



### Introduction

A school community should be a place that promotes responsibility, respect, civility, and academic excellence in our learning and teaching environment. All LDSB employees have a role to play in creating a positive school climate where all members of the school community feel welcome, included, and accepted, and where all employees actively promote positive behaviours and interactions.

This Administrative Procedure outlines the immediate steps for submitting and responding to human rights incidents or complaints involving students and the roles of different LDSB employees. Systemic forms of racism and discrimination are not reducible to “interpersonal conflicts,” and a broader approach is necessary to effectively address discrimination. This Administrative Procedure should therefore be read in conjunction with all other relevant Guidelines and Procedures, e.g. Administrative Procedure 353: Progressive Discipline and Administrative Procedure 356: Bullying Prevention and Intervention, Administrative Procedure 341: Child in Need of Protection. Where the incident is a school safety issue or threat of violence, the Violence Threat Risk Assessment Protocol should be followed. Where the incident is both a school safety issue or threat of violence and a human rights incident, the Violence Threat Risk Assessment Protocol will take precedence, but the human rights reporting tool should still be submitted.

Students, parents/families, staff, and community members are encouraged to speak up when they experience or witness a human rights incident or have a complaint that involves a Limestone student. This includes incidents and complaints that are related to school activities or that occur off school property such as school-related field trips, extracurricular clubs and activities, and sporting events. Students, parents/families, or staff are encouraged to contact their teacher, supervisor, or school administrator to provide information about the incident or complaint or submit a human rights incident and complaint with the human rights reporting tool. Students do not need to inform their teachers and staff do not need to inform their supervisor or school administrator before submitting a human rights complaint. Where the incident involves the school administrator, then students, parents/families, or



staff should submit a human rights incident and complaint or contact their superintendent. The human rights incident and complaint can be submitted anonymously, but the Board cannot provide feedback and follow-up if a complaint does not include contact information. LDSB employees who have knowledge of human rights incidents or complaints are required to inform their supervisor or school administrator as soon as reasonably possible and are encouraged to submit a human rights incident and complaint using the human rights reporting tool. Additional requirements under other policies or regulations must also be followed. Incidents and complaints will be addressed in a timely, transparent, and confidential manner

## **1. Scope of Applications**

- 1.1. This Administrative Procedure applies where the incident involves students, students and employees, or students and other LDSB community members.
- 1.2. Where the incident or complaint involves only employees, or between employees and LDSB community members, Administrative Procedure 405: Understanding Harassment and Discrimination and Administrative Procedure 406: Investigating Workplace Harassment and Discrimination must be followed. LDSB community members include co-op students, job applicants, parents/families, trustees, permit holders, vendors, service providers, contractors, volunteers, visitors, federations and unions, and all other persons invited to or who work on Board property.
- 1.3. If the incident or complaints involves an employee (placement students, full-time, part-time, temporary, probationary, casual, and contract employees), the Human Rights and Equity Advisor, Principal, Vice-Principal, and/or Superintendent(s) will investigate the incident/complaint.
- 1.4. Student incidents and complaints that infringe on human rights such as bullying, discrimination, harassment, and hate-motivated incidents are tracked and monitored to ensure accountability, transparency, appropriate response, and support to the individuals concerned.



- 1.5. The outcome of any investigation will only be attached to a student or staff record where there are grounds for disciplinary action. Individuals will not be identified where it would violate their privacy or personal safety. Information is collected under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), and the Education Act.
- 1.6. Students, parents/families, staff, and community members are encouraged to submit a human rights incident and complaint using the human rights reporting tool for any of the following:
- **Discrimination:** Discrimination is an action or omission that treats someone unfairly by either imposing a burden on them or denying them a privilege, benefit, or opportunity enjoyed by others, because of their age, colour, creed, disability, ethnic or national origin, family status, gender identity or expression, genetic characteristics, marital status, race, religion, and sexual orientation, any protected ground in the Ontario Human Rights Code. Discrimination also includes failure to accommodate.
  - **Bullying:** Bullying is aggressive behaviour that is typically repeated over time. It is meant to cause harm, fear, or distress or create a negative environment for another person. Not all bullying is a human rights violation. Bullying should only be reported under this AP where it is also a violation of any protected ground under the Ontario Human Rights Code. AP 356: Bullying Prevention and Intervention should be followed where the bullying does not violate a protected ground under the Ontario Human Rights Code.

Common types of bullying are:

- i) **Verbal Bullying** - such as name-calling, sarcasm, teasing, spreading rumours, threatening, making negative references to one's culture, ethnicity, disability, race, religion, gender identity or expression, or sexual orientation, and inappropriate sexual comments.
- ii) **Social Bullying** – mobbing, scapegoating, excluding others from a group,



humiliating others with public gestures or graffiti intended to put others down.

- iii) Physical Bullying – hitting, poking, pinching, chasing, shoving, coercing, destroying or stealing belongings, and inappropriate touching.
- iv) Cyber Bullying (Online Bullying) - bullying that takes place over digital devices like cell phones, computers, and tablets. Cyberbullying includes sending, posting, or sharing negative, harmful, false, personal, or mean content about someone else causing embarrassment or humiliation.
- Hate activities: Hate activities are incidents that occur in the school community expressing intolerance-based age, colour, creed, disability, ethnic or national origin, family status, gender identity or expression, genetic characteristics, marital status, race, religion, and sexual orientation or any protected characteristic. Hate incidents may take the form of intimidation, harassment, physical force or threats of physical force, verbal slurs accompanied by threats, vandalism of property, display of hate symbols, or messages implying that members of an identifiable group are to be despised, denied respect, and made subject to ill-treatment based on group affiliation.

## **2. Responsibilities**

### **2.1. Employees**

- 2.1.1. Any LDSB employee who works directly with students is required to interrupt, intervene, and assess if any immediate or additional steps or safety/supports are required, and if so, act on it. They are also required to report it to the school administrator (Principal or Vice-Principal), or to the school supervisor (Superintendent or Associate Superintendent) if the matter involves the school administrator and are encouraged to submit a human rights incident and complaint with the human rights reporting tool.

Notwithstanding the above, LDSB employees who are registered health



professionals (e.g., social workers, psychologists, behaviour analysts, and speech-language pathologists) must follow their respective College Standards of Confidentiality as well as all privacy laws (e.g., Personal Health Information Protection Act, 2004), disclosing information only with student consent or when legally required or permitted. LDSB registered health professionals will take reasonable steps to support students to report the human rights incident or complaint to their school administrator in a timely manner while respecting student confidentiality, autonomy, and the therapeutic relationship.

2.1.2. All other LDSB employees are required to report the incident to their school administrator or supervisor.

2.1.3. Any employee who witnesses an incident is encouraged to submit a human rights incident and complaint as soon as they can do so. This does not replace the requirement to inform their school administrator or supervisor. In determining what incidents to report, employees are expected to use their professional judgment, consult this AP, or speak with their supervisor for guidance.

2.1.4. Employees who work directly with students are expected to

- a. Interrupt and intervene immediately to stop the conduct.
- b. Name the discriminatory act (e.g., ableism, antisemitism, anti-Black racism, anti-Indigenous racism, homophobia, Islamophobia, transphobia, etc.).
- c. Acknowledge and explain why what was said or done was inappropriate and harmful. Employees may consult with their principal or manager/supervisor where needed to support this discussion.
- d. Determine potential opportunities to support discussions/learning about why the conduct was inappropriate. Employees are encouraged to contact the Equity Curriculum Consultants for appropriate resources that may be relevant in addressing the issue.



- e. Determine potential safety or supports for individuals involved or impacted in the matter. Ask the students the best way(s) they can be supported. Do not make assumptions about student needs. Consult parents/families about student and family needs. Supports offered should be guided by the students' and family's needs (e.g., counsellors, social workers, etc.).
- f. Report the incident to their school administrator as soon as possible and encouraged to submit a student human rights incident and complaint using the human rights reporting tool, except in circumstances where regulated health professionals must follow the professional confidentiality and privacy obligations under their respective Colleges.

## 2.2. School Administrators

2.2.1. School administrators should be aware of the differences between hate incidents and hate crimes. Hate incidents are expressions of bias, prejudice, and bigotry that are carried out by individuals, groups, organizations, and states, directed against stigmatized and marginalized groups in communities, and intended to affirm and secure existing structures of domination and subordination. For example, shouting a racial slur at someone. Hate crimes are crimes motivated or suspected to be motivated by hate based on the victim's perceived or actual race, colour, religion, national origin, sexual orientation, gender, gender identity, or disability. For example, assaulting someone and using homophobic language.

2.2.2. If an incident or complaint involves a possible hate crime, the school administrator must inform the school supervisor and the police. School administrators should also consult AP 353: Progressive Discipline and Promoting Positive Behaviour and consider any other factors and mitigating factors as part of the investigation. The school administrator will consult with the police on any steps the Board can take to support safety and to communicate to affected students (and their parents/families), pending any police investigation. Where an issue, incident, or complaint raises suspicion on



reasonable grounds that a child may be in need of protection, AP 341: Child in Need of Protection should be followed.

2.2.3. School administrators are expected to

- a. Assess if any immediate or additional steps or safety/supports are required, and if so, act on them. Ask the students the best way(s) they can be supported. Do not make assumptions about student needs. Consult parents/families about student and family needs. Supports offered should be guided by the students' and family's needs (e.g. counsellors, social workers, etc.)
- b. Notify the parent/family as soon as possible.
- c. Contact emergency services if medical attention is required.
- d. Note the names of any witnesses and preserve any pertinent evidence or information
- e. Document all actions taken before the end of the day the incident occurred and encouraged to submit a human rights incident and complaint using the human rights reporting tool if it has not been previously submitted, and
- f. Hold students accountable. School administrators should apply progressive discipline. All discipline, including suspension, should always be accompanied by education.
- g. Restore school climate. School administrators should take the following steps to restore school climate:
  - Identify contributing factors that led to the incident.
  - Monitor for trends at their sites based on the type of complaints, student census, and school climate surveys, and anecdotal comments. Where there is a recurring issue or problem at a school, school administrators should



work towards understanding the root cause of the problem and develop possible solutions.

- Facilitate professional learning for staff in human rights, equity, and inclusion. School administrators can reach out to the Equity Team to organize professional learning.

2.2.4. All incidents or complaints should be documented using the online human rights reporting tool, regardless of the circumstances, including where the school administrator assesses that the situation does not require any further action or response.

2.2.5. School administrators must let students and families know that they can contact their school supervisor if they are not satisfied with the resolution of an incident or issue.

2.2.6. When responding to incidents or complaints, school administrators and other employees are encouraged to contact the Equity Curriculum Consultants for appropriate resources that may be relevant in addressing the issue.

2.2.7. Immediate and appropriate response to human rights violations and incidents is an essential component of fulfilling our human rights obligations. However, it is acknowledged that administrators and other staff can face new, challenging, and complex situations that do not have an easy or obvious resolution. The minimum expectation is that staff demonstrate a sincere effort and careful consideration to make the right decision. This includes consulting with appropriate people and utilizing appropriate resources to enable an appropriate and timely response.

### 2.3. School Supervisors

2.3.1. When necessary, the school supervisor will assess steps taken at the school level and determine if further action is appropriate based on whether:



- a. The issue has been appropriately resolved at the school level
  - b. Additional actions, supports, or communications are required to immediately address the incident, as well as longer-term impacts.
- 2.3.2. Where the school supervisor decides that additional actions or supports are required, the school supervisor will assess if there is sufficient information to:
- a. take appropriate restorative, corrective, and disciplinary action in relation to the person(s) who engaged in the discriminatory incident.
  - b. provide further supports, actions, or communications to address the incident, as well the impact on the person(s) affected.

If further information is required, the school supervisor or designate will arrange to meet with students and/or employees, including potential witnesses, to gather additional information, investigate the incident and take appropriate action.

- 2.3.3. If the school supervisor determines that further action is required to address the short and long-term impacts of the issue on the person(s) involved or the LDSB community, the school supervisor will:
- a. Direct the principal to take additional action and will document all steps taken to address the issue, or
  - b. Convene a multi-disciplinary response team to collaborate on additional actions that may be required, based on the following criteria:
    - Severity, scale, extent, and intensity of the impact of the incident.
    - Previous incidents at the school or involving same party(ies).
    - Nature of impact (or number of people involved or impacted).



- Risks to persons and/or property.
- Legal and/or reputational risks.
- Public interest and impacts.
- Potential systemic issues.
- Expertise required to address the issue.
- Other relevant factors based on the circumstances

2.3.4. If the school supervisor determines that a multi-disciplinary response team is appropriate, the school supervisor will:

- a. Notify the Director of Education, Associate Superintendent of Safe and Caring Schools and Program, and the Human Rights and Equity Advisor.
- b. Convene a response team within a week of being notified of the incident. Where appropriate, the response team may include representatives from:
  - Administration at the affected school (unless they are involved or implicated in the incident).
  - Leads from relevant portfolios as applicable:
    - Indigenous Education
    - Equity and Inclusive Education
    - Mental Health and Well-Being
    - Student Success/Curriculum
    - Human Rights and Equity Advisor



- Subject matter experts or other individuals at the discretion of the school supervisor, provided that anyone not employed by the Board shall only be engaged with the express consent of the student/family
- Other LDSB personnel as may be deemed appropriate by the school supervisor based on the specific incident(s) and input/expertise required. (e.g., Human Resources where the incident involves a staff member)

2.3.5. The response team will respect confidentiality and develop an appropriate response based upon consideration of all relevant facts and circumstances including:

- a. Safety and supports for affected students, parents/families, employees, and community members.
- b. Responsive, restorative, remedial, corrective, and/or disciplinary action, up to and including dismissal (of employees), suspension or expulsion (of students), and other actions as necessary to address inappropriate behaviours and to restore a safe learning environment.
- c. Potential systemic issues or actions that may be required.
- d. Individual, team/group, school or organizational learning and growth (e.g., professional development/learning needs, including coaching/mentoring and other potential preventative individual or systemic actions for the classroom, school, or District).
- e. Communications to those impacted, the school, LDSB community (including the Director of Education and Trustees), where appropriate. This may include interim communications while an appropriate response is developed and implemented; and
- f. Monitoring and follow-up to ensure that the response was appropriate and to determine if additional or ongoing support or actions are required.



2.3.6. Based on the work of the response team, the school supervisor will develop a response action plan with timelines to implement the response and recommendations. The principal and other identified leads will fulfil the required actions and report back to the school supervisor once completed.

2.3.7. The Human Rights and Equity Advisor can be consulted at any stage during the process.

#### 2.4. Human Rights and Equity Advisor

2.4.1. The Human Rights and Equity Advisor (HREA) is automatically notified when a human rights incident and complaint has been submitted. In exceptional circumstances, the HREA will be involved in leading the initial response in collaboration with the school supervisor and other appropriate LDSB personnel where the incident:

- involves allegations of systemic discrimination.
- where a determination that discrimination has occurred will depend on circumstantial evidence, inference, and/or significant credibility assessments.
- where the investigation will require reviewing and reconciling documentary evidence.
- where there has been a serious/egregious violation of the Ontario Human Rights Code or other relevant human rights regulations, policies, or procedures.

### 3. Data Collection, Analysis, and Reporting

3.1. The Human Rights and Equity Advisor will:

- Monitor and track incidents and complaints.
- Support and advise school supervisors and other senior leaders and



administrators on appropriate action plans to address identified trends of concern, lessons learned, preventative actions and best practices.

- Analyze data bi-annually to identify trends.
- Prepare bi-annual reports for discussion and review with the senior management team.

## **4. Growth and Learning Opportunities**

4.1. School Supervisors will:

- Bi-annually review the analyses of aggregate trends within their Schools/Family of Schools and any lessons learned or good/best practices identified within their Family of Schools.
- In collaboration with the Human Rights and Equity Advisor, Superintendent of Human Resources, Superintendent of Education with responsibilities for Equity and Inclusion, Associate Superintendent of Safe Schools, and Equity Curriculum Consultants, determine organizational learning, capacity building, and systemic change required in response to identified trends, and information featured in the bi-annual reports.
- Direct and oversee implementation of any remedial or preventative action plans required within their Family of Schools and/or, as needed, across the entire system.

## **5. Accountability**

5.1. Any LDSB staff that does not follow the expected policies, guidelines, and procedures may be subject to corrective or disciplinary action, up to and including dismissal. Supervisors are expected to investigate a breach of duties under this Administrative Procedure and consider consequences in consultation with school supervisors and human resources.



5.2. While the expectation is that a progressive discipline approach is applied, the consequence of a breach may result in significant levels of discipline, up to and including dismissal, even on a first occurrence or a repeated breach of duties where a student has been severely harmed.

## **References**

*Administrative Procedure 107: Human Rights*  
*Administrative Procedure 353: Progressive Discipline*  
*Administrative Procedure 356: Bullying Prevention and Intervention*  
*Administrative Procedure 341: Child in Need of Protection*  
*Ontario Human Rights Code*