

# SUPERIOR-GREENSTONE DISTRICT SCHOOL BOARD

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Section                   SCHOOLS AND STUDENTS

Policy Name           EQUITY AND INCLUSIVE EDUCATION

536

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## **POLICY**

It is the policy of Superior-Greenstone District School Board to create and maintain harmonious learning and work environments and equitable outcomes for all students in accordance with the Canadian Charter of Rights and Freedoms and Ontario Human Rights Code. Every student, employee, parent, community member and Trustee has the right to freedom from discrimination or harassment because of race, national or ethnic origin, citizenship, colour, religion, marital status, gender, sexual orientation, gender identification, age, ability, or socio-economic status.

### SEE APPENDIX B FOR DEFINITIONS

In Superior-Greenstone District School Board, we believe that all students can learn and our goal is to enable each and every student to learn effectively, to reduce achievement gaps and to improve learning outcomes for all, regardless of race, class, gender, ethnicity, disability, sexual orientation and other historical forms of marginalization<sup>1</sup>.

The Board upholds the principles of respect for human rights and fundamental freedoms enshrined in the *Canadian Charter of Rights and Freedoms, the Constitution Act, 1982* and confirmed in the *Ontario Human Rights Code* (the "Code"). The Board and its staff are also committed to the elimination of all types of discrimination as outlined in *Ontario's Equity and Inclusive Education Strategy* (the "Strategy") and the Ontario Ministry of Education (the "Ministry") Policy/Program Memorandum No. 119.

The Board recognizes that equity of opportunity and equity of access to the full range of programs, the delivery of services, and resources are critical to the achievement of successful educational and social outcomes for those served by the school system as well as those who serve the system.

## **AREAS OF FOCUS**

### **1. BOARD POLICIES, PROGRAMS, GUIDELINES AND PRACTICES**

Superior-Greenstone District School Board will serve staff, students, and families in diverse communities by incorporating the principles of equity and inclusive education into all aspects of its operations, structures, policies, programs, procedures, guidelines, and practices, consistent with the principles of the *Code*.

### **2. SHARED AND COMMITTED LEADERSHIP**

Superior-Greenstone District School Board will establish and maintain partnerships with diverse communities so that the perspectives and experiences of all students are recognized to help meet their needs.

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<sup>1</sup> The Ontario Human Rights Code identifies the following prohibited discrimination grounds: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed (religion), sex (includes gender identity and pregnancy), sexual orientation, age, record of offences, marital status, family status, and/or disability (includes perceived disability). (From *Human Rights at Work, Third Edition*, p 14)

### 3. SCHOOL- COMMUNITY RELATIONSHIPS

Superior-Greenstone District School Board will establish and maintain a collaborative relationship with diverse communities so that the perspectives and experiences of all students, families, and employees are recognized and addressed.

### 4. INCLUSIVE CURRICULUM AND ASSESSMENT PRACTICES

Superior-Greenstone District School Board will implement an inclusive curriculum and to review resources, instruction, and assessment and evaluation practices in order to identify and address discriminatory biases so that each student may maximize her or his learning potential.

### 5. FAITH/CREED ACCOMMODATION - SEE APPENDIX A FOR GUIDELINES

Superior-Greenstone District School Board will acknowledge each individual's right to follow or not to follow faith/creed beliefs and practices free from discriminatory or harassing behaviour and is committed to taking all reasonable steps to provide faith/creed accommodations to staff and students.

### 6. SCHOOL CLIMATE AND THE PREVENTION OF DISCRIMINATION AND HARASSMENT

Superior-Greenstone District School Board will commit to the principle that every person within the school community is entitled to a respectful, positive school climate and learning environment, free from all forms of discrimination and harassment.

### 7. PROFESSIONAL LEARNING

Superior-Greenstone District School Board will provide administrators, staff, students and other members of the school community with opportunities to acquire the knowledge, skills, attitudes, and behaviour needed to identify and eliminate discriminatory biases and systemic barriers under the *Code*.

### 8. ACCOUNTABILITY AND TRANSPARENCY

Superior-Greenstone District School Board will assess and monitor Board progress in implementing *The Strategy*; to embed the principles into all Board policies, programs, guidelines and practices; and to communicate these results to the community.

## Faith and Creed Accommodation Guideline

### 1. Legislative Context

Superior-Greenstone District School Board recognizes and values the freedom of religion and freedom from discriminatory or harassing behaviour based on the Canadian Charter of Rights and Freedoms and the Ontario Human Rights Code. *“Religious pluralism poses a challenge in any multicultural society, especially in one as diverse as ours. Although law is developing rapidly in this area, an informed spirit of tolerance and compromise is indispensable to any civil society, as well as to its capacity to make opportunities available to everyone, on equal terms, regardless of creed”* (Ontario Human Rights: Policy Guidelines on Creed and the Accommodation of Religious Observances).

In addition to and consistent with this legislation, the *Education Act*, and its regulations and policies, govern Equity and Inclusion in Schools:

PPM No 108, “Opening or Closing Exercises in Public Elementary and Secondary Schools”

R.R.O. 1990, Regulation 298, “Operation of School-General” s 27-29, under the heading “Religion in Schools”

PPM No 119, “Developing and Implementing Equity and Inclusive Education Policies in Ontario Schools”

Creed means a religion or faith. It includes the practices, beliefs, and observances that are part of a religion. It does not include personal moral, ethical or political views. *“Creed does not necessarily mean a belief in a God, or gods or a supreme being. It includes Aboriginal spirituality and newer religions (assessed by Ontario Human Rights Commission on a case-by-case basis)”*. (Policy on Creed and the Accommodation of Religious Observances, Ontario Human Rights Commission, Oct. 20, 1996. p.2). *“Religions that promote violence or hatred towards others, or that violate criminal law, are not protected by the Code.”* (Protecting Religious Rights, Ontario Human Rights Commission, 1999. p.2).

Although faith observances are based on generally accepted practices as defined by a faith group, the Board recognizes that members of faith groups are not homogeneous in their understanding, interpretation and practice of their faith. It is not the role of schools to monitor students’ compliance with a particular observance. What is important is that schools work together with students and their families to build trust and understanding about various faith accommodations.

### 2. Requests for Accommodation Based on Faith and Creed

Superior-Greenstone District School Board will take reasonable steps to provide accommodation to students or staff who believe that the Board’s operations or requirements interfere with their ability to exercise their faith or creed beliefs and practices to the point of undue hardship. A determination of undue hardship will be based on an assessment of costs of the accommodation, outside sources of funding, and health and safety risks to the individual

and others. The Board will limit practices and conduct in its schools which may put public safety, health, or the human rights and freedoms of others at risk.

It is expected that students and their families, as well as staff, will help the Board to understand their faith/creed needs and will work with the Board and its schools to determine appropriate and reasonable accommodations.

Superior-Greenstone District School Board defines accommodation as a duty to meet the special needs of individuals and groups protected by the Ontario Human Rights Code up to the point of undue hardship.

*“The Code provides the right to be free from discrimination and there is a general corresponding duty to protect the right: the duty to accommodate. The duty arises when a person’s religious beliefs conflict with a requirement, qualification or practice. The code imposes a duty to accommodate based on the needs of the group of which the person is making the request is a member. Accommodation may modify the rule or make an exception to all or part of it for the person requesting accommodation.”* (Policy on Creed and the Accommodation of Religious Observances, Ontario Human Rights Commission, Oct. 20, 1996. p.5)

Students or staff may request an accommodation in one or more of the following areas:

- school opening and closing exercises;
- prayer;
- dietary requirements;
- fasting;
- attire;
- modesty requirements in Physical Education;
- participation in daily activities, curriculum and program;
- observance of faith-based (creed) days of significance; and/or
- leave of absence for faith-based (creed) days of significance and celebrations

No person will be penalized for making an accommodation request.

### **3. Suggested Responses to Requests for Accommodation**

School Opening and Closing Exercises:

A student or employee who objects to all or part of opening or closing exercises for faith-based reasons will be exempted and given the option not to participate and to remain in the class or in an agreed-upon location.

Prayer:

Schools should make every reasonable effort to accommodate the requirements for daily prayer by providing an appropriate location within the building for prayer when requested by students or staff. Some accommodation for late school arrival and/or early school leaving may be necessary. Prayer times change in some faiths according to the seasons.

### Dietary Requirements:

Schools should be aware of dietary restrictions of various faith groups. This awareness includes breakfast and lunch programs, snacks, overnight outdoor education activities and field trips that cover a meal time period, and catering for special occasions and community events. Availability of vegetarian options is recommended.

### Fasting:

Schools should accommodate students and staff with respect to fasting observances. Appropriate space other than the cafeteria or lunchroom should be designated during lunch period for fasting students. Field trip plans should also consider the needs of fasting students. Students might need exemptions or alteration of activities in some classes, e.g., Physical Education.

### Faith-based Attire:

Student/staff wearing of certain hairstyles and attire, such as, but not limited to: yarmulkes, turbans, hijab (headscarves), crucifixes, stars of David, should be respected. Some communities require specific items of ceremonial dress or which may be perceived as contravening Board policies, for example, the wearing of kirpans by students. In 2006, the Supreme Court of Canada upheld the right of students to wear ceremonial kirpans (see the Ontario Human Rights Commission website [www.ohrc.on.ca](http://www.ohrc.on.ca) for details). It is worth noting that harassment based on attire is one the most common forms of discrimination. Staff attitudes are crucial to establishing a positive climate of understanding and respect for differences regarding faith-based attire.

### Modesty Requirements for Physical Education:

When a student requests an accommodation for dress code for participation in physical education, the school and family are encouraged to find a mutually agreeable accommodation within the context of Ministry, Board, and school dress code expectations. Safety must be considered in the accommodation of dress. For example, a head scarf can be tucked into clothing, track pants may be worn instead of shorts in some situations but not where bare knees are required (for example, on the climbers for gymnastics). The curriculum requirements should be explained to the family, so the family has sufficient information to understand the physical education curriculum and to select available curriculum alternatives.

### Participation in Daily Activities, Curriculum and Program:

When an accommodation is requested related to the content of curriculum and/or program, it is important to have an open discussion between the parents/guardians and the school. The accommodation applies to the individual who requests it, not the whole class or classroom practices in general.

### Observing Faith-based (Creed) Days of Significance:

As a minimum, it is recommended that schools recognize days of significance, pertinent to their school community, along with the days that reflect Canada's diverse population. Recognition may include but is not limited to: announcements, displays, bulletin boards, posters, student work, assemblies, or other events. Schools will endeavour to be aware of the faith-based

observances of their school community when planning activities. befitting the school setting and student demographics.

Leave of Absence for Faith-based (Creed) Days of Significance and Celebrations:

All staff and students who observe faith-based (creed) days of significance in accordance with Sec. 21 (2) (g) of the Education Act may be excused from attendance.

#### **4. General Procedures for Faith and Creed Accommodation Requests**

Staff:

The person requesting accommodation should advise the administration at the beginning of the school year, to the extent possible. If September notice is not feasible, the person should make the request as early as possible.

The absence of employees due to faith/creed observances should be granted as determined by this policy and the appropriate collective agreement.

Students:

Parents/guardians/adult students must present verbal or written notice for the student to school administration, specifying their accommodation needs relating to faith/creed observances, including holy days on which they will be absent from school. This notice should be made enough in advance (preferably at the beginning of each school year) to ensure that scheduling of major evaluations, such as tests, assignments or examinations, takes the faith/creed observances into consideration.

Student handbooks and parent newsletters should include information about the procedure to follow to request an accommodation for faith/creeds observances and/or faith or creed-based days of significance. Such procedures should be easy for staff, students, and parents to understand.

Unresolved Requests:

When a determination is made that an accommodation would create undue hardship, the person requesting the accommodation will be given written notice, including the reasons for the decision and the objective evidence relied upon.

In the event an accommodation request is not granted, the matter will be referred to the appropriate Superintendent.

#### **5. Recognizing Days of Faith (Creed) and Cultural Significance in Schools**

The Ministry of Education in Policy/Program Memorandum No. 112, dated January 1, 1991, is clear about the place of faith in public elementary and secondary schools in this province: *“In its decision of January 30, 1990, the Ontario Court of Appeal made it very clear that subsection 28(4) of Regulation 262 was invalid because it permitted the teaching of a single religious tradition as if it were the exclusive means through which to develop moral thinking and behaviour. The Court also ruled that education designed to teach about religion and to foster*

*moral values without indoctrination in a particular religious faith would not contravene the charter.”*

The intent of recognizing faith-based or cultural holidays or events is to educate, not indoctrinate. Days of significance as identified in the Board’s Diversity calendar should be recognized to the degree it is appropriate in each school setting. Recognition means the inclusion of events in a school curricular and co-curricular program, and may occur through festivals, concerts and other activities. It is not appropriate to use such language as “celebrate” for one holiday while “acknowledging” other events. “Celebrations” of religious events, by Ministry direction, are not to be included in the school program.

In distinguishing between education about religion and religious indoctrination, the Court made the following statement: *“While this is an easy test to state, the line between indoctrination and education, in some instances, can be difficult to draw.”* The law allows for teaching about different faiths and creeds; however, Board practices must be implemented in a manner which is equitable to all groups. The following provides further clarification in this regard:

Schools:

- may support the study of various beliefs, but not the practice of any one belief;
- may expose students to all views, but not impose any particular view;
- approach the study of various beliefs for the purpose of instruction, not indoctrination;
- educate students about all beliefs, not convert them to any one belief;
- approach the study of various beliefs for academic, not devotional purpose;
- study what all people believe, but do not teach students what to believe; and/or
- strive for student awareness of all beliefs, but do not press for student acceptance of any one belief.

## **6. Distribution of Faith Literature and Resources**

Superior-Greenstone District School Board facilities will not distribute faith-based literature to students. The only exception to this statement is if the materials support curriculum expectations in a program of study. School libraries may include faith texts in their collections as sources of information for students and staff.

## Appendix B – Policy 536 Equity and Inclusive Education

### Definitions

The following are key terms in the area of equity and inclusive education pertinent to this policy. These terms and definitions are not necessarily standardized and may be used differently by different people and in different regions, and will change over time:

**Aboriginal Peoples** - the original inhabitants, the Indigenous Peoples of Canada and their descendants. Aboriginal peoples include the First Nations, Inuit, and Métis peoples of Canada. The term **Indigenous Peoples** is preferable.

**Barriers** - policies, procedures or practices that prevent equality of access and outcome. They can be both systemic and individual.

**Bias** - an inaccurate, limited and fixed view of the world, or of a given situation, individuals or groups. A bias against or towards members of a particular racial, ethnic, cultural, or religious group can be expressed through speech, nonverbal behaviour, and written and other media.

**Bisexual** - individuals who are romantically and/or sexually attracted to people of both genders, though not necessarily at the same time.

**Creed** - a religion or faith. It includes the practices, beliefs, and observances that are part of a religion. It does not include personal moral, ethical or political views.

**Cultural identity** - the collective self-awareness that a given group embodies and reflects, e.g., racial, ethnic, gender groups, or the identity of the individual in relation to his or her culture.

**Culture** - the totality of ideas, beliefs, values, knowledge, and way of life of a group of people who share a background based on history, experience, geography, or other factors. Manifestations of culture include art, laws, institutions, and customs.

**Curriculum** - Ontario Curriculum Policy document, specific to an individual subject and grade (elementary) or the overall and specific expectations, strands, and the achievement chart in each course (secondary).

**Discrimination** - an act of making distinctions among social groups based on characteristics such as race, ethnicity, nationality, language, faith, gender, ability, sexual orientation or gender identity that leads to inequitable treatment of members of the targeted groups.

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

**Equality** - Equal treatment, or inputs, in the name of fairness involves treating all people alike without acknowledging differences in age, gender, language, or ability. Though considered by some to be fair, it is in fact culturally blind and often results in very unfair and unequal outcomes.

**Equity** - a condition or state of fair, inclusive, and respectful treatment of all people. Equity does not mean treating people the same without regard for individual differences.

**Ethnicity** - a socially, politically and historically constructed category, similar to race. It is dynamic, subject to the ambiguities and contradictions that are to be found in societies, and its meanings change over time. In society, ethnicity may serve to establish status allocation, role expectations and group membership.

**Ethnocentrism** - the belief in the inherent superiority of one's own ethnic group or culture and a tendency to view other groups or cultures from the perspective of one's own.

**Family of choice** - the circle of friends, partners, companions and ex-partners with which many LGBTTTIQQ people surround themselves. This group gives the support, validation and sense of belonging that is often unavailable from the person's family of origin.

**Gay** - a person whose primary sexual orientation is to members of the same gender. It is sometimes used to refer to the general LGBTTTIQQ community, but most often refers to just gay men.

**Gay-positive** - the opposite of homophobia. A gay-positive attitude is one that affirms and accepts gay and lesbian people as unique and special in their own right. Gay-Straight Alliance (GSA) - student groups designed to create safe spaces for LGBTTTIQQ students and allies.

**Gender** - includes any or all of the following categories: physical anatomy, secondary sex characteristics that develop at and after puberty, behaviour and conduct, the mind, and fashion choices.

**Gender identity** - a person's own identification of being man, woman or transgender. Masculinity and femininity are expressions of one's gender identity.

**Gender role** - the public expression of gender identity. Gender role includes everything people do to show the world they are men, women, or transgender, including sexual signals, dress, hairstyle and manner of walking.

**Harassment** - any improper conduct by an individual that is directed at and is offensive to another person or persons, and that the individual knew, or ought reasonably to have known, would cause offense or harm. It comprises any objectionable embarrassment and any act of intimidation or threat. Features of harassment include but are not limited to: unwanted physical contact, verbal abuse such as unwanted anonymous telephone messages, offensive language or innuendo, telling offensive jokes, name calling or spreading malicious rumors, written abuse, such as letters, faxes, emails, or graffiti, or displaying offensive pictures or posters, explicit behaviour such as mimicking the effect of a disability, threats, covert or disguised behavior such as social isolation and non-cooperation, implicit threats, and pressure for sexual favours, stalking. The incident(s) may be persistent or may be a single, serious incident.

**Hate crimes** - (or bias-motivated crimes) occur when a perpetrator targets a victim because of his or her perceived membership in a social group such as race, religion, sexual orientation, ability, class, ethnicity, nationality, age, gender, gender identity or political affiliation.

**Heterosexism** - the belief in the exclusive privileging of heterosexuality and the expression of this belief in societal institutions and practices that deny, denigrate, or stigmatize non-heterosexual forms of behavior, identity, relationship, or community. This definition is often used

in the context of discrimination against bisexual, lesbian and gay people that is less overt, and which may be unintentional and unrecognized by the person or organization responsible for the discrimination. Heterosexism excludes the needs, concerns, and life experiences of lesbian, gay and bisexual people, while it gives advantages to heterosexual people.

**Heterosexual** - an individual whose primary sexual orientation is to members of the opposite gender. Heterosexual people are often referred to as “straight”.

**Homophobia** - the irrational fear, hatred or intolerance of lesbians and gay men, or any behaviour that falls outside of perceived traditional gender roles, usually based on erroneous myths and stereotypes. Homophobic acts may include, but are not limited to jokes, name-calling, shunning/exclusion, and the promotion of hatred and violence targeting lesbian and gay individuals or groups.

**Homosexual** - an individual whose primary sexual and affectional attraction is to a person of the same sex. The medical and psychiatric origins of this term have made it unattractive to most lesbians and gay men as a way of describing themselves or their community.

**Identity** - how one thinks of, describes, and expresses oneself. Identity can be private, such as a closeted gay or lesbian person, or public, such as out gay and lesbian people.

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

**Indigenous Peoples** – a collective noun referring to the original inhabitants, the Indigenous Peoples of Canada and their descendants. Indigenous peoples include the First Nations, Inuit, and Métis peoples of Canada.

**Intersex** - individuals who naturally, i.e., without any medical intervention, develop primary or secondary sex characteristics that do not fit neatly into society's definitions of male or female. This word replaces the inappropriate term “hermaphrodite”.

**Inuit** - the preferred term for the Native Peoples of the Canadian Arctic and Greenland. The use of Eskimo in referring to these peoples is often considered offensive, especially in Canada.

**Lesbian** - a woman whose primary sexual orientation is to other women or who identifies as a member of the lesbian community.

**LGBTTTIQQ** – Lesbian, Gay, Bisexual, Transsexual, Transgendered, Two-Spirited, Intersexed, Queer and Questioning: an acronym for individuals or communities. LGBT is also used.

**Métis** - a person who self-identifies as a Métis, is distinct from other Aboriginal peoples, is of historic Métis Nation and ancestry, and is accepted by the Métis Nation.

**Queer** - traditionally a derogatory and offensive term for LGBTTTIQQ people. Many LGBTTTIQQ people have reclaimed this word and use it proudly to describe their identity.

**Questioning** - individuals who are in the process of questioning their sexual orientation. They are often in need of support and understanding during this stage of their identity and are seeking information and guidance.

**Race** - a social category used to classify humans according to common ancestry or descent and reliant upon differentiation by general physical characteristics such as colour or skin and eyes, hair type, stature and facial features. There is no biological basis for race. However, being a social category does not make it any less real or powerful.

**Racism** - a set of ideologies, beliefs and learnings that implies, justifies, and asserts the superiority of one social group over another on the basis of physical and cultural characteristics.

**School Climate** - is the sum total of all of the personal relationships within a school. A positive climate exists when all members of the school community feel safe, comfortable and accepted.

**School Community** - the school community is composed of staff, pupils and parents of the school and feeder schools / family of schools, as well as the community of people and businesses that are served by or located in the greater neighborhood of the school.

**School Culture** - complex pattern of norms, attitudes, beliefs, behaviours, values, ceremonies, traditions, and myths that are deeply ingrained in the very core of the organization. It is the historically transmitted pattern of meaning that wields astonishing power in shaping what people think and how they act (Roland Barth). Culture contributes to the school's effectiveness or ineffectiveness and is a product of the school's leadership. Culture sets the standards and guides the daily actions of administrators, teachers and students alike (David and Sylvia Weller).

**Sexual harassment** - any improper behaviour by a person that is directed at, and that is offensive to, any other person. The offending behavior is such that the offending person knew, or ought reasonably to have known, would be unwelcome. It is objectionable conduct, made on either a one-time or ongoing basis that demeans, belittles, causes personal humiliation or embarrassment to another person.

**Sexual identity** - one's identification to self and others of one's sexual orientation. It is not necessarily congruent with sexual orientation and/or sexual behaviour.

**Sexual orientation** - a personal characteristic that forms part of an individual's core identity. Sexual orientation encompasses the range of human sexuality from gay and lesbian to bisexual and heterosexual orientations. Orientation may or may not correspond to private and public identity.

**Significant other/Partner** - a life partner, domestic partner, lover, boyfriend or girlfriend. It is often equivalent to the term "spouse" for LGBTTTTIQQ people.

**Stereotype** – the result of attributing unfounded characteristics of a group to all of its members. Stereotyping exaggerates the uniformity within a group and the differences among groups.

**Transgendered** - a person whose gender identity is different from his or her biological sex, regardless of the status of surgical and hormonal gender reassignment processes. Often used as an umbrella term to include transsexuals, transgenderists, crossdressers, two-spirit, intersex and transgendered people.

**Transsexual** - a person who has an intense long-term experience of being the sex opposite to his or her birth-assigned sex and who typically pursues a medical and legal transformation to become the other sex.

**Two-spirited** - Aboriginal people who identify as gay, lesbian, bisexual, or transgendered. The term comes from the First Nations recognition of the traditions and sacredness of people who maintain a balance by housing both the male and female spirit.

For other definitions relative to equity and inclusive education, consult:

<http://www.ohrc.on.ca/en/teaching-human-rights-ontario-guide-ontario-schools/appendix-1-glossary-human-rights-terms>