

# EQUITY AND NON-DISCRIMINATION

## Background

This Administrative Procedure addresses the commitment by the District to inclusive, equitable treatment and opportunities, as well as non-discriminatory treatment, for all individuals in School District 71 (Comox Valley). The Board of Education's Policy 24 emphasizes the Board's commitment as to honouring the letter and the spirit of the Canadian Human Rights Act, the British Columbia Human Rights Code, the British Columbia Declaration on the Rights of Indigenous Peoples Act and the British Columbia Multiculturalism Act. The Board is committed to creating equity and non-discriminatory environments for both employees and students.

## Definitions

**Discrimination** is unjust or prejudicial treatment towards an individual, which adversely treats or impacts students on any of the grounds set out in the Human Rights Code: Indigenous identity, race, colour, ancestry, place of origin, religion, family status, marital status, physical disability, mental disability, sex, age, sexual orientation, gender identity or expression, or political belief.

Discriminatory behaviour, including harassment, bullying, and disrespectful behaviour, as determined by a reasonable person, may be verbal or non-verbal, physical, deliberate, or unintended.

**Systemic Discrimination** occurs when the procedures and practices of the organization/community overtly or covertly prevent access to, limit, or exclude specific individuals and groups from full participation in the organization, community, or society.

**Equity, for an educational context**, involves the removal of barriers that might disadvantage them in classrooms, programs and services provided by the school district. It involves the provision of accommodations, special measures, and supports to improve their access, experiences, and outcomes as students. The right to freedom from discrimination under the BC Human Rights Codes and other legislation requirements noted above is applicable to students as well as employees.

**Equity, in an employment context**, is the elimination of barriers that might disadvantage employees and overcome all forms of direct or indirect discrimination in the hiring process or workplace. It enhances fairness through the provision of accommodations or special measures that might be required to overcome employment disadvantages typically experienced by black, indigenous, or people of colour, women, or people with disabilities.

**Inclusion** is the provision of opportunities to diverse individuals and communities to fully participate in and contribute to programs and processes that impact them. It actively honours the diverse language, cultures, perspectives, and experiences of students, families, and communities by proactively overcoming barriers to their participation.

In education, inclusion means all members of a school community (students, staff, and parents) have equal access to the resources of their community and the opportunity to participate in all areas, regardless of their race, gender, social class, religion, sexual identity, sexual orientation or other dimension of diversity

## **Procedures**

### **1. Inclusive Practices**

- 1.1. School District 71 personnel and students are expected to be inclusive in their interactions with students, parents, and other members of the school community.
- 1.2. With respect to the broader community, this includes:
  - a. Actively seeking out diverse representation in all instances where consultation and collaborative projects are undertaken
  - b. Addressing known barriers to participation,
  - c. Providing support in the form of translation and interpretation as required.
  - d. Improving general awareness, knowledge, and understanding of the importance of addressing inequity and discrimination in the communities they serve

### **2. Students**

- 2.1. It is the responsibility of School Principals and staff to ensure School Codes of Conduct make explicit references to the prohibited grounds of discrimination in the Canadian Human Right's Act, the British Columbia Human Right's Code, the British Columbia Declaration on the Rights of Indigenous Peoples Act and the British Columbia Multiculturalism Act.
- 2.2. That all students:
  - a. Feel welcomed, respected, and validated in the school's activities and offerings
  - b. Are expected to contribute to a respectful, inclusive, and non-discriminatory culture
  - c. Are inspired to succeed in a culture of high expectations for their learning
  - d. Are supported in ways that are appropriate for and commensurate with their learning needs
  - e. Experience fair and equitable instructional, assessment, and evaluation practices
  - f. Are encouraged and supported in their efforts to promote social justice, equity, anti-racism, and anti-discrimination in schools and classrooms.
  - g. Conduct themselves in way that are consistent with District expectations of of Board Policies 1, 17, 24, and Administrative Procedure 350 District Code of Student Conduct
  - h. Are not discriminated against by the application of any district process or procedure including those outlined in Administrative Procedure 355 Student Behavior and Discipline
  - i. Are supported in identifying, reporting, and seeking resolution for discriminatory behaviour, if they witness or experience it.

#### **Process:**

The normal process for students to report or file a complaint of discrimination or inequitable treatment shall involve the following:

**Step 1:** Seeking advice and support from a trusted teacher, counsellor or adult at the school.

**Step 2:** Seek to Resolve the Conflict Informally, for example, by speaking to the other person directly, or utilizing other conflict resolution methods such as a facilitated discussion or meeting. Informal resolutions are encouraged where it is a safe and appropriate option.

**Step 3:** Formally report the discriminatory behavior to the Principal or Vice Principal, providing the specifics of the alleged complaint, including time and place and identifying any participants and witnesses.

**Step 4:** The Principal or Vice Principal will determine whether a formal investigation is warranted. If so, such processes to be conducted with due regard and confidentiality.

**Step 5:** At the conclusion of the investigation or resolution process the findings will be shared. The Principal will consider any steps as may be required to resolve the matter.

### 3. Parents

- 3.1. Parents who believe their student(s) may have been discriminated against by a school personnel, practice, program, or decision may seek redress by;

**Step 1:** Presenting their concern to the school principal, or the immediate supervisor of the individual whose conduct has instigated the concern.

**Step 2:** If unresolved at the school level, make a written complaint to the Assistant Superintendent, or designate

**Step 3:** Accessing the appeal procedure set out in Board Policy 13, pursuant to Section 11 of the School Act

**Step 4:** Accessing the British Columbia Office of the Ombudsperson as per Administrative Procedure 395

### 4. Employees

- 4.1. It is the duty of every employee to assume personal responsibility for conducting themselves in a way that contributes to a safe, positive, work environment, and promotes trust and safety.

Therefore, employees are expected to:

- a. Treat all co-workers with respect and dignity
- b. Be knowledgeable about their own responsibilities under Policy 24 and this Administrative Procedure
- c. Refrain from disrespectful behaviours or discriminatory practices or decisions
- d. Address such actions and decisions informally when it is safe and possible to do so
- e. Report and incident of discrimination, bullying, harassment or inequitable treatment to their supervisor or the next level of management if the supervisor is perceived to be at fault

- f. Ensure that all conversations, processes, and reports are treated with the utmost confidence
  - g. Meet the timelines specified in any applicable collective agreements, relevant procedures, and legislation
- 4.2. It is the duty of the employer to provide protection from reprisal for those who make a complaint or report discriminatory conduct. The District is committed to ensuring that any staff concerns of this nature will be taken seriously and investigated in a manner deemed appropriate by the Superintendent. A staff member who raises a concern reasonably and responsibly will not be penalized in any way.
- 4.3. It is the responsibility of supervisory and management staff in all schools and worksites to:
- a. Foster a respectful, inclusive, and non-discriminatory workplace culture
  - b. Be knowledgeable about the requirements of Board Policy 17 Sexual Orientation and Gender Identity, Board Policy 19 Indigenous Recognition and Indigenous Voice, and Policy 24 Equity and Non-discrimination.
  - c. Act in accordance with this Administrative Procedure as well Administrative Procedure 171 Bullying and Harassment, Administrative Procedure 202 Multiculturalism and Administrative Procedure 213 Inclusive Education
  - d. Inform all employees who report to them about the expectations, requirements, and processes outlined in this procedure.
  - e. Ensure that workplace conflict arising out potential violations of this procedure is managed effectively by encouraging employees to be proactive and to resolve matters informally where safe and appropriate to do so
  - f. Ensure that employees are aware of their responsibility to report discriminatory behaviour, if they witness it, and also to intervene or interrupt where it safe to do so
- 4.4. A disclosure to the Superintendent or designate will be protected if the member of staff has an honest and reasonable suspicion that discrimination or inequitable treatment has occurred, is occurring, or is likely to occur.
- 4.5. All information regarding a report or inappropriate conduct must be treated in the strictest confidence. Information related to a complaint will be disclosed on a “need to know” basis. Supervisors and managers who receive information in connection with a report are responsible for maintaining confidentiality.
- 4.6. The normal process for addressing reports or complaints of discrimination or inequitable treatment shall involve six steps.

**Step One:** Seeking advice from a trusted manager or supervisor, or from the employee’s union or professional association.

**Step Two:** Seeking to Resolve the Conflict Informally, for example, by speaking to the other person directly, or utilizing other conflict resolution methods such as a facilitated discussion or meeting. Informal resolutions are encouraged where it is a safe and appropriate option.

**Step Three:** Formally Reporting the Workplace Behavior to the Director of Human Resources. This report will be in writing, providing the specifics of the alleged complaint, including time and place and identifying any participants and witnesses.

**Step Four:** Determining whether a formal investigation and/or employee discipline is warranted, such processes to be conducted with due regard for collective agreement provisions and employment law.

**Step Five:** At the conclusion of the investigation or resolution process the findings will be documented in writing. The Superintendent will consider any recommendations and take such steps as may be required to resolve the matter.

**Step Six:** Addressing the workplace behaviour, by ensuring supervisors and managers take action to restore, support and maintain a respectful and fully inclusive workplace culture.

- 4.7. Staff members are encouraged to raise any genuine concern directly with the Superintendent, who will inform the Board of the disclosure. However, staff members may raise the matter directly with the Board Chair if circumstances prevent a disclosure to the Superintendent.

Reference: Sections 8, 8.4, 8.5, 20, 22, 65, 85, 177 School Act  
Human Rights Code  
Multiculturalism Act  
Canadian Charter of Rights and Freedoms  
Canadian Human Rights Act  
Criminal Code of Canada  
Collective Agreements

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