



Expected Practices for Understanding and Dealing with DISCRIMINATION

The Toronto District School Board is committed to creating a school system and workplace that is free from discrimination and harassment. All students, staff, parents, caregivers, and community partners should be able to move through our school system knowing that their rights will be protected.

Students experiencing discrimination need for adults/staff to address discrimination and create learning environments where they are respected. This guide was developed to support TDSB staff when dealing with incidents of discrimination and harassment in our schools and workplaces.

We are committed to promoting student well-being, academic success, and recognize that it can't be achieved unless we fulfill our moral and legal obligations to create equitable, safe, respectful, and inclusive spaces for all students, parents, and staff. The success of our system depends on it.

Table of Contents

What is Discrimination?.....	2
PROTECTED GROUNDS ARE:.....	3
PROTECTED SOCIAL AREAS ARE:.....	3
Who is protected by the Ontario Human Rights Code?	3
What should you do if you think a discriminatory act may have occurred?	4
Additional Resources	7
Glossary of Terms	7

What is Discrimination?

Discrimination is when people are treated unequally and unfairly based on their race, disability, sex, creed, sexual orientation or any other personal characteristic (“ground”) protected by the Ontario Human Rights Code (see below).

This includes actions that occur when we act upon our biases, hate, stereotypes and prejudices about another group of people in our schools and workplaces.

The Ontario Human Rights Code (the “Code”) and the Toronto District School Board’s Human Rights Policy (PO31) prohibit actions that discriminate against people based on a protected ground in a protected social area.

Discrimination can take many forms. It can be direct and involve individuals (e.g. a person treats another person differently because of prejudice and stereotypes about persons who belong to a particular Code protected group). It can also be subtle, indirect and/or systemic, and target an entire group (e.g. discrimination may be evident in organizational and institutional structures, policies, practices and procedures which inadvertently privilege one group over another).

Harassment based on a Code ground is a form of discrimination. This includes inappropriate comment or action that is or ought to be known to be unwelcome. Sometimes, this can create a poisoned environment by making members of a Code protected group feel unwelcome and uncomfortable, even if the comment or action is not targeted against any particular individual.

PROTECTED GROUNDS ARE:

- Age
- Ancestry, colour, race
- Citizenship
- Ethnic origin
- Place of origin
- Creed
- Disability (includes mental, physical, perceived)
- Family status (includes child, adoptive, elder relationships)
- Marital status (including single, separated, widowed, common law and covers same and opposite sex relationships)
- Gender identity, gender expression
- Receipt of public assistance (in housing only)
- Record of offences (in employment only)
- Sex (including pregnancy and breastfeeding)
- Sexual orientation.
- Note: The TDSB Human Rights Policy (031) also includes the ground of socio-economic status.

PROTECTED SOCIAL AREAS ARE:

- Accommodation (housing)
- Contracts
- Employment
- Goods, services and facilities (including educational services)
- Membership in unions, trade or professional associations.

Discrimination is illegal under the Ontario Human Rights Code and Canadian Charter of Rights and Freedoms.

Who is protected by the Ontario Human Rights Code?

All Toronto District School Board students, employees, trustees and other users such as members of consultative committees, clients of the Board, parents, volunteers, permit holders, contractors, and employees of organizations not related to the Board but who nevertheless work on or are invited onto Board

What should you do if you think a discriminatory act may have occurred?



STOP AND INTERRUPT. Wherever possible, intervene immediately to stop the discriminatory act, and acknowledge immediately what was said or done was inappropriate.

IF POSSIBLE, NAME THE DISCRIMINATORY ACT. “That comment is racist, or that comment is homophobic” Choose your words carefully, focusing on the act (e.g. That comment is racist, as opposed to you are racist). If you are unclear about if the act is discriminatory, consult with the superintendent and/or Human Rights Office. Remember that it is important that we address the action.

SUPPORT THE AFFECTED INDIVIDUAL(S) Securing their safety and talking with the individual about how you can support their well-being. (If under 18, contact the parent/guardian). All TDSB staff are responsible for supporting any individual that has been affected by or witnessed an incident of discrimination.

Additional supports could include: social and/or community work and/or guidance counsellors for the victim, or other relevant counseling services. (Board employees may access the Board’s Employee and Family Assistance Program).

Remove the alleged perpetrator(s) from the area and separate the parties, if necessary and as appropriate.

*If the incident affected many people, the restorative intervention and supports should be scaled correspondingly.

REPORT THE INCIDENT TO THE PRINCIPAL OR SUPERVISOR (For hate activity, Form 515B should be filled out by the Principal or Supervisor and sent to the Human Rights Office and Superintendent).

DOCUMENT WHAT OCCURRED. Record names of witnesses and preserve any other pertinent evidence and information (papers, pictures, etc.).

The Principal or Supervisor will immediately conduct preliminary fact-finding, in accordance with relevant procedures. At minimum, this will require a conversation with the involved parties. The Principal or Supervisor will also seek to resolve issues early, wherever possible and as appropriate in the circumstances. Principals or Supervisors may need to conduct a more thorough formal investigation after first consulting appropriate TDSB policies, procedures, and the superintendent or Human Rights Office.

Keep all information private and confidential. Refrain from discussing reported incidents with anyone other than those who may need to know and keep all information discussed at meetings confidential.

COMPLAINT PROCEDURES FOR EMPLOYEES. Employees may file a complaint with the Human Rights Office using form 515A if you feel the situation has not been adequately addressed or properly handled. Managers may also initiate a complaint on behalf of others and the TDSB. (The complaint procedure for employees is set out in PR515). All individuals have a right to be free from reprisals of any kind for filing a complaint, raising a concern, or participating in a complaint resolution process (including complainants, respondents, witnesses, etc.). Please note: The actions listed above may not always take place sequentially based on the incident or situation however, all steps are important.

STUDENT ACCOUNTABILITY. Matters of discrimination (bias, prejudice, hate and harassment) related to students must not only be taken seriously by all school staff but must be reported to the School Principal and Vice-Principal. All students who violate “the Code” and/or TDSB policies and procedures related to any form of discrimination will be subject to school discipline up to and including expulsion.

School Principals and Vice-Principals must consult with the school Superintendent and Centrally Assigned Principals for Caring and Safe Schools when dealing with any incident they believe to be discriminatory in its origin. School leaders should facilitate education, training and awareness raising opportunities related to discrimination for their entire school community. Further, the school will take corrective action to assist and support all parties/ students who are involved in an act that the school Principal believes to be discriminatory. Principals, Supervisors and school communities must understand their role in preventing, responding to and dealing with discriminatory acts as it relates to all Human Rights and Caring and Safe Schools policies and procedures. School leaders should facilitate education about issues of equity and discrimination.

STAFF ACCOUNTABILITY. All TDSB Staff have an obligation to stop, interrupt, address, and remedy instances of discrimination. This includes correcting and, where appropriate, disciplining individuals who have engaged in a discriminatory act against individuals in our schools, and providing all necessary supports for individuals who have experienced discrimination. These expectations are part of the critical duties for which all staff in TDSB are accountable. Staff who do not follow the expected policies, practices, and procedures may be subject to corrective or disciplinary action, up to and including termination. Therefore, supervisors must investigate and consider consequences for breach of these duties in consultation with relevant departments to ensure an appropriate response. A progressive discipline approach is to be used. In some instances, the severe harm caused to an individual by lack of adherence to these expectations may result in significant levels of discipline, up to and including dismissal, even on a first occurrence. Repeated inattention to these expectations will result in progressive discipline in a more rapid manner.

EXAMINE YOUR WORKPLACE OR SCHOOL CLIMATE. Address systemic issues that may have contributed to this situation. For example, consider the following actions:

- Monitor for trends, for example, as revealed in complaint data, census surveys, anecdotal comments and references, etc. Where necessary, conduct your own research (e.g. focus groups, surveys, consultations etc.) to better understand the root cause of the problem and to inform possible solutions.
- Facilitate professional learning with your staff that supports equity and inclusion, promotes understanding of human rights and related responsibilities, and addresses systemic issues such as racism.
- Explore and provide resources for school community members that address issues of discrimination, power and privilege.
- Consult with the TDSB Human Rights Office and/or Learning Centre Staff for information and support.

While accountability for responding swiftly to human rights matters as they arise is essential, we appreciate that sometimes our administrators and staff can face challenging and complex situations that do not always lend themselves to an easy or obvious resolution.

In such situations, we can only ask that you demonstrate careful consideration, due diligence and sincere effort to make the right decision, including by consulting with appropriate people and resources to enable an appropriate and timely response. In other words, no one needs to do this important work alone.

Additional Resources

- [Internal TDSB Resources, Policies, and Supports](#)
- [External Resources](#)

Glossary of Terms

Anti-Black Racism – Anti-Black racism is prejudice, attitudes, beliefs, stereotyping and discrimination that is directed at people of African descent and is rooted in their unique history and experience of enslavement and its legacy. Anti-Black racism is deeply entrenched in Canadian institutions, policies and practices, to the extent that anti-Black racism is either functionally normalized or rendered invisible to the larger White society. Anti-Black racism is manifest in the current social, economic, and political marginalization of African Canadians, which includes unequal opportunities, lower socio-economic status, higher unemployment, significant poverty rates and overrepresentation in the criminal justice system.

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

Systemic anti-Indigenous racism is evident in discriminatory federal policies such as the Indian Act and the residential school system. It is also manifest in the overrepresentation of Indigenous peoples in provincial criminal justice and child welfare systems, as well as inequitable outcomes in education, well-being, and health. Individual lived-experiences of anti-Indigenous racism can be seen in the rise in acts of hostility and violence directed at Indigenous people.

Antisemitism – Antisemitism is latent or overt hostility, or hatred directed towards, or discrimination against, individual Jewish people or the Jewish people for reasons connected to their religion, ethnicity, and their cultural, historical, intellectual, and religious heritage.*

Cisgenderism – Most people are “cisgender” (not trans); that is, their gender identity is in line with or “matches” the sex they were assigned at birth. Cisnormativity (“cis” meaning “the same as”) refers to the commonplace assumption that all people are cisgender and that everyone accepts this as “the norm.” The term is used to describe prejudice against trans people that is less overt or direct and more widespread or systemic in society, organizations

and institutions. This form of systemic prejudice may even be unintentional and unrecognized by the people or organizations responsible.*

Duty to Accommodate – Under the Ontario Human Rights Code, people identified by Code grounds are entitled to the same opportunities and benefits as everybody else.

In some cases, they may need special arrangements or “accommodations” to take part equally in the social areas the Code covers, such as employment, housing and education. Employers, housing providers, education providers and other parties responsible under the Code have a legal obligation to accommodate Code-identified needs, unless they can prove it would cause them undue hardship. Undue hardship is based on cost, outside sources of funding and health and safety factors.*

Harassment – Engaging in a course of comments or actions that are known, or ought reasonably to be known, to be unwelcome. It can involve words or actions that are known or should be known to be offensive, embarrassing, humiliating, demeaning or unwelcome. Harassment under the Ontario Human Rights Code is based on the prohibited/protected grounds (see definition).*

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

Intersectionality – Intersectionality is the way in which people’s lives are shaped by their multiple and overlapping identities and social locations, which, together, can produce a unique and distinct experience for that individual or group, for example, creating additional barriers, opportunities, and/or power imbalances.

In the context of race and Indigenous identity, this means recognizing the ways in which people’s experiences of racism or privilege, including within any one group, may vary depending on the individual’s or group’s relationship to additional overlapping or intersecting social identities, like religion, ethnic origin, gender, age, disabilities or citizenship and immigration status.

An intersectional analysis enables better understanding of the impacts of any one particular systemic barrier by considering how that barrier may be interacting with other related factors.*

Islamophobia – Islamophobia includes racism, stereotypes, prejudice, fear or acts of hostility directed towards individual Muslims or followers of Islam in general. In addition to individual

acts of intolerance and racial profiling, Islamophobia can lead to viewing and treating Muslims as a greater security threat on an institutional, systemic and societal level.*

Racism – Racism includes ideas or practices that establish, maintain or perpetuate the racial superiority or dominance of one group over another.

Racism exists at a number of levels, including individual, institutional or systemic, and societal. Racism differs from simple prejudice in that it has also been tied to the aspect of power, i.e. the social, political, economic and institutional power that is held by the dominant group in society. Not every manifestation of racism can be dealt with through human rights complaint processes. Only racially discriminatory actions in specified social areas (e.g. educational services, employment) are prohibited by human rights law.*

Racial Discrimination – Racial discrimination is a legally prohibited act. It happens when any distinction, conduct or action, whether intentional or not, is based on a person's race and has the effect of imposing burdens not imposed upon others. Racial discrimination could happen when someone acts on racist beliefs and attitudes in areas covered by the Ontario Human Rights Code, such as employment, services, and housing. To be considered racial discrimination under the Code, it has to be more likely than not that race was one factor in the adverse treatment experience.*

Systemic Discrimination – Discrimination operates at several levels, including individual, systemic or institutional and societal. Systemic or institutional discrimination consists of patterns of behaviour, policies or practices that are part of the social or administrative structures of an organization, and which create or perpetuate a position of relative disadvantage for persons belonging to a Code protected group. These may appear neutral on the surface but, nevertheless, have an exclusionary impact on persons belonging Code protected group.*

Transphobia – The aversion to, fear or hatred or intolerance of trans people and communities. Like other prejudices, it is based on stereotypes and misconceptions that are used to justify discrimination, harassment and violence toward trans people.*

Sources: These definitions were taken from resources from the Ontario Human Rights Commission, TDSB's Equity Policy () and the Ontario's Data Standards for the Identification Monitoring of Systemic Racism.()*