued to offer professional development and training to support human rights compliance and capacity building, including in 2020-2021 the following in-person training sessions:

- PR728 Reporting and Responding to Racism and Hate Incidents Involving or Impacting Students in Schools. Fifteen sessions of this hands-on presentation walked 687 Superintendents of Education and Principals through the procedure, the on-line reporting portal, and appropriate response steps.
- Scenario-based trainings on the Introduction to Human Rights were developed. Eleven sessions were delivered to: 144 front-line staff as "A Practical Guide to Understanding Human Rights"; and, 357 supervisory and managerial staff as "A Practical Guide to Actioning Human Rights (for Management)."

- Two introductory sessions on Conducting Human Rights Investigations were delivered to 90 elementary Principals and Vice-Principals.
- "The Duty to Accommodate" sessions were designed and delivered: one specifically on COVID-19 Related Concerns for over 200 schedule II staff; and two on managerial responsibilities to implement accommodation responsibilities for approximately 80 Principals and Vice-Principals.
- The outreach and engagement officer also conducted a session on race for the "Ontario Association of Adult and Continuing Education School Board Administrators" for 150 participants.
- HRO collaborated with Indigenous Education and Equity to provide a full day session for almost 200 Newly Promoted Vice-Principal and Principals during their Orientation.
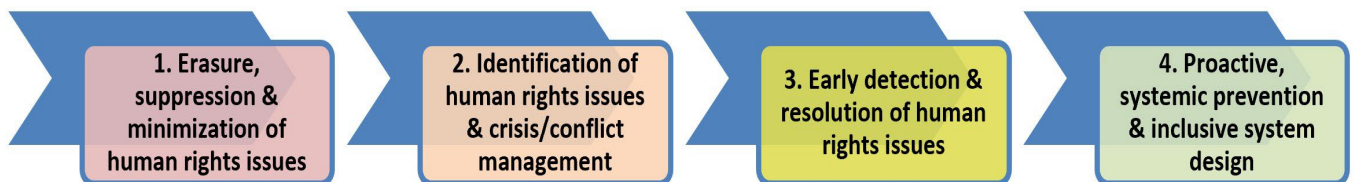
There is constant job-embedded learning as senior team, superintendents and administrators work through issues and investigations with HRO staff support. HRO also continued to provide consultations on student mask accommodation requests, thereby educating school administration on the substantive and procedural human rights duty to accommodate.

The HRO is still completing the development of its full training program. This will include both on-line and in-person learning, as well as, in collaboration with the Equity team, learning on specific human rights protected grounds. This learning will be able to be taken up by individual staff, and management staff for their teams, to allow for education and learning proactively. It will also be available to staff remedially in response to human rights incidents.

1.8   CONTINUUM OF HUMAN RIGHTS

The 2018/2020 Annual Report introduced an orienting framework within which to situate where the TDSB is on its human rights organizational change journey.

Figure 1: Continuum of Human Rights Organizational Change[1]:

1. Erasure, suppression & minimization of human rights issues

2. Identification of human rights issues & crisis/conflict management

3. Early detection & resolution of human rights issues

4. Proactive, systemic prevention & inclusive system design

[1] Towards a Global Evaluative Framework This simple model of the stages and characteristics of human rights organization change was developed by the HRO's Senior Manager, Remi Warner, based on over a decade of

The data in this Report suggests that the TDSB is still predominantly at Stage 2 – Identification of human rights issues and crisis/conflict management.

As noted in the previous report, however, in some respects the Board is still in effect at Stage 1 – Erasure, suppression and minimization of human rights issues. Contributing factors include: lack of a formalized student/parent human rights complaint process; the ongoing complaint backlog; delays in processing; staff turnover; and anecdotal evidence that some communities still do not feel safe coming forward with concerns. Work on the student complaint process and backlog began in 2020/2021, but due to pandemic issues and staff turnover, this work is still ongoing.

In other respects, the kind of proactive reporting of racism and hate activity in schools and monitoring of incidents and responses through PR728, the Board is beginning to move towards Stage 3 – early detection and resolution of human rights issues.

Last year's report predicted that when the updated Human Rights Policy (P031) was implemented, it would impose and embed new proactive "positive human rights duties" on system leaders and staff. This would serve to place the responsibility of upholding rights and maintaining discrimination free workplaces more up front on those with power. The current complaint driven model places the burden on the victims of discrimination to come forward and dedicate time and energy on a complaint process, often at the cost of their own wellness.

The revised P031 was adopted on June 30, 2021, therefore the impact of this change on the state of human rights will not evident until the next annual report, at the earliest.

The goal of the HRO is to continue to collaborate with other areas to move forward along the continuum where proactive and preventive work results in significantly fewer human rights incidents and complaints.

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experience working with mostly large public sector organizations on human rights organizational development, and as informed by the Ontario Human Rights Commission's organizational change guide, Human Rights and Policing: Creating and Sustaining Organizational Change which provides a valuable resource for organizations beyond the policing sector.

Indicators of Movement along the continuum

The following list summarizes the indicators that have contributed to the TDSB's forward movement on the continuum of human rights organizational change.

Complaints Management

- Two new human rights case management positions to allow complaints and issues to be addressed in a more timely manner.
- Dedicated funding to address the complaints backlog. It is anticipated that the majority of backlog cases will have been investigated by the end of the 2021/2022 school year.
- Significant increase in consultations from management staff seeking advice and assistance in managing human rights issues, including an increase in the number of education related human rights consults.
- Exponential increase in the reporting of racism and hate incidents indicates increased recognition of these incidents and commitment to address them.
- Non human rights workplace harassment cases filed after June 30, 2021 are being managed by Employee Services.
- Three forthcoming Human Rights portals (Inquiry, Complaint, and a Student application) that will further modernize the HRO's case management and tracking systems.
- Continued social justice advocacy and demands from individuals and groups who have historically been, and continue to be marginalized will support the need for increased accountability and transparency.

Policy, Engagement, Learning

- Revised workplace harassment policy (P034) that moved non human rights based workplace harassment issues out of the HRO and over to Employee Services.
- Revised Human Rights Policy (P031) that set out an organizational change framework and commits the TDSB to meeting its positive human rights obligations.
- Revisions to PR515 to enable more timely and expedited investigation options.
- HRO's participation on many internal committees to provide a human rights lens on policy, procedure, and program development. Considering decisions up front with a human right lens will help move the Board along the human rights continuum.

- Increased offering of human rights training courses.

Challenges to Movement Along the Continuum

The following list summarizes the challenges to TDSB's forward movement on the continuum of human rights organizational change:

- Structuring [2] and resourcing the HRO so that capacity matches demand, to prevent another backlog and to address staff turnover. Only four of the six investigator positions are filled; managing the backlog project is a huge amount of work; and a survey of current and past staff indicated that workload was the biggest challenge and cause of staff turnover. Sufficient resourcing of the HRO, mainstreaming and capacity building across management positions, and realistic expectations are required.
- Increased demand from those receiving educational services. These issues can be addressed by: continued mainstreaming of supervisory responsibilities; continued capacity building; and a commitment to working in partnership with TDSB community members.
- Resources and capacity to create, provide, and maintain training on alternative dispute resolution and restoration processes is currently inconsistent. Investing in skilling-up all managerial staff will result in a better ability to address issues early on prior to them becoming formal complaints, and for restorative practices to prevent recurrences.
- In an organization as large as the TDSB, the mainstreaming of human rights responsibilities is the only sustainable model to ensure that a culture of human rights is created and sustained. The revised P031 supports this model through the inclusion of legally required human rights duties as well as proactive work in managerial responsibilities. Ensuring sufficient resources are dedicated to ongoing preventive work – including capacity building of all management staff – and are not overtaken by crisis management is critical.

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[2] In some other very large organizations (such as the Ontario Public Service), due to the volume of complaints and time required to conduct investigations, which is time away from offering other critical advisory services, human rights staff supervise rather than directly conduct investigations. However, external investigator costs on a per diem basis are significantly higher than internal staff investigator costs.

- Resistance to enhancing accountability for human rights by incorporating indicators into performance evaluation and planning. Support and training for managers is crucial for them to embrace and champion increased human rights accountability.
- Unanticipated increased workload because of the processes and procedures related to COVID has resulted in delays in revising PR515. The impact of the pandemic has been felt across all areas of the Board.

Future Areas of Focus

Additional required strategies that have a medium- to -long-term implementation horizon include: more regular and consistent contracting out of investigations; focus on early resolution options to resolve matters before they become a complaint; using ADR methods as part of complaint resolution to prevent further issues; build human rights capacity across the system; mainstream accountability for human rights (through performance management, hiring and promotion etc.); and identify and remedy systemic issues to prevent human rights breaches and resulting complaints.

Leaders in TDSB with supervisory responsibilities must engage in additional learning with respect to human rights and equity in order to increase expertise and competencies in these areas. Relative to the proportion of their numbers within the TDSB, Principals and Vice Principals are the number one group in terms of being named as respondents in complaints brought forward to the HRO. To mitigate against this trend, future hiring, promotion and staff performance management will need to better integrate mandatory human rights and equity competencies so that TDSB leaders are best equipped to lead schools in one of the world's most diverse cities.

The data indicates that racism, and particularly anti-Black racism, is an area of deep concern with respect to both staff and students. In addition, data reveals that there may also be a need to address discrimination and harassment on the basis of disability, sexual orientation, gender identity and gender expression.

As noted in the prior Annual Report, there is an absence of detailed and required steps governing how complaints from students and parents must be handled. It is therefore more likely that student and parent human rights concerns may not be handled consistently across the Board. Creating a student and parent complaints procedure will increase accountability for the proper handling of such complaints, as well as provide administrators greater clarity and guidance on what is expected of them. It will also require ensuring there is adequate capacity and resources to implement any future student/parent

complaint procedure, particularly if it will require a new expanded role for the Human Rights Office, given existing capacity constraints.

1.9 Multi- year Strategic Plan (MYSP) Key Performance Indicators

A key strategic driver for HRO activities in the last two years has been the Multi-Year Strategic Plan (MYSP), first introduced in 2018 and the accompanying Action Plans, which were updated in 2019. The Human Rights Action Plan: 2021 outlining specific activities and timing and updated for this report is at Appendix 5.

The (MYSP) sets out four Key Performance Indicators (KPIs) to gauge the success of the Human Rights Action Plan:

- Student, staff and parent census data
- The number of human rights complaints
- The number of human rights complaints resolved through "early resolution" and investigations
- The length of time needed to resolve human rights cases

As noted in the last annual report, additional KPIs will be needed to measure the nature and depth of systemic level change, which may not be captured by complaint data alone.

Student, staff and parent census data was discussed in detail in the 2018-2020 Annual Report. The next censuses are planned for 2022 and can be considered in the Annual Report that follows the release and analysis of census data.

The complaint data described in section 2.1 shows that the total number of active complaints has increased over the last three years, even though there was a decrease in the total number of new complaints received this year. In other words, cases continue to be filed with the HRO at a rate which is greater than the ability to resolve and close cases. HRO has received feedback from some staff that there is a lack of trust in the process because of the length of time it takes to resolve complaints. Therefore, a reduction in new complaints does not necessarily signal a better state of human rights.

The number of complaints closed has decreased this year compared to prior years. As noted above, this is due in part to the increasing complexity and seriousness of cases, the increase in consultations that staff need to address in real-time, and staff turnover. We anticipate that the completion of the backlog reduction project and the filling of the six case management/investigator positions by the Spring 2022

will reduce the number of active complaints and will allow HRO staff to better address complaints in a timely manner.

Measuring the length of time to close cases is difficult, given the inherited backlog of cases. The backlog began to be addressed in a separate process beginning in the Spring of 2021, thus allowing HRO staff, for the most part, to focus on new cases and consultations. In the next annual report we will be able to better measure to length of time to resolve new cases.

The HRO has yet to operationalize an official measure of "early resolution". However, the increase in the number of consultations indicating HRO assistance provided to school administrators could be indicative of incidents that are resolved early and locally, without the need to file a formal complaint.

2. DATA

The following section discusses data and trends for the 2020-2021 school year (September 1, 2020 to August 31, 2021).

2.1   Complaints

Number of complaints

The previous annual report notes that over the 2018-2019 year, the HRO began with 287 complaints, received 209 complaints, and closed 216 complaints. The 2019-2020 year started with 282 active complaints, received another 202 complaints, and closed 139 complaints.

The HRO therefore began the 2020-2021 year with 343 active cases, received 151 new cases, and closed 90; leaving 412 active cases to begin the 2021-2022 year.

Table 1 Human Rights Office Complaints

SCHOOL YEAR	ACTIVE COMPLAINTS AT THE START OF THE SCHOOL YEAR	COMPLAINTS RECEIVED	COMPLAINTS RESOLVED
2018 to 2019	287	209	216
2019 to 2020	282	202	139
2020 to 2021	343	151	90

Of the 151 new complaints filed in 2020/2021, the HRO was able to complete threshold assessments on 99 of them within that same year, with the remaining 52 still in progress. The threshold assessment determines if the complaint, on its face, alleges comment or conduct that would constitute

discrimination or workplace harassment. Of the completed threshold assessments, 70% (69 out of 99) passed threshold and required an investigation. The remaining 30% (30 out of 99) did not pass threshold.

Table 2: Threshold Assessments of Human Rights Complaints

Complaints that Passed Threshold Assessment	2018/2019 3	2019/2020	2020/2021
In Scope	54	77	69
Out of Scope	21	29	30
In Progress	7	20	52

Backlog

As noted in the 2018-2020 HRO Annual Report, the HRO inherited a significant backlog of cases at the start of the 2018 school year – including many old cases dating years back. The oldest cases have been gradually reduced over time through targeted backlog reduction efforts (including with the hiring of temporary staff in 2019, and a mediation project for CUPE complaints in 2019).

However, as the numbers indicate, the backlog of cases continued to grow. In response to this data highlighted in the previous Annual Report, the TDSB committed one-time funds to address the backlog through retaining external expert investigators who had the capacity to deal with a large volume of cases. With the goal of clearing older cases and allowing current HRO staff to deal with incoming cases in a timely manner, all complaints filed prior to March 1, 2021 were included in the backlog.

In the Spring of 2021, 167 complaints were sent to the external investigators for a threshold assessment. As noted above, this process determines if the complaint, on its face, alleges comment or conduct that would constitute discrimination or workplace harassment. By the end of the 2020/2021 school year, 122 of those threshold assessments had been completed. Forty percent (48 out of 122) did not pass threshold and will be closed after informing the complainant of the result. Sixty percent (74 out of 122) passed threshold and require an investigation. These complaints were sent out for investigation over the late fall of 2021 and early winter 2022, on a rolling basis, as the first set of investigations (discussed below) are

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3 Data for 2018/2019 and 2019/2020 was not tracked in the same way therefore the total in each column does not add up to the total number of complaints filed in that year. HRO staff will attempt to add this information to the data for next year's annual report.

completed. It is expected that most of the backlog investigations will be completed by the end of the 2021-2022 school year.

In addition to the backlog complaints that required a threshold assessment, there were also 55 complaints in the backlog that had previously undergone and passed the threshold assessment stage and were awaiting investigation. These investigations were sent to the external investigators in late spring 2021, with a requested completion date of December 31, 2021.

A temporary Human Rights Assistant was hired to assist with the processing of this large volume of backlog complaints. The Interim Senior Manager is overseeing the backlog work, including reviewing the threshold assessments and investigations.

Table 3: Backlog Cases *Backlog Data (As of August 31, 2021)

Investigations – Round 1	Number
Investigations Initiated	55
Threshold Assessment	Number
Cases sent for TA	167
Passed TA (to be investigated as part of Round 2)	74
Didn't pass TA(Closed)	48
TAs in progress	45

Type of complaints: human rights versus (non-Code) workplace harassment

In 2018/19, human rights based complaints comprised only half of the complaints received by the HRO. The rest (100 out of 209, or 48%) were about non-human rights workplace harassment. The disproportionate use of HRO capacity and expertise to address staff non-human rights related matters took away our ability to address crucial human rights matters impacting students. This concern about resource allocation formed the basis of the decision by the Director of Education in December 2019 to support the transitioning of non-human rights-based workplace harassment complaints to Employee Services along with additional funding.

In the 2019/20 school year, a growing proportion of cases filed with the HRO (64%, or 129 of 202) cited human rights as the basis for the complaint. The proportion of human rights based complaints grew again in 2020-2021 to comprise 69% (or 105 of 151) complaints filed.

As seen in the chart below, although the total number of complaints received by HRO decreased this year, the number of human rights based complaints did not change significantly. The declining percentage of non-human rights based complaints is illustrated in the accompanying graph.

It is important to note that human rights cases are generally more complex and time-consuming to address, requiring deep understanding of human rights law and theory, and more often than not involve direct HRO management and investigation. In contrast, workplace harassment complaints where no human rights grounds are involved were more readily redirected back to management to handle in the first instance, with the HRO supporting in an advisory versus lead managing role.

Table 4: Type of Human Rights Office Complaints

TYPE OF COMPLAINT	2018/2019 COMPLAINTS NUMBER & PERCENTAGE		2019/2020 COMPLAINTS NUMBER & PERCENTAGE		2020/2021 COMPLAINTS NUMBER & PERCENTAGE	
Workplace Harassment (no Human Rights grounds)	95	45%	67	33%	43	28%
Human Rights	58	28%	75	37%	52	34%
Both (Human Rights and Workplace Harassment)	51	24%	54	27%	53	35%
Not Identified	5	2%	6	3%	3	2%
Total	209	202	202	100%	151	100%

Figure 2: Type of Human Rights Office Complaints

2018/2019
2%
28%
45%
24%

2019/2020
3%
37%
33%
27%

2020/2021
2%
34%
28%
35%
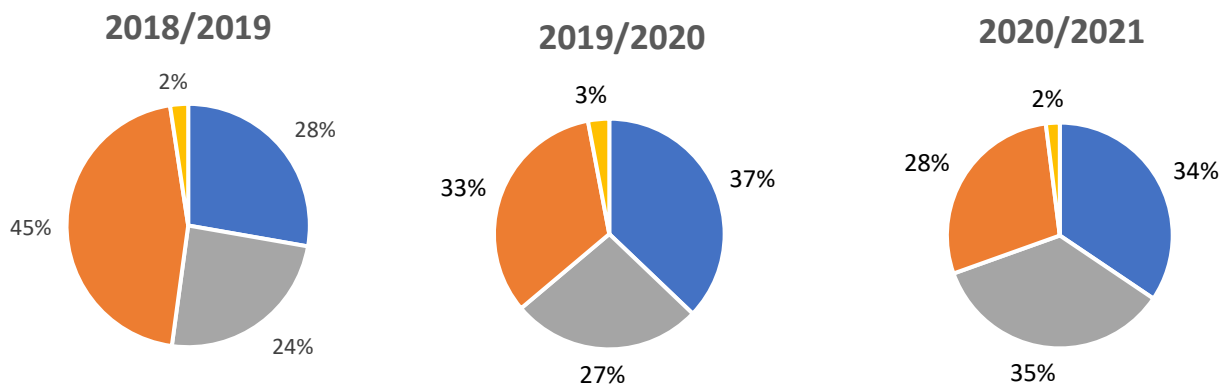
Human Rights Complaints by Grounds

Of the human rights based complaints, the majority has and continues to be based on race or race related grounds (race, colour, ethnic origin, ancestry, place of origin, citizenship). In fact, the percentage of complaints based on race-related grounds has increased over the past three years. Specifically, in 2018/2019, race-based complaints comprised 49% (53 of 109 total); in 2019/2020 it was 54% (70 of 129 total); and in 2020/2021 it grew to 63% (66 out of 105). It is important to note that race was cited as a ground three times as often as the next most frequently cited grounds.

After race, the next most frequently cited human rights grounds in 2018/2019 were: disability at 20%, sex at 15%, and age at 11%. In 2019/2020, the next most frequently cited grounds after race were the same as the previous year, but in a slightly different order: disability at 22%, age at 21%, and sex at 9%.

In 2020/2021, disability was still the second most frequently cited round after race or a race related grounds at 21%, followed by sex at 19%, and the combined gender identity and gender expression at 16%. Complaints citing gender identity and gender expression, doubled both in terms of the number of complaints citing these grounds and as the percentage of the overall total when compared to the previous two years. Complaints citing creed tripled in both number and percentage compared to previous years

Table 5 Human Rights Based Complaints by Ground

GROUNDS	2018/2019 COMPLAINTS NUMBER & PERCENTAGE[4]		2019/2020 COMPLAINTS NUMBER & PERCENTAGE		2020/2021 COMPLAINTS NUMBER & PERCENTAGE	
Race and Related Grounds	53	49%	70	54%	66	63%
Disability	22	20%	28	22%	22	21%
Age	12	11%	27	21%	14	13%
Sex	16	15%	12	9%	20	19%
Creed	6	6%	5	4%	15	14%
Gender Identity and Gender Expression	8	7%	9	7%	17	16%
Family and Marital Status	10	9%	1	1%	14	13%
Sexual Orientation	3	3%	5	4%	10	10%
Not Identified	19	17%	18	14%	10	10%
Total Complaints Involving Human Rights [5]	109		129		105	

[4] The number and percentage of grounds cited will be larger than the total number of human rights complaints because some complaints cite more than one ground.

[5] Data includes only complaints that selected human rights as the type of complaint.

Figure 3: Human Rights Based Complaints by Ground

Percentage of Complaints Received by Ground/Ground Grouping

Legend: 2018/2019, 2019/2020, 2020/2021
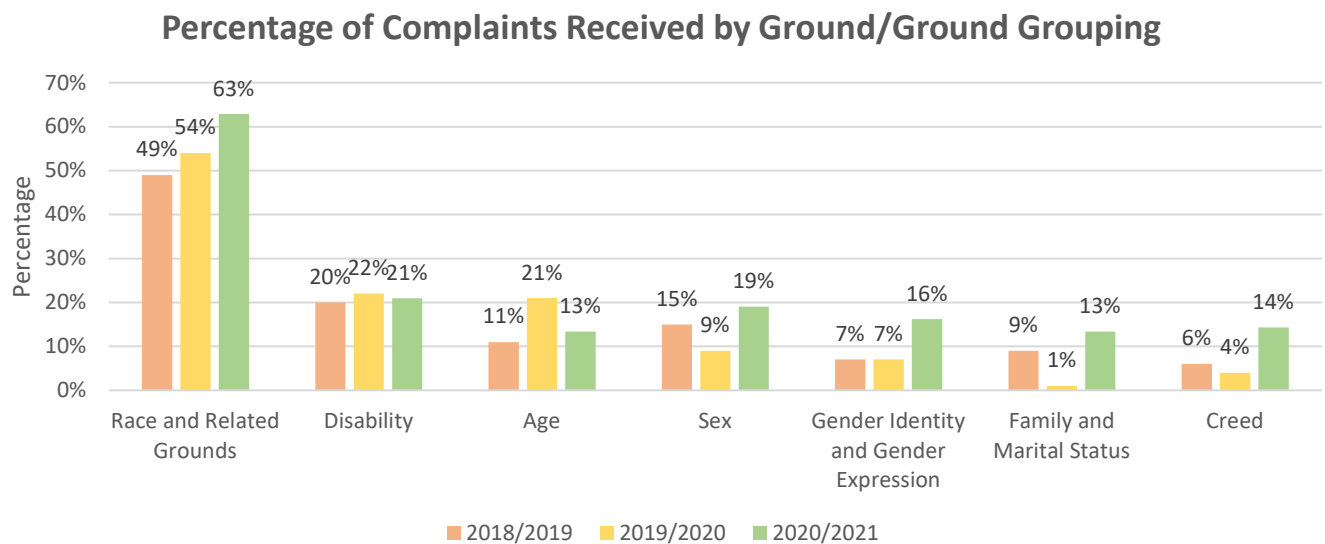
Social Area

The Human Rights Code lists the 'social area' for which human rights protections apply. The most relevant to the TDSB are: employment, and goods/services/facilities.

Almost all complaints filed with the HRO over the last three years have been employment related. This is not surprising because the Workplace Harassment Prevention and Human Rights Procedure (PR515) governing the complaint process was revised in 2017 to only apply to employees [6]. As a result, over the past three school years, respectively 97%, 94%, and 91% of all cases pertained to issues and conflicts in the context of employment. Very few complaints (respectively: 6, 12, and 14) related to the provision of educational services to TDSB students and community members. However, the HRO involvement in education issues is slowly increasing, as seen by the slight increase in complaints and the huge increase in education related consultations.

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[6]   According to the Manager at the time, this procedural change was necessitated due to the capacity constraints of the Human Rights Office. A key external factor that led to the growing demands on the HRO was the passing of Bill 132 in 2017 which, among other things, revised the Occupational Health & Safety Act to place new requirements on employers to investigate all workplace harassment complaints. This legal mandate reduced the scope for early resolution and alternative dispute resolution (in the absence of investigation) and led to much higher levels of investigation. The change in law has impacted many workplaces in a similar manner, increasing reliance on investigation, and with this, increasing complaint backlog.

Table 6: Human Rights Complaints by Social Area

SOCIAL AREA	2018/2019 COMPLAINTS NUMBER & PERCENTAGE		2019/2020 COMPLAINTS NUMBER & PERCENTAGE		2020/2021 COMPLAINTS NUMBER & PERCENTAGE	
Education/Service	3	3%	12	6%	14	9%
Employment	203	97%	190	94%	137	91%
TOTALS	209	100%	202	100%	151	100%

Complainant Affiliation[7]

The largest number of complaints were filed by members of ETFO members over the past three years, respectively: 27%; 38%; and 30%. ETFO staff comprise approximately 37% of all TDSB Full Time Equivalent (FTE) staff. Therefore, this year they filed complaints at a rate slightly less than their proportion.

Complaints from OSSTF staff have decreased over the past three years: 23%; 12%; and 14%. OSSTF members comprised 19% of all TDSB FTE. Therefore, this year they filed complaints at a rate slightly less than their proportion.[8]

CUPE staff data for 2018/2019 and 2019/2020 was limited to Units C and D. Data for 2020/2021 reflects units A, B, C, and D [9] . Respectively over the past three years, complaints from CUPE members comprise: 28%; 23%; and 38%. In comparison, as a percentage of all TDSB FTEs as of October 31, CUPE members comprised 26% in 2018 and 2019, and then 36% in 2020. Therefore, this year CUPE staff filed complaints at a rate slightly higher than their proportion of TDSB full-time staff.

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[7] Complainant refers to the person who makes the complaint.

[8] It is important to note that this data is limited as it only includes full-time employees. We are unable to obtain staffing data to include those employed on a part-time, occasional, or casual basis, which comprise approximately 30% of the board's approximately 42,000 staff

[9] Unit A – e.g. Child and Youth Workers/Social Workers; Unit B – e.g. Instructors (ESL, LINC, Program Advisors); Unit C – e.g. Educational Assistants, Lunchroom Supervisors; Unit D – e.g. Caretakers, Security Guards, Bus Drivers

Table 7: Affiliation as total of TDSB Full Time Employees (FTE) staff

Employee/Bargaining Group	2018/2019 COMPLAINTS NUMBER & PERCENTAGE		2019/2020 COMPLAINTS NUMBER & PERCENTAGE		2020/2021 COMPLAINTS NUMBER & PERCENTAGE	
ETFO	11,091.2	37%	10,918.7	37%	10,833.0	37%
CUPE	10,915.0	36%	10,596.0	36%	10,594.3	36%
OSSTF	4,990.0	17%	5,090.8	17%	4,821.9	16%
Principals & Vice Principals	996.0	3%	990.6	3%	985.5	3%
Other Non-Union	791.0	3%	768.0	3%	771.0	3%
OSSTF - EW	728.6	2%	727.6	2%	733.8	3%
OSEW	566.0	2%	560.0	2%	548.0	2%
Staffing Total	30,077.8	100%	29,651.7	100%	29,287.5	100%

Table 8: Percentage of Complaints by Complainant's Affiliation

Affiliation	2018-2019	2019-2020	2020-2021
CUPE	38%	29%	38%
EFTO	27%	38%	31%
OSSTF	23%	12%	14%
School Administration	6%	4%	4%
Schedule II	1%	4%	3%
Parent/Student	2%	5%	7%
Other	3%	8%	3%
Total	100%	100%	100%

Respondent Affiliation [10]

Over the years, a disproportionate number of complaints were filed against Principals and Vice Principals (Toronto School Administrator Association members) who account for 3% of all TDSB FTE Employees [11]. Over the past three years school administrators were named in, respectively: 29%; 39%; and 28% of complaints.

Similarly, complaints against Schedule II staff, who constitute less than 3% of all TDSB FTEs, were also disproportionate over the past three years: 9%; 12%, and 9%. Schedule II staff are comprised of both managerial and non-managerial staff.

It is not surprising that staff would file more complaints against supervisory or managerial staff. If a staff person has an issue with colleague, they can more easily try to resolve it directly or go to their manager for assistance and therefore don't need to file a complaint. A staff person is much less likely to try those resolution options with someone in a position of power over them. Therefore, the respondent data does not necessarily indicate that supervisory/managerial staff are engaging in harassment and discrimination at a higher rate than other staff.

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[10] Respondent refers to a person against whom a complaint is made.

[11] TDSB staffing data by Full Term Equivalent employee groups leaves out significant numbers of TDSB employees employed on a part-time or occasional or casual basis, and thus is not entirely accurate as a benchmark, since complaint data covers all such employee groupings.

Table 9: Percentage of Complaints by Respondent's Affiliation

Affiliation	2018-2019	2019-2020	2020-2021
CUPE	16%	16%	13%
ETFO	20%	20%	23%
OSSTF	19%	19%	12%
School Administration	29%	29%	28%
Schedule II	9%	9%	9%
Parent/Student	1%	1%	3%
Other	6%	6%	12%
TOTAL	100%	100%	100%

External Investigator Costs

With the hiring of more staff in 2018/2020, it was hoped that complaints could be investigated and resolved internally. Thus, the use of external investigators by the HRO was significantly reduced, resulting in a 74% decrease in costs as compared to the 2017/2018 school year. However, the work involved in addressing backlog complaints, providing more and lengthier consultations, the new work required because of the COVID-19 pandemic, and the staff turnover meant that the number of unaddressed cases grew.

As noted above, the backlog is being addressed through a new process involving external investigation firms with the capacity to handle a large volume of complaints. The first of those invoices were paid this school year and reflect the more than doubling of costs as compared to 2019/2020. Although, costs were still less than earlier years. The costs for external investigations will increase exponentially until the backlog is cleared. The HRO will also need to continue to engage external investigators as needed to prevent the recurrence of a backlog.

Table 10: Human Rights Office Investigation Costs

Year	Total Spent on Investigations
2017/18	$239,110
2018/19	$224,248
2019/20	$62,738
2020/21	$150,252

HRTO APPLICATIONS

Data relating to Applications filed at the Human Rights Tribunal of Ontario ("HRTO") against the TDSB is provided by TDSB Legal Services.

The number of HRTO Applications against TDSB decreased slightly from 2018/2019 to 2019/20. There is then a huge decrease in 2020/2021. However, the available data does not reflect the actual number of complaints filed as there is now a huge gap in time between when an Application is filed with the HRTO and when the HRTO forwards the Application to TDSB. More accurate numbers for 2020/2021 will be reflected in the next Annual Report as the TDSB continues to receive Applications filed the previous year.

Table 11: Number of HRTO Applications

Year	2018/19	2019/20	2020/21
Number	30	28	5

In the previous two years, there was almost an equal number of Applications filed related to employment as the provision of education services. Thus far this year, more complaints have been filed related to education services rather than employment. However, this ratio may change when the actual number of Applications are known.

Table 12: Percentage of HRTO Applications by Social Area

Social Area	2018/19	2019/20	2020/21
Employment	52%	52%	20%
Goods, Services and Facilities	48%	48%	80%

By a large margin, the top two grounds of human rights complaints at the HRTO involving the TDSB in the 2019/2020 school year were race and race related grounds at 75% and disability at 54%. This is the same as HRO internal complaint data trends. More information will be known about the 2020/2021 Applications next year.

Table 13: HRTO Applications by Grounds

GROUNDS	HRTO APPLICATIONS NUMBER & PERCENTAGE (2019/20)		HRTO APPLICATIONS NUMBER & PERCENTAGE (2020/21)	
Creed	3	11%	1	20%
Disability	15	54%	3	60%
Family and Marital Status	4	14%	2	40%
Gender Identity and Gender Expression	2	7%	0	0%
Race and related grounds	16	57%	3	60%
Sex	4	14%	0	0%
Sexual Orientation	2	7%	0	0%
Age	1	4%	1	20%
Reprisal	5	18%	0	0%
Association	2	7%	0	0%
Total Number of HRTO Applications Involving Human Rights	28		5	

2.3 Hate Activity and RBH Incidents

Number of Hate Activity Reports

The evolution of reporting hate incidents from using a one page form, to the creation of the Racism, Bias, and Hate (RBH) portal under PR728 is described in detail in the 2018-2020 Annual Report. The number of reports have more then tripled over the past three years as a result of: the expansion of incidents from hate to those also of racism and bias; the passing and promotion of PR728; and the creation of and training on the RBH portal.

Table 14: Number of Reported Racism, Bias, Hate Incidents

School Year	Number of Incidents
2018/19	64
2019/20	291
2020/21	816

By Learning Centre and Learning Network

In 2018/2019, Learning Centres ("LCs") filed the following number of reports: LC 4 (29), LC 2 (19), LC 1 (11), and LC 3 (5). In 2019/2020, reports by LCs were: LC 1 (119), LC 4 (100), LC 2 (55) and LC 3 (14). This year, 2020/2021, reports by LCs were: LC 4 (219), LC 1 (190), LC 3 (171) and LC 2 (162).

Table 15: RBH Incidents Across Learning Centres (LCs)

Centres	2018/19	2019/20	2020/21
LC 1	11	119	190
LC 2	19	55	162
LC 3	5	14	171
LC 4	29	100	219
Other	0	0	74
Totals	64	288	816

The table below indicates the number of hate incidents in 2018/2019 and RBH incidents in 2019/2020 and 2020/2021 across learning networks. This year, the number of incidents ranged from a low of zero to a high of 50, not including Virtual Secondary School ("VSS").

It is important to note that numbers of racism, bias and hate activity reports do not necessarily reflect the actual number of incidents occurring in the schools. Low reported numbers may be equally or even more a cause for concern, to the extent that they reflect reporting patterns rather than incident patterns. The fact that many Learning Networks exponentially increased their RBH activity reports year over year is more likely an indication of staff's understanding of their reporting obligations under PR728 and perhaps a recognition of what kinds of incidents would constitute an RBH incident, rather than a reflection on the number of actual incidents.

However, the numbers and trends are important for Superintendents of Education ("SOEs") to monitor and discuss within their learning centres and learning networks. Newly created dashboards for SOEs allow real-time monitoring of RBH data. This will be discussed further in next year's HRO Annual Report.

Table 16: RBH Incidents Across Learning Networks (LNs)

LOCATION	2018/19	2019/20	2020/21
LN 1	2	6	32
LN 2	0	18	21

LOCATION	2018/19	2019/20	2020/21
LN 3	1	11	28
LN 4	0	18	32
LN 5	7	46	24
LN 6	1	20	29
LC1 Virtual ES	0	0	24
LN 1	2	6	32
LC	11	119	190
LN 7	3	1	14
LN 8	3	19	57
LN 9	0	12	23
LN 10	8	15	16
LN 11	4	3	12
LN 12	1	5	33
LC 2 Virtual ES	0	0	7
LC 2	19	55	162
LN 13	0	2	11
LN 14	2	2	28
LN 15	0	2	8
LN 16	1	3	22
LN 17	2	5	18
LN 18	0	0	61
LC 3 Virtual ES	0	0	23
LC 3	5	14	171
LN 19	2	18	36
LN 20	7	15	35
LN 21	2	12	29
LN 22	3	16	31
LN 23	6	24	38

LOCATION	2018/19	2019/20	2020/21
LN 24	9	15	34
LC 4 Virtual ES	0	0	16
LC 4	29	100	219
Other [12]	0	3	10
VSS	0	0	64
LC Other	0	3	74
OVERALL TOTAL	64	291	816

Grounds

Throughout this section, samples of incidents are listed. Please be aware that these examples are difficult to read and could be extremely upsetting and triggering.

Over the past three years, the overwhelming majority of RBH incidents related to race or a race-related grounds (ancestry, citizenship, colour, ethnic origin, place of origin, race), respectively: 64%, 69%, and 57%.

In 2018/2019, the next most frequently cited grounds were: religion/creed at 31%; and then sexual orientation at 9%. In 2019/2020, the next most frequently cited grounds after race were: sexual orientation at 17%, followed by religion/creed at 14%.

In 2020/2021, the second most frequently cited grounds were incidents directed at those in the 2SLGBTQ+ community (this would include incidents of homophobia, biphobia, and transphobia) which accounted for 30% of incidents. This is a huge increase in proportion of incidents compared to 14% in 2018/2019 and 19% in 2019/2020.

To illustrate the nature of the incidents involving or impacting students in the learning environment, examples of reported incidents of homophobia and transphobia include:

- Comments made in on-line forums, both school based and others such as discord and Instagram: "I am homophobic", "I hate the LGBTQ Community", "I hate gays", "f*** gays", "Gays are against my

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[12] LN 30, 32, 35, and not identified

religion", "Santa the only thing I want for Christmas is for gays to be exterminate", "gay people should kill themselves", "I hope u die a painful death homophobic a**."

- Students using screen names such as: "[name] is a homo", "[name] is a child molester", "Anti-LGBTQ+"
- Referring to LGBTQ as a pandemic.
- In a chat a number of homophobic slurs such as "F----t" and "tranny" were said against a student who identifies as bisexual and trans gender. One participant used the abbreviation KYS (kill yourself). No one else in the chat spoke up to support the target.
- More examples are in APPENDIX 2

The third most frequently cited ground in 2020/2021 were incidents based on creed. As compared to 2019/2020, the number of creed incidents more than doubled, but as a percentage of all incidents decreased slightly from 14% to 12%.

Table 17: RBH Incidents by Ground Number and Percentage of Incidents Reported by Type

Type	2018/19		2019/20		2020/21	
Race and Race Related Grounds	41	64%	201	69%	467	57%
2SLGBTAQ+	9	14%	54	19%	241	30%
Sex	2	3%	16	5%	65	8%
Creed	20	31%	40	14%	96	12%
Disability	2	3%	3	1%	27	3%
Socio Economic Status	0	0%	0	0%	7	1%
Other	1	2%	10	3%	20	2%
Total number of Incidents Reported	64		291		816	

Figure 4: RBH Incidents by Ground

Figure 4: RBH Incidents by Ground
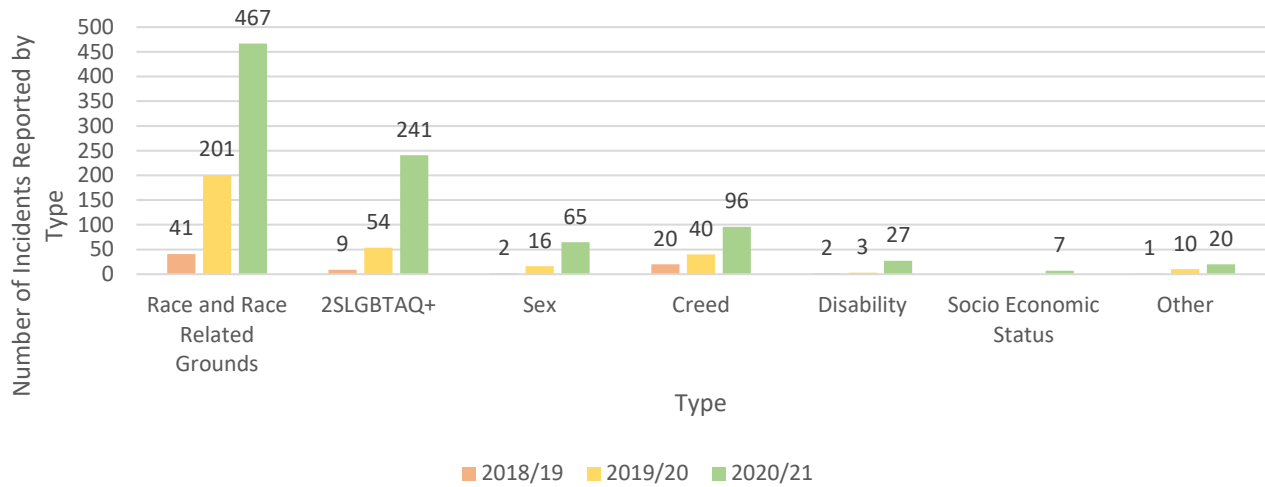
Table 18: RBH Incidents by Nature of Incident in 2020/2021

Nature of Incident	#	Percentage
Slur/comments	634	63%
Electronically Transmitted Materials	175	18%
Other	82	8%
Threat of Violence	34	3%
Graffiti	25	3%
Symbols with Hate Groups	21	2%
Violence/assault	19	2%
Property Damage	5	1%
Poster/leaflet	4	0%
Total	634	63%
Total	999	100%

Breaking down these categories of RBH activity even further revealed that the overwhelming majority of race-related reported incidents involved anti-Black racism, which accounted for: 39%, 41% and 61%, respectively over the three years. As well as comprising the majority of race-related incidents, anti-Black racism incidents comprised the majority of incidents in total: 41%, 44% and 51%, respectively over the three years.

To illustrate the nature of the incidents involving or impacting students in the learning environment, examples of reported anti-Black incidents include:

- Multiple incidents of the N word being used by students to other students, written in on-line chats, used in screen-names, and found in graffiti in school yard and washrooms.
- Multiple incidents of comments in online class chats such as: "F--- you N---as", "F*** you, N-Word", "go hang yourself", "F***ing N-Word."
- "I don't like this class because it has too many Black people in it"; "You are a f-ing idiot"; "Go back to Africa"; "Go back to where you came from"; "You are a slave"; "you are dog water".
- High school students were looking at a "dating app" and said "She's black, ugh, I would never date a black girl"
- More examples are in APPENDIX 2

Table 19: RBH Race Related Incidents by Identity in 2020/2021

Race Related Grounds	#	Percentage
Black	420	61.05%
Another type (does not fit into provided categories)	77	11.19%
East Asian	61	8.87%
South Asian	41	5.96%
Middle Eastern	28	4.07%
Indigenous	23	3.34%
Southeast Asian	16	2.33%
Multi-Racial Descent	14	2.03%
Latino/Latinx	8	1.16%
Total	688	100%

Figure 5: RBH Race Related Incidents by Identity
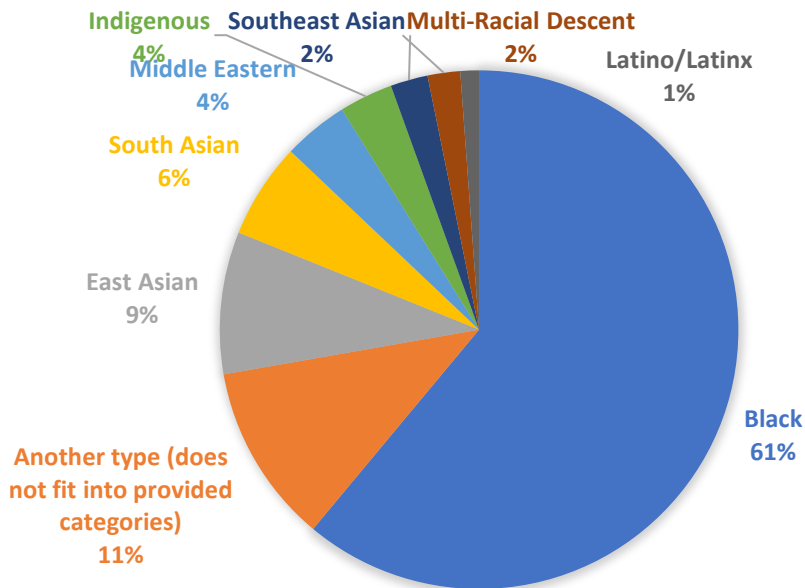
Creed-based incidents represented 12% of all reported incidents in 2020/2021. This is a decrease from previous years. In 2018/2019 creed accounted for 31% of all reported incidents, and in 2019/2020 creed accounted for 14% of all reported incidents.

Of the 96 RBH incidents this year based on creed, 44% were based on antisemitism and 42% were based on Islamophobia.

To illustrate the nature of the incidents involving or impacting students in the learning environment, examples of reported incidents of antisemitism and Islamophobia include:

Many incidents of Nazi swastikas painted on school walls, written in bathroom stalls, scratched into playground equipment and fences.

Hate comments: "I hate all Jews. All Jews should die", "Shut your Jew nose up", "Oh you're Jewish? You deserve to be killed by Hitler."

"How many houses have you bombed?"

"Muslims are dumb," "I hate Muslims and I'm gonna kill [said student's name]."

More examples are in APPENDIX 2

Table 20: RBH Creed Related Incidents by Identity in 2020/2021

Religion/Creed-Related Grounds in 2020/2021	#	Percentage
Jewish	47	44.34%
Islam	42	39.62%
Another type of hate/racism based on creed/religion not listed	5	4.72%
Hindu	3	2.83%
Christian	3	2.83%
Sikh	3	2.83%
Buddhist	1	0.94%
Indigenous Spirituality	1	0.94%
Atheist/Agnostic	1	0.94%
Total	106	100%

Figure 6: RBH Creed Related Incidents by Identity in 2020/2021
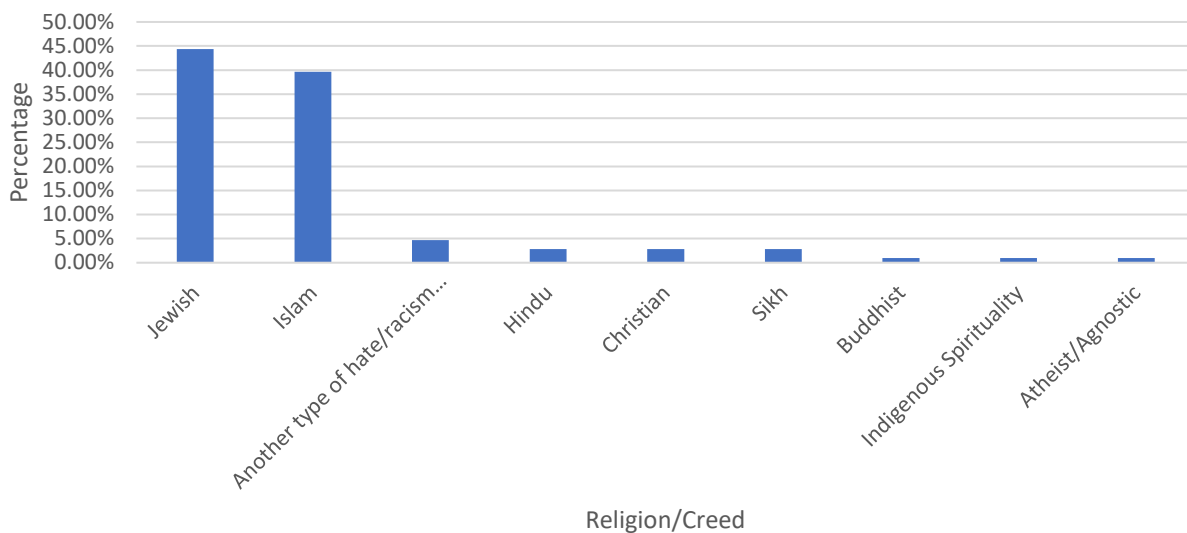
All 816 incidents involved or impacted the learning environment. It is not unexpected, that the majority of incidents were based on comments or conduct by other students. That 10% of reported incidents were a result of behaviour by TDSB staff is very concerning. For these incidents, Employee Services and HRO staff would either conduct or support administration in conducting the investigations. Accountability measures will be analyzed and reported on next year.

Table 21: Identity of Person Alleged to Have Engaged in RBH Behaviour

Identity of Person Alleged to Have Engaged in RHB Behaviour	#	Percentage
Student	636	88.58%
Teacher	62	8.64%
Unknown	8	1.11%
School Staff	7	0.97%
Visitor	3	0.42%
Administrator	2	0.28%
Total	718	100.00%

2.4 **Consults**

Data on consultations began to be systematically compiled in January 2020 by HRO staff working on human rights complaint resolution – including the Manager, Human Rights Assistant[13], four Senior Human Rights Officers, and Outreach and Engagement Officer. Over an 8-month period between January 1, 2020 and August 31st, 2020, staff counted 190 consultations. Anecdotally, the consult work increased significantly from the previous year.[14] If we assume the same rate of consultations over a full-year period, there would have been 296 consultations in 2019/2020. There was therefore a 36% increase in consultations in 2020/2021, with a total of 402.

Affiliation of Person Seeking Consultation

Unsurprisingly, the vast majority of these consultations were with management seeking advice on their human rights responsibilities and seeking assistance in responding to and managing incidents and inquiries. In 2019/2020 management consults were 89% of consults. In 2020/2021 management consults

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[13] Only substantive consults are included here. We are not counting the day-to-day work of the Human Rights Assistant in responding to general inquiries regarding the complaint process, policies, procedures, status of updates of complaints etc.

[14] In addition to representing less than a full year, this number does not reflect the many consults routinely engaged in by the Senior Manager, Executive Superintendent of Human Rights and Indigenous Education, as well as somewhat less frequently, the Senior Policy, Education & Organizational Change Specialists.

were 88% of consults. This data demonstrates the need to build relationships across, and more equitably serve, the entire TDSB community.

Table 22 Consults by Position of Person Consulting

Position of Person Seeking Consult	Number of Consults in 2019/2020	2019/20 Percentage	Number of Consults in 2020/21	2020/21 Percentage
Principal/Vice Principal	99	52%	185	46%
Superintendent/Executive Superintendent	69	36%	154	38%
Manager/Supervisor	2	1%	16	4%
Teacher	11	6%	12	3%
Other TDSB Staff	2	1%	29	7%
Parent	5	3%	4	1%
Other	2	1%	2	0%
Total	190	100%	402	100%

Social Area and Type of Consultation

The percentage of consults related to education increased from just over half the consults in 2019/2020 to almost three-quarters of all consults this year, 2020/2021, as compared to consults related to employment. This is a positive development as it indicates a growing ratio of HRO capacity directed towards human rights issues in education and therefore impacting students.

Table 23: Consults by Social Area

Social Area	Number and Percentage of Consults Jan-Aug 2020		Number and Percentage of Consults in 2020/2021	
Employment	90	47%	132	33%
Education	98	52%	261	65%
Facilities	2	1%	1	0%
Other	0	0%	8	2%
Total	190	100%	402	100%

Figure 7: Consults by Social Area

Jan 1- Aug 2020
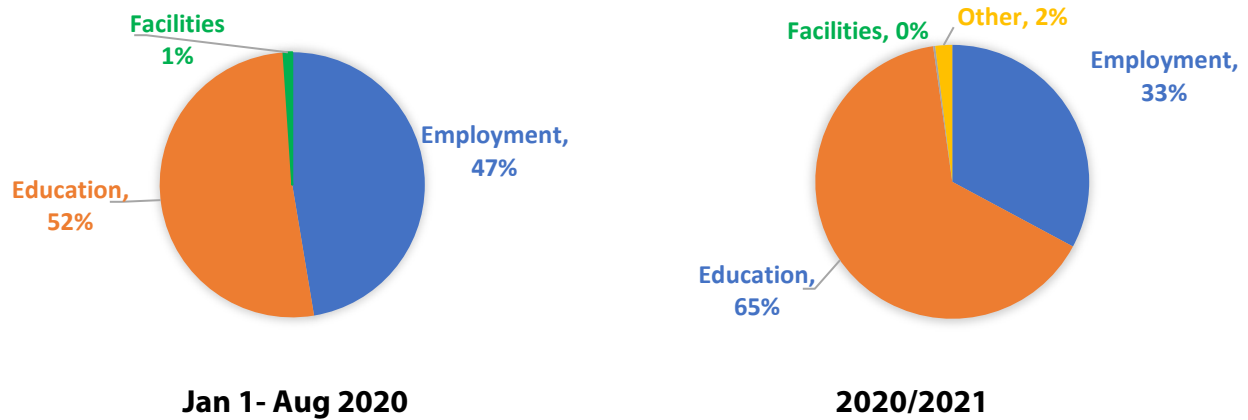
2020/2021

The majority of consultations were human rights based. Even last year, only 11% of consults were based on non-Code workplace harassment. This proportion decreased to 8% in 2020/2021. This is another positive indication that HRO expertise is being used to address human rights issues rather than non-Code workplace harassment issues. This percentage should get close to zero in years ahead because as of June 30, 2021, non-Code workplace harassment issues are addressed by Employee Services, not the Human Rights Office.

Table 24: Consults by Type (Human Rights vs non-Code Workplace Harassment)

Type of Incident	Number and Percentage of Consults in 2019/20 (Jan 1/20 - Aug 31/20)		Number and Percentage of Consults in 2020/21	
Human Rights	147	77%	313	78%
Workplace Harassment	21	11%	33	8%
Workplace Harassment & Human Rights	7	4%	37	9%
Other	15	8%	19	5%
Total	190	100%	402	100%

Figure 8: Consults by Type (Human Rights vs non-Code Workplace Harassment)

■ Human Rights ■ Workplace Harassment ■ Workplace Harassment & Human Rights ■ Other

Jan 1- Aug 2020   2020/21
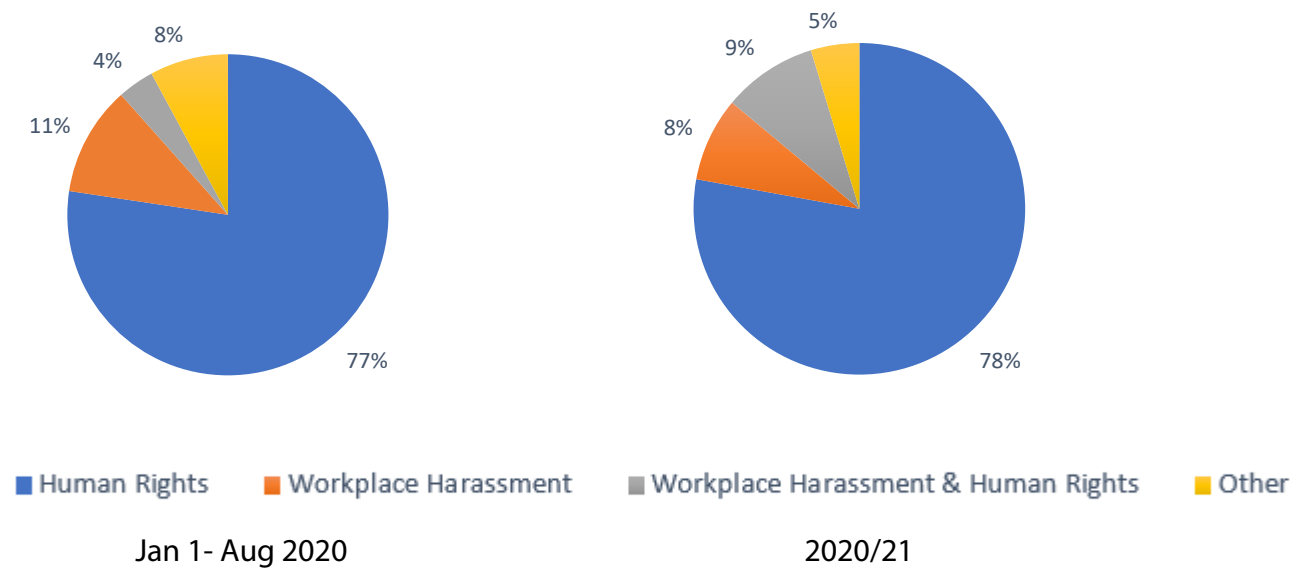
Table 25 below, shows the type of service provided through the consults. The most frequently provided service, accounting for 36% of all consults, is participation on Organizational Response Teams (ORTs) which are called for some RBH incidents. The next most frequently provided service is advice, accounting for 31% of consults. Accounting for approximately 10% each, HRO also provided assistance with investigations, consulted on RBH incidents (other than through an ORT), and assisted with COVID-19 accommodation. Most of the pandemic consults were with respect to mask-accommodation requests by parents/guardians on behalf of students.

Table 25: Consults by Service Provided

Type of Support	Number and Percentage of Consults in 2019/20 (Jan 1/20 - Aug 31/20)		Number and Percentage of Consults in 2020/21	
Advice	159	84%	166	41%
Assistance with an Investigation	24	13%	59	15%
COVID-19 Accommodation	1	1%	54	13%
ORT	2	1%	95	24%
RBH Consult*	0		17	4%
Other	4	2%	11	3%
Total	190	100%	402	100%

*Note: The category "RBH Consult" was added in the 2020/2021 school year.

Grounds

Consistent with complaint and RBH data, the majority of consults in 2020/2021 were with respect to race and race related grounds. The next most frequently cited grounds were disability, 2SLGBTQ+, and creed.

Table 25 Consults by Human Rights Ground 2020/2021

Grounds	2019/20	2020/21
Race and Related Grounds	122	195
Disability	8	65
Creed	22	39
2SLGBTQ+	24	54
Sex	25	7
Sexual Harassment	4	3
Anti-Indigenous	0	2
Islamophobia	0	2
Family Status	2	2
Age	0	2
Social Economic Status	0	1
Total Grounds Selected	207	372
Total Consults	190	402

Table 26: Consults by Human Rights Ground
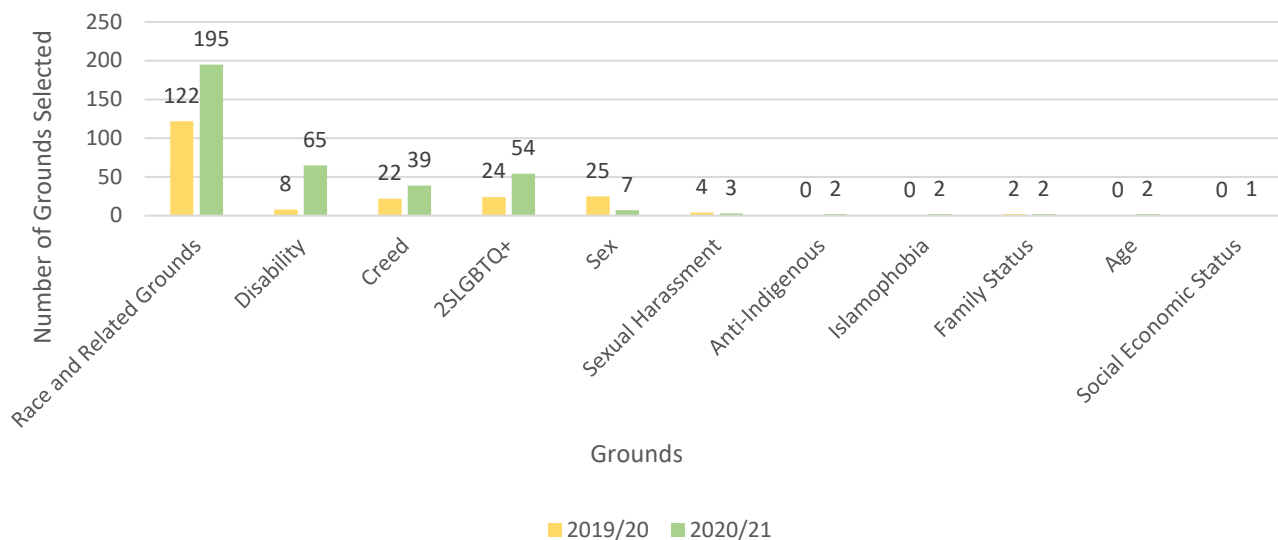
3. ACTION PLAN & ASSOCIATED TIMELINE

As noted earlier in section 1.8 Continuum of Human Rights Organizational Change – A Systemic Perspective of Where We Are At, the aim is to advance the TDSB further along the continuum of human rights organizational development. Centering systemic change as a foundation for human rights organizational change is the key to effectively identify, address, remedy and prevent discrimination, thus creating a culture of human rights at the Board.

The HRO's Human Rights Action Plan operationalizes the overall goal as set out in TDSB's Multi-year Strategic Plan to "identify and eliminate embedded systemic barriers and discriminatory institutional and instructional practices that negatively impact the achievement and well-being of students and staff and lead to inequitable outcomes."

The HRO Operational Plan provides further details of how the Human Rights Action Plan is being operationalized on a practical level. It is the human rights organizational change strategy to infuse human rights principles into the work of the Board, in every school, and in every workplace, including through professional learning, education and inclusive system design, monitoring and barrier review.

The HRO currently has four main priority areas of work: 1. System Accountability; 2. Capacity Building; 3. Outreach & Engagement; and 4. Incident/Complaint Resolution. Each of these are discussed briefly below. The detailed projects with projected timelines and updates are set out in Appendix 5.

3.1 SYSTEMIC ACCOUNTABILITY

The Human Rights Action Plan commits to "develop and implement a human rights accountability framework to clarify roles and responsibilities and integrate and mainstream accountability for human rights across the Board, including through policy, procedure, and performance management and evaluation".

Work on systemic accountability includes: policies and procedures; accountability through a Performance Evaluation Framework and Scorecard including broader Key Performance Indicators; a process to identify, remove and prevent potential systemic forms of discrimination in TDSB policies, procedures or practices; and a learning and competency-development plan.

3.2   CAPACITY BUILDING

Capacity building initiatives should result in TDSB leaders & staff (including within the HRO) having the requisite knowledge, skills & resources to effectively fulfill their human rights duties.

The following work is set out in the updated Human Rights Action Plan, including: a comprehensive Human Rights Education Program for TDSB members; interpretive guides and educational resources; the creation of Human Rights/Equity/Indigenous Urban Education Committee to help better align and integrate work across our overlapping program areas.

3.3   OUTREACH & ENGAGEMENT

The desired outcomes of the Outreach and Engagement pillar of the HRO's work include ensuring that all members of the TDSB community are aware of their human rights and responsibilities as well as the mechanisms to enforce these. In addition, human rights concerns of historically marginalized and disadvantaged groups need to be identified and amplified, and shape decisions.

Upcoming outreach and engagement work includes: regularly updating the content of the HRO website; developing a Student/Parent Outreach & Engagement Plan; and development and piloting a framework to measure human rights culture within schools.

3.4   INCIDENT/COMPLAINT RESOLUTION

Addressing human rights disputes and complaints in a timely and effective manner is crucial.

The following work is set out in the updated Human Rights Action Plan, including: completing the online Human Rights Inquiry Portal for fielding inquiries and receiving advisory HRO support; completing the new online Human Rights Complaint Portal for filing human rights complaints; and developing an Early Resolution Promotion Strategy to enhance early resolution of human rights incidents.

4. APPENDICES

4.1 APPENDIX 1: HRO MISSION, MANDATE AND VALUES

HRO MISSION

To enable, support, and inspire the creation and preservation of a proactive, inclusive, and transformational culture of human rights at the TDSB in which all members of the TDSB community:

- equitably flourish with dignity and respect;
- achieve equitable outcomes in TDSB learning and working environments, free from discrimination and harassment.

HRO MANDATE

As the TDSB's centre of human rights expertise, the HRO:

- Advises the TDSB community about their human rights and obligations;
- Impartially and fairly investigates, mediates and addresses human rights complaints and incidents, including in the areas of employment and education;
- Proactively and systemically advances human rights organizational change including through:
- Leads the identification of systemic issues;
- Engages in professional development, education, and capacity building related to human rights;
- Supports policy review and development;
- Engages community partners; and,
- Researches, evaluates and reports on the TDSB's human rights record.

HRO VALUES

Transformation - We are committed to acknowledging long-standing inequities and advocating for systemic change to create environments that centre human rights.

Collaboration – We recognize the importance of engaging with stakeholders and partners in an accessible, sensitive, and meaningful way.

Fairness – We strive to conduct our work with professionalism, transparency, and integrity, ensuring due process is followed.

4.2 APPENDIX 2: EXAMPLES OF RBH INCIDENTS

Please note that these examples are difficult to read and could be extremely upsetting and triggering.

Anti-Black Racism Incidents

- Multiple incidents of the N word being used by students to other students both in person and during on-line meetings, written in on-line chats, used in screen-names, and found in graffiti in school yard and washrooms.

- A student in virtual school used the N-word towards another student's family and younger siblings. This student also sent an image of a gun pointing at the camera.

- Multiple incidents of comments in online class chats such as: "F--- you N---as", "I don't like this class because it has too many Black people in it", "F*** you, N-Word", "go hang yourself", "F***ing N-Word."

- Students changing their screen names in virtual meetings to: "N---a Sauce", "ew black ppl", "BLM is trash"

- Statements and videos saying Black Lives Don't Matter.

- Student indicated to 2 other students to go and sit at the back of the bus like Rosa Parks.

- Two students were fighting in the schoolyard. Another student kicked one person who was fighting and shouted "Beat that N---a up. Beat that N---- up. Push him."

- "You are a f-ing idiot"; "Go back to Africa"; "Go back to where you came from"; "You are a slave"; "you are dog water"; "you are an animal and the "n" word".

- High school students looking at a "dating app" and said "She's black, ugh, I would never date a black girl"; Grade 7 boy called a Grade 7 girl the N-word and the B-word.

- Elementary students were posing questions for each other during lunch and one student said "If you want to kill Black people, raise up your hand".

- Grade 5 class was watching a science documentary with a monkey and a student said "Like you!", to Black female student

- Grade 4 "I won't work with someone of a different colour "Black people are ugly"

- Grade 3 "shut up, N word"

- Grade 2 Student to his Black teacher: "I don't like black people".

- Grade 1"Your skin looks like diarrhea. You are look like poo".

- SK: he didn't want to play cars with another student because of his dark skin.
- Parent said their child will not attend a school because the staff and students are Black and her son does not like Black people and will not attend a school with Black people.

Homophobic/transphobic Comments
- Comments made in on-line forums, both school based and other such as discord and Instagram: "I am homophobic", "I hate the LGBTQ Community", "I hate gays", "f*** gays", "Gays are against my religion", "Santa the only thing I want for Christmas is for gays to be exterminate", "gay people should kill themselves", "I hope u die a painful death homophobic a**."
- Students using screen names such as: "[name] is a homo", "[name] is a child molester", "Anti-LGBTQ+"
- Referring to LGBTQ as a pandemic.
- In a chat a number of homophobic slurs such as "F----t" and "tranny" were said against a student who identifies as bisexual and trans gender. One participant used the abbreviation KYS (kill yourself). No one else in the chart spoke up to support the target.
- Student stated that gay people have a genetic mutation and compared gay people to dogs.
- Using terms "gay", "perverted", "F—" and "F----t" in a derogatory way to put down one another
- Student said to male student "ladies first". Teacher said student identifies as a male. Student replied, "he identifies as a fruitcake."
- A male student made a comment to another male student that his long hair made him look like a girl and a transgender person.
- "F--k you f----t!", "You'll burn in hell if you're gay", "You queer get away from me".
- Student sent a student who is part of the 2SLGBTQ+ community a picture of a burning pride flag.
- Student came out as non-binary at school. A classmate sent messages calling her a b*tch, telling her she is ugly and lots of vitriol about 2LGBTQ+ people.
- A student crossed out gay rights wording and said, "I don't like gay people."

Antisemitism
- Stickers on doors: "Covid-19 IS MADE IN A LAB, COVID 19 IS A JEWISH PSYOP. FIGHT THE JEW WORLD ORDER, REJECT ID2020." It had a picture of the star of David below with a red crossed out sign on top.

- Many incidents of swastikas painted on school walls, written in bathroom stalls, scratched into playground equipment and the fence.
- High school Student wrote in chat of an online class. "my life goal is to revive Hitler" "I don't think he was a bad person" "It was only that instance"
- High school history teacher discussing chemical warfare in WWII and a student said, "Oh we are learning about Jews getting gassed. Woohooo," and laughed.
- Students played a game during recess "last one to the door is a Jew".
- Hate comments: "I hate all Jews. All Jews should die", "Shut your Jew nose up", "Oh you're Jewish? You deserve to be killed by Hitler."
- A student changed his profile picture to an image of Hitler during a Virtual Class.
- A student was negotiating more time for a quiz and said to the teacher "You're jewing it (or us)"
- Students drawing swastikas, making Nazi jokes, doing Nazi salutes
- "Stupid Jew and should be sent to a concentration camp".

Islamophobia

- Islamophobic comments made on class jam board.
- Students engaged in an inappropriate discussion about the practices of Islam.
- Speculation that a student wearing hijab was bald.
- Student told another that her family were terrorists.
- "How many houses have you bombed?"
- "Muslims are dumb", "I hate Muslims and I'm gonna kill [said another student's name].
- Grade 7 – student made fun of a new immigrant by mimicking his accent, calling him fat, brown, and Mohammed (which was not his name)
- An Islamophobic image was included in a slides presentation.
- Student said "Calm down Jamal" based on a social media video where "Jamal" is a terrorist.

APPENDIX 3: HUMAN RIGHTS ACTION PLAN (UPDATED OCTOBER 2019)

Provide Equity of Access to Learning Opportunities for All Students

Human Rights

What is our goal?

Identify and eliminate embedded systemic barriers and discriminatory institutional and instructional practices that negatively impact the achievement and well-being of students and staff and lead to inequitable outcomes

How will we achieve it?

- Develop and implement a human rights organizational change strategy to infuse human rights principles into the work of the Board, in every school, and in every workplace, including through professional learning, education and inclusive system design, monitoring and barrier review (ongoing)

- Integrate principles of human rights in the Leadership Capacity Plan

- Develop and implement a human rights accountability framework to clarify roles and responsibilities and integrate and mainstream accountability for human rights across the Board, including through policy, procedure, and performance management and evaluation (ongoing)

- Address and resolve disputes effectively and expediently when they arise through conflict resolution and mediation facilitated by the Human Rights Office (ongoing)

- Investigate human rights cases brought to the Human Rights Office in a timely and effective manner consistent with Board policies and procedures (ongoing)

How will we know we are successful?

- Reviewing the number of human rights complaints resolved through "early resolution" and investigations

- Monitor the length of time needed to resolve human rights cases.

- Decreasing the number of human rights complaints because of our professional learning efforts

- Student, staff and parent census data

APPENDIX 4: MULTI-YEAR STRATEGIC PLAN: EMBEDDED HUMAN RIGHTS COMMITMENTS

MYSP Embedded Human Rights Commitments – **Leadership**

Leadership Development	• Support the journey from informal to formal leadership through the Leadership Capacity Plan, ensuring aspiring, new and experienced leaders have knowledge and skills in human rights, anti-oppression and equitable practices and how issues of privilege, power and oppression result in inequitable outcomes. Leaders will also develop content knowledge and pedagogical knowledge for leading (ongoing) • Structural barriers will be removed that may exist because of our commitment to human rights, equity, anti-racism and anti-oppression
Leadership Development in Equity & Anti-Oppression	• Build capacity among groups of educators who possess the facilitation skills and understanding to effectively co-lead learning in human rights, equity and anti-oppression (November 2018 and ongoing) • Combat various forms of discrimination (e.g., anti-Black racism, anti-Indigenous racism, anti-Semitism, Islamophobia, anti-Asian racism, homophobia, transphobia, and the discrimination faced by those with physical and intellectual disabilities) through human rights training (to be determined) • Use the principles of human rights, equity and anti-oppression as the foundation for delivering service excellence to students, staff, parents/guardians, and communities (ongoing) • Provide professional learning to all managers/supervisors involved in hiring processes, to ensure that competency in equity and human rights is embedded in hiring practices and barriers to fair hiring are eliminated (Spring 2019)
International Partnerships	• Review and ensure our guiding principles are in line with our beliefs and practices in human rights, equity, anti-oppression, and anti-racism as well as system priorities in deep learning and service excellence for consistency in planning, recruitment, and staff professional learning protocols (Fall 2018)
Board Policy and Procedure	• Review and revise all Board policies and related procedures to ensure alignment with the Board's Mission, Vision and Values and MYSP, with emphasis placed on equitable access to learning opportunities and outcomes, human rights, accessibility, equity, inclusion, anti-racism and anti-oppression. • The TDSB will have more effective processes, outlined clearly in Board policy and procedure, to meet its commitments to students, staff and the community regarding human rights, accessibility, equity, inclusion, anti-oppression and anti-racism.

Deep Learning: Mathematics	• Form working groups to gather input from a variety of stakeholders (students, parents, teachers, coaches, administrators) to co-develop a system math plan that supports our school improvement process and is aligned with our commitment to human rights, equity, inclusion and anti-oppression in mathematics (Fall/Winter 2019)
Inclusion/Special Education	• Study the recommendations in the Ontario Human Rights Commission Policy "Accessible Education for Students with Disabilities" in order to incorporate these recommendations into practice
Suspensions, Expulsions and Restorative Practices	• Support school administrators in the application of human rights, antiracism and anti-oppression principles in student discipline (ongoing) • Monitor the focus of equity goals in schools for next steps in staff learning about anti-Black racism, human rights and anti-oppression
Toward Excellence in the Education of Black Students: Transforming Learning, Achievement & Well-being – Leadership Development	• Support leaders in evaluating curriculum resources and co-curricular programs focused on improving well-being based on criteria such as: developmental and cultural relevance, principles of equity and human rights, student interest and evidence of impact (ongoing) • Monitor the focus of equity goals in schools for next steps in staff learning about anti-Black racism, human rights and anti-oppression

MYSP Embedded Human Rights Commitments – **Create a Culture for Student and Staff Well-Being**

Student Well-Being and Mental Health	• Support leaders in evaluating curriculum resources and co-curricular programs focused on improving well-being based on criteria such as: developmental and cultural relevance, principles of equity and human rights, student interest and evidence of impact (ongoing)

MYSP: Embedded Human Rights Commitments **– Provide Equity of Access to Learning Opportunities for All Students**

Long Term Program & Accommodation Strategy	• To reflect our commitment to human rights, equity, accessibility and inclusion in the accommodation drivers of the Long-Term Program and Accommodation Strategy (LTPAS).
Accessibility	• Develop a new set of accessibility principles and standards that are aligned with the Board's Equity Policy and Ontario Human Rights Commission (OHRC) disability rights objectives (e.g. OHRC policy for Accessible Education for Students with Disabilities) (December 2018) • Create a five-year Multi-Year Accessibility Plan 2018-2022 (December 2018). • Employment Equity: Equitable Recruitment, Hiring, Promotion and Placement Processes Aligned with Principles of Human Rights

MYSP: Embedded Human Rights Commitments – Build Strong Relationships and Partnerships within School Communities

Issues Management for School and System Leaders	• Support effective communication for all leaders in TDSB as well as the ability to communicate complex issues in community meetings and to facilitate difficult discussions with their staff, especially those discussions related to human rights.

4.5 **APPENDIX 5: HUMAN RIGHTS ACTION PLAN: 2021 – updated for the 2020/2021 Annual Report**

The overall goal of the Human Rights Action Plan (HRAP) in the MYSP is to "identify and eliminate embedded systemic barriers and discriminatory institutional and instructional practices that negatively impact the achievement and well-being of students and staff and lead to inequitable outcomes."

The four components described below, make up the newly developed "human rights organizational change strategy to infuse human rights principles into the work of the Board, in every school, and in every workplace, including through professional learning, education and inclusive system design, monitoring and barrier review" as committed to in the October 2019 updated Human Rights Action Plan. The four components are: 1. System Accountability; 2. Capacity Building; 3. Outreach & Engagement; and 4. Incident/Complaint Resolution.

The implementation of this human rights organizational change strategy is ongoing.

SYSTEM ACCOUNTABILITY

The October 2019 Human Rights Action Plan commits to "develop and implement a human rights accountability framework to clarify roles and responsibilities and integrate and mainstream accountability for human rights across the Board, including through policy, procedure, and performance management and evaluation." It also calls for "integrating principles of human rights in the Leadership Capacity Plan." These are integrated in the schedule of initiatives below.

The desired outcome of scheduled activity in this area of work is:

- All TDSB members are held accountable for upholding human rights with meaningful consequences for poor human rights performance.

The TDSB is transparent about its human rights commitments, plans, measures and progress

ITEM	TIMELINE	APRIL 29, 2021 & AUGUST 31, 2021 - STATUS
Finalize updates and revisions to: - PO31 (Human Rights Policy), - PO34 (Workplace Harassment Prevention Policy)	June 2021	Public consultations close April 30, 2021. Completed – approved by Board June 30, 2021
Finalize updates and revisions to PR515 (Workplace Harassment	Fall 2021	In progress.

ITEM	TIMELINE	APRIL 29, 2021 & AUGUST 31, 2021 - STATUS
Prevention and Human Rights Procedure)		In progress. Delayed by COVID related work
Hard launch of the new PR 728 (Reporting and Responding to Racism & Hate Incidents Involving or Impacting Students) and Racism, Bias & Hate Portal	Completed November 30, 2020	Completed November 30, 2020
Finalize updates in collaboration with Employee Services to policy directives and guidelines and related promotional materials governing PAID Miscellaneous Days for Religious Holy Days	Summer 2021	On hold pending new staff hiring to fill gaps and completion of initial phase of backlog reduction plan
Support Urban Indigenous Education Centre with human rights positioning as need be regarding special program hiring and bona fide occupational requirements in support of targeted hiring measures (in collaboration with Employment Equity)	Ongoing	This work has begun and is ongoing
Support TDSB Centre of Excellence for Black Student Achievement in the goal of dismantling anti-Black racism within the school board, including improving the experiences of Black students and staff	Partnership to begin fall 2021	Initial meeting held Sept 15, 2021. Increasing collaboration between the human rights and equity teams continues through the 2021/2022 year
Support update of TDSB Guidelines for the Accommodation of Transgender and Gender Non- Conforming Students and Staff in collaboration with other Board staff	End of 2021/2022 school year	Work has begun. Including the drafting of the Gender Identity Records Procedure which involved extensive and ongoing consultation with IT
Update of new integrated Sexual Harassment Policy (in collaboration with Employee Services, Policy Services, Social workers, Student	March 2022	Work has begun. HRO initiated an inter-departmental working group.

ITEM	TIMELINE	APRIL 29, 2021 & AUGUST 31, 2021 - STATUS
Equity Program Advisors, Caring & Safe Schools)		
Update TDSB's Guidelines and Procedures for Religious Accommodation	Work will begin in 2021/2022 school year	Work to begin when new policy person hired
Development of a more holistic and global TDSB and HRO Human Rights Performance Evaluation Framework and Scorecard including broader Key Performance Indicators (in collaboration Employee Services)	Work will begin in 2021/2022 school year	Framework set for this work in the revised P031 Work to begin when new policy person hired
Development of a Human Rights Organizational Change Program:	March 2022	Framework set for this work in the revised P031
A process to identify, remove and prevent potential systemic forms of discrimination in TDSB policies, procedures or practices, whether by virtue of acts of commission or omission (including development of a Human Rights Impact Assessment Framework and Tool)	Work will begin in 2021/2022 school year	Framework set for this work in the revised P031
A performance management framework to integrate and embed accountability for human rights across the organisation, including in human resource hiring and promotion decisions and performance management	Work will begin in 2021/2022 school year	Work will begin once new policy staff person hired
Data collection, analysis and reporting to measure and evaluate the TDSB's progress in protecting and advancing human rights, and to inform appropriate remedial and preventive systemic interventions; and	Ongoing	Ongoing Work with ES to gather grievance data and Equity to gather referral information Develop plan to review and action RBH data

ITEM	TIMELINE	APRIL 29, 2021 & AUGUST 31, 2021 - STATUS
• Information, learning and awareness to ensure TDSB members are aware of their rights and responsibilities under this Policy and have the necessary knowledge, skills and competencies to fulfill these. ○ launch an internal and external HRO website; • **create a learning strategy;**	**Learning strategy – Dec 2021**	Website launch is complete Initial phase of learning strategy is complete E-learning available for Sept 2021 mandatory training Management e-learning in progress **3-year learning strategy on hold pending filling of vacant positions**

CAPACITY BUILDING

Capacity building initiatives scheduled for completion, or starting this year relate primarily to professional development and learning, but also the development of tools and resources, and alignment and integration of governance structures and bodies to help coordinate, steer and inform overlapping areas of human rights related work at the TDSB. This work often necessitates cooperation across functional work areas of the Board.

The desired outcomes of such work include:

1. TDSB leaders & staff (including within the HRO) have the requisite knowledge, skills & resources to effectively fulfill their human rights duties;

2. Governance structures & processes support the integration of human rights perspectives into decision-making at all levels (policy renewal, PR728 data and reporting, Human Rights, Equity & Indigenous Education Coordinating & Issue Management Committee).

Table 27: Capacity Building

ITEM	TIMELINE	APRIL 29, 2021 & AUGUST 31, 2021 STATUS
Development and delivery of a comprehensive Human Rights Education Program for TDSB members	Phase 2 (more advanced training) - December 2021	Phase 1 (training building blocks) - complete Offering regular facilitated training sessions in my-path

ITEM	TIMELINE	APRIL 29, 2021 & AUGUST 31, 2021 STATUS
		Management e-learning in progress Develop 3-year learning strategy – when new policy person hired Work with leadership & learning, Indigenous Education, and Equity to develop learning pathway for non-academic staff – in progress
Development of interpretive guides and educational resources in support of effective implementation of new and updated policies and procedures (e.g. PO31, PR728, PR515 etc.)	P031 resources – fall 2021 PR515 resources – winter 2021	PR728 training, introductory and more detailed, for superintendents and administration – complete New course for PR728 for front line staff developed – recording available for Sept 2021 mandatory training, facilitated sessions scheduled for Oct 2021 To develop HRO Guides/Resources – Management, staff, students, parents
Backlog Reduction Plan aiming to ensure adequate resources and capacity within HRO, and appropriate policy/governance design, to enable elimination of backlog and timely resolution of complaints. Ongoing plan to include continual optimization of policies and procedures and review of resources and capacity	Backlog threshold assessments – end of April 2021 Backlog investigations – begin May 2021, most completed Sept 2021 Investigations arising out of backlog threshold assessments – begin Sept 2021, most	Backlog reduction plan – complete. Temporary assistant hired to help manage the administrative side of this project. Senior Human Rights Manager is overseeing this project and reviewing work by external investigators Majority of the backlog threshold assessments complete Backlog investigations began May 2021 Phase 2 backlog cases to be sent to external investigators in Fall 2021 and will begin as the investigators have capacity to do so Two additional Senior Human Rights Officer positions filled. However, one SHRO promoted to Interim Manager role and one staff announced early retirement. Outreach and Engagement Officer going

ITEM	TIMELINE	APRIL 29, 2021 & AUGUST 31, 2021 STATUS
	completed Dec 2021. New Senior Human Rights Officers – June 2021	on leave in December 2021. One Senior Policy, Education, Organizational Change Specialist resigned in Spring 2021
Creation of Human Rights/Equity/Indigenous Urban Education Committee to help better align and integrate human rights, equity and Indigenous rights related work across the TDSB	Fall of 2021	

OUTREACH AND ENGAGEMENT

The desired outcomes of the Outreach and Engagement pillar of the HRO's work include:

1. TDSB staff, students and parents are aware of their rights and responsibilities and mechanisms to enforce these; and

The human rights concerns of historically marginalized and disadvantaged groups are identified and amplified, and shape decisions impacting them

ITEM	TIMELINE	CURRENT STATUS
Development and launch of new internal and external facing website with regular updated HRO communications to the TDSB community	Completed Winter 2021	Websites launched. Updates ongoing
Development of Student/Parent Outreach & Engagement Plan, to inform HRO efforts to better serve and engage student and parent members of the TDSB community, including in ways that will inform further future operational	By the end of the 2021/2022 school year	Delayed because of work by Outreach & Engagement Officer on PR728 and the RBH

planning in other action pillar areas		
Initial development and piloting of a "Human Rights Charter for Schools" project whereby the HRO will partner with select schools in an effort to support human rights organizational development at the school level	Prototype - Jan 2022 Pilot complete - Sept 2022	Plan under development

INCIDENT/COMPLAINT RESOLUTION

The October 2019 Human Rights Action Plan speaks to the need to "address and resolve disputes effectively and expediently when they arise through conflict resolution and mediation facilitated by the Human Rights Office (ongoing)"; and to "investigate human rights cases brought to the Human Rights Office in a timely and effective manner consistent with Board policies and procedures (ongoing)".

ITEM	TIMELINE	CURRENT STATUS
Launch and optimization of Racism, Bias and Hate Online Portal for reporting and responding to incidents under the new Procedure 728 (Reporting and Responding to Racism and Hate Incidents Involving or Impacting Students in Schools)	Completed November 2020	Complete
Finalization and launch of new online Human Rights Inquiry Portal for fielding inquiries and receiving advisory HRO support for members of the TDSB community on issues of human rights concern	Fall 2021	Portal complete. Training of staff and soft launch delayed due to technical issues with Service Now, hiring of new SHROs, COVID intakes
Launch of new online Human Rights Complaint Portal for filing human rights complaints with the Human Rights Office	By the end of the 2021/2022 school year	Delayed due to additional work as a result of COVID, case backlog, staff turnover and shortages
Development of Early Resolution Promotion Strategy to enhance early resolution of human rights incidents before the complaint stage wherever possible and appropriate	By the end of the 2021/2022 school year	Delayed due to additional work as a result of COVID, case backlog, staff turnover and shortages