

Toronto District School Board

Operational Procedure PR728

Title: **REPORTING AND RESPONDING TO RACISM AND HATE INCIDENTS INVOLVING OR IMPACTING STUDENTS IN SCHOOLS**

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Reviewed: N/A
Authorization: Executive Council

1.0 RATIONALE

The Reporting and Responding to Racism and Hate Incidents Procedure (the "Procedure") supports the implementation of the Human Rights Policy (P031).

The Procedure details steps and processes for responding to racism incidents, hate/bias incidents and hate crimes involving students in TDSB schools/learning environments. This includes incidents that take place at a school or school-related activity, and incidents involving a TDSB student, parent/guardian, staff person, or TDSB community member that impacts the school/learning environment.

2.0 OBJECTIVES

- To build system capacity to identify, document, respond to, remedy, prevent and learn from racism incidents, hate/bias incidents, and hate crimes.
- To help inform, guide and support consistent, timely and appropriate responses to, and communications about, racism incidents, hate/bias incidents and hate crimes in TDSB schools/learning environments.
- To track and monitor racism incidents, hate/bias incidents and hate crimes in TDSB schools/learning environments, and responses to these occurrences, to enable and support compliance with this procedure, early resolution, identification of potential local and systemic trends and gaps, and inform remedial and proactive prevention measures.

- To establish clear individual and organizational roles, responsibilities, expectations and accountabilities in the course of addressing these occurrences.

3.0 DEFINITIONS

Board refers to the Toronto District School Board, which is also referred to as “TDSB.”

De-identify refers to, in relation to the information of an individual, the practice of removing any information that identifies the individual or for which it is reasonably foreseeable in the circumstances that it could be utilized, either alone or with other information, to identify the individual.

Hate Crimes refer to criminal offences that are committed against persons or property which are motivated in whole or in part by hatred or bias based on the victim’s race, national or ethnic origin, language, colour, creed, religion, sex, age, mental or physical disability, sexual orientation, gender identity, or gender expression. This includes, but is not limited to, hate-motivated violence, incitement to hate-motivated violence, and/or the display of symbols or other representations identified with groups promoting hate and violence. It also includes crimes committed against persons who are associated, or perceived to be associated, with persons who belong to the aforementioned Code-protected groups (see Appendix A for examples of hate crimes).

Hate/Bias Incident refers to non-criminal conduct – which does not involve violence, threats or property damage – that is motivated in whole or in part by hatred or bias based on the real or perceived identity or group affiliation of a victim or victims. For the purposes of this procedure, this includes the grounds of disability, gender identity, gender expression, sex, sexual orientation, family status, marital status, socio-economic status, and religion or creed (Note: hate/bias incidents based on race-related grounds, which may sometimes also include religion or creed, are addressed under the category “racism incidents”). A hate/bias incident can also encompass situations in which conduct is directed against people associated with individuals and groups identified with these grounds. The conduct can be verbal, nonverbal or written, and may manifest itself in the form of slurs, insults, harassment, abusive gestures, taunting, display of offensive materials, or other acts which may intimidate, denigrate and/or marginalize the victim or victims (see Appendix A for examples of hate/bias incidents).

RBH Portal refers to the Racism, Bias and Hate Portal, an online system which enables detailed incident reporting on racism and hate incidents involving or impacting students in schools. It also provides a record of responses to such incidents, in the form of action plans and communication strategies, while allowing for the identification of any potential lessons learned, good/best

practices, future preventative measures required, and any other systemic considerations.

Parent/Guardian refers to an individual who is on record with the school as a parent or legal guardian of a student at the school.

Racism Incident refers to non-criminal conduct – which does not involve violence, threats or property damage – that is motivated in whole or in part by, or is in effect, racism based on the real or perceived identity or group affiliation of a victim or victims, inclusive of the grounds of race and/or race-related grounds such as colour, ancestry, ethnic origin, place of origin, citizenship, religion or creed. This includes hate/bias incidents based on the above race related grounds, but excludes hate crimes based on race, which are to be classified as hate crimes. A racism incident can also encompass situations in which conduct is directed against people associated with individuals and groups identified with these grounds. The conduct can be verbal, nonverbal or written, and may manifest itself in the form of slurs, insults, harassment, abusive gestures, taunting, display of offensive materials, or other acts which may intimidate, denigrate and/or marginalize the victim or victims (see Appendix A for examples of racism incidents).

TDSB refers to the Toronto District School Board, which is also referred to as the “Board.”

4.0 RESPONSIBILITY

Executive Superintendent, Human Rights and Indigenous Education

5.0 APPLICATION AND SCOPE

This procedure applies to racism incidents, hate/bias incidents and hate crimes involving or impacting students, either as victims or alleged perpetrators. This includes incidents that take place at a school or school-related activity, and incidents involving a TDSB student, parent/guardian, staff person, or TDSB community member that impacts the school/learning environment.

Note: For student and parent/guardian complaints of discrimination (including but not limited to allegations of racism or hate) against any Board employee, see PR515 (Workplace Harassment Prevention and Human Rights).

6.0 PROCEDURES

This Procedure is but one aspect of a broader systemic approach to increase the capacity of the TDSB to effectively identify, respond to, remedy, and prevent racism, hate and discrimination in TDSB learning and working spaces. It is recognized that systemic forms of racism and discrimination are not reducible to inter-personal conflicts or “incidents,” and that such a broader approach beyond what

is prescribed in this Procedure is required to effectively address institutional and systemic forms of racism and discrimination.

6.1 Mandatory Notification and Reporting

(a) Any TDSB *service user* (including students, parents, and community members) who witnesses or becomes aware of a racism incident, hate/bias incident or hate crime should report it to a TDSB employee or supervisor.

(b) Any TDSB *employee* (including contract, temporary, permanent and occasional employees) who witnesses or otherwise becomes aware of a racism incident, a hate/bias incident or a hate crime involving or impacting a student must immediately report it to the school Principal or Vice-Principal, or next level workplace supervisor not involved or implicated in the incident.

(c) The Principal, or next level supervisor not involved or implicated in the incident, must, upon being notified or otherwise becoming aware of a *hate crime*, (i) notify the Superintendent of Education (henceforth "Superintendent") as soon as possible, (ii) contact the police as soon as possible, and (iii) report the incident and initial response through the Racism, Bias and Hate (RBH) Portal within 24 hours (wherever possible, before the end of the school day).

(d) The Principal, or next level supervisor not involved or implicated in the incident, must, upon being notified or otherwise becoming aware of a *hate/bias incident* or *racism incident*, (i) notify the Superintendent and (ii) report the incident and initial response through the RBH Portal to the Superintendent and Human Rights Office. Both steps must be done within 24 hours of the incident.

(e) In addition to the steps outlined in (c) or (d), the Principal or next level supervisor not involved or implicated in the incident must, as soon as possible:

- Address the immediate, and potentially ongoing, safety needs of all impacted parties
- Gather information from relevant parties and witnesses to determine what occurred
- Document and preserve any relevant evidence.

(f) In all cases, the Superintendent will notify the Executive Superintendent of their Learning Centre about the incident and response.

(g) The Executive Superintendent must notify the appropriate Associate Director, the Director of Education and the local Trustee about the incident and response when (i) a hate crime occurs, or (ii) a hate/bias incident or racism incident entails police involvement, the issuance of medical reports, and/or generates substantial public interest. The Executive Superintendent may also notify the appropriate Associate Director, Director of Education and local Trustee at any time about the

incident and response beyond these (i and ii) circumstances, considering the escalation criteria set out in 6.2(c).

6.2 Consultation with Organizational Response Team

(a) The Superintendent, in the event of a reported hate crime, will convene an organizational response team within three (3) working days of receiving a Hate Crime Incident Report (as outlined in 6.1[c]).

The organizational response team may include, but is not limited to:

- Administration and staff at the affected school
- Human Rights Office (including but not limited to Senior Human Rights Officer for Learning Centre)
- Executive Superintendent(s)
- Caring and Safe Schools
- Associate Director(s)
- Equity staff (Superintendent, Student Equity Program Advisors, Coaches, etc.)
- Health & Safety
- Communications
- Parent and Community Engagement
- Employee Services
- Critical friends, subject matter experts and community advisory members
- Indigenous Elders
- Other parties (e.g. Director, Executive Superintendent, Associate Director, etc.) as may be needed based on the nature of the incident and required subject matter expertise.

Note: the work of the organizational response team will be informed by the perspectives and insights of administrators and staff at the affected school. It may also be informed by advice provided by Legal Services.

Note: if the Superintendent is involved or implicated in the incident, then the duty of convening an organizational response team, and related duties, will be taken up by the next level supervisor not so involved or implicated. In addition, the Director, Associate Director or Executive Superintendent (or Executive Officer) that oversees the Superintendent may at any time exercise their management prerogative to take leadership over the duties herein prescribed to the Superintendent, if and whenever they deem necessary.

(b) Any racism or hate/bias incident that (i) involves police; (ii) results in the issuance of a medical report pertaining to one or more parties; and/or (iii) involves victims or alleged perpetrators who have been involved in previous incidents, will require the Superintendent to consult with the Human Rights Office, Caring and

Safe Schools, and others as need be, within three (3) working days of receiving a Racism or Hate/Bias Incident Report.

(c) In the event of any other racism incident or hate/bias incident, the Superintendent may convene an organizational response team, which may include, but is not limited to, the entities listed in (a). Here, relevant considerations for whether or not to convene an organizational response team include (but are not necessarily limited to) the:

- Scale, extent and intensity of the impact of the incident
- Number of parties involved or impacted
- Occurrence of a previous incident at the school, or previous involvement of the same alleged victim and/or perpetrator
- Risks to persons and/or property
- Legal and/or reputational risks to the TDSB
- Public interest and impact
- Personnel capacity, subject matter expertise, and experience handling such matters
- Requirements to report to and consult particular parties under other relevant policies or procedures (e.g. Caring and Safe Schools Policy – P051)

Note: Where it is decided by the Superintendent in such cases to convene an organizational response team, it should be convened within three (3) working days of receiving a Racism or Hate/Bias Incident Report. Where another TDSB Policy or Procedure requires an earlier response, the earlier timeline will take precedence.

(d) The Human Rights Office may require the Superintendent to convene an organizational response team inclusive of the Human Rights Office within (3) working days of receiving a Racism or Hate/Bias Incident Report. The Human Rights Office will consider criteria set out in 6.2 (c) when deciding if such consultation is required.

(e) If convened, the organizational response team will advise the Superintendent, including by making recommendations for appropriate responses and action plans pertaining to (i) safety and supports for students, staff and/or parents as required; (ii) addressing inappropriate behaviours; (iii) corrective and preventative measures (e.g. training/education); and (iv) communications strategies.

(f) The Superintendent will prepare a summary of recommended actions by response team members. Each member of the response team must approve their specific individual recommended action(s) in the Summary of Response Team Recommended Actions.

(g) The Superintendent or their delegate will make the final decision about the appropriate response and course(s) of action. This decision will give due consideration to the response team's recommendations.

6.3 Coordinated Response and Monitoring

(a) The Superintendent will assign lead roles and responsibilities for any action plan items, as needed, within five (5) working days of convening an organizational response team.

(b) The Superintendent or their delegate will monitor (i) implementation of action plan items; (ii) follow-up actions, if required; and (iii) any continuing or new incidents that impact the school or learning environment.

(c) The Superintendent will use the RBH Portal to (i) correct any inaccuracies in the incident report; (ii) capture recommendations of the response team; (iii) record completed or proposed action plans and communications; and (iv) identify any potential lessons learned, good/best practices, future preventative measures required, and any other systemic considerations.

(d) The Director, appropriate Associate Director, Executive Superintendent and any other Senior Leaders or management/supervisory staff may access online Incident Reports, on a need to know basis, to obtain current status information to help advise and direct actions accordingly, provided they are not involved or implicated in the incident.

(e) Timelines in this procedure may be shortened or extended in the event of extenuating circumstances, with approval from the appropriate Executive Superintendent for any extension. Wherever possible, efforts will be made to meet or shorten designated timelines.

6.4 Communications and Debrief

(a) Communications and follow up with affected students and parents/caregivers in a timely manner, for the purposes of providing relevant updates, supports and to inform appropriate responses, is mandatory. Additionally, if relevant, actionable information is derived from these communications then such information should be used to inform appropriate responses.

(b) The Superintendent and/or Principal will determine appropriate communications to the school community. Where appropriate, communications should be planned in collaboration with the organizational response team.

6.5 Data Collection, Analysis and Reporting

(a) The Human Rights Office will:

- Monitor and track reported incidents and responses in the RBH Portal
- Analyze data bi-annually to identify trends
- Support and advise Superintendents and other Senior Leaders and administrators on appropriate action plans to address identified trends of concern, lessons learned, preventative actions and best practices
- Prepare reports for the Director's office bi-annually for discussion and review with the senior management team
- Review and revise this procedure as required

(b) The Director will present an Annual Report to the Board of Trustees documenting aggregate (de-identified) statistical trends with respect to incidents of, and responses to, racism and hate in schools, and how students and the Board learned from such.

(c) A summary version of the Director's Annual Report, summarizing aggregate statistical trends in a de-identified manner will be posted publicly on the Board's website.

6.6 Organizational Learning and Growth

(a) The Superintendent and Principal, and other relevant parties as appropriate (e.g. organizational response team members, affected parties, etc.) will debrief about the incident and response, following response implementation, including any lessons learned, good/best practices, and potential systemic preventative measures going forward.

(b) Executive Superintendents will (i) review, at least on a bi-annual basis, HRO analyses of aggregate trends within their Learning Centres and any lessons learned or good/best practices identified within their Learning Centres; (ii) determine organizational learning, capacity building and systemic change required on a go-forward basis in response to identified trends, and information featured in Annual Reports; and (iii) direct and oversee implementation of any remedial or preventative action plans required within their Learning Centres and/or, as needed, across the entire system.

7.0 EVALUATION

This operational procedure will be reviewed and amended, as required. At a minimum, it will be reviewed every four (4) years after the effective date.

8.0 APPENDICES

Appendix A: Examples of Racism Incidents, Hate/Bias Incidents and Hate Crimes

9.0 REFERENCE DOCUMENTS

Policies:

- Human Rights Policy (P031)

Operational Procedures:

- Workplace Harassment Prevention and Human Rights (PR515)

Forms:

- Workplace Harassment and Human Rights Complaint Form (515A)
- See RBH Portal for the Racism, Bias and Hate online reporting forms for Principals and Superintendents

Appendix A: Examples of Hate Crimes, Hate/Bias Incidents and Racism Incidents

Hate Crimes

- During a field trip, a student wearing a three-percenter T-shirt approaches a Muslim student, aggressively shoves her against a wall, and states, “your time is just about up in this country – get it?”
- Early one morning a school employee discovers antisemitic graffiti, consisting of multiple swastikas, spray-painted on a row of lockers.
- A student brings a half-burned rainbow flag to school, breaks into the locker of a gay student and places the flag in the locker as an expression of hostility toward LGBTQ+ students.

Hate/Bias Incidents

- Upon transferring to a new school, a transgender student becomes the target of a small group of students who often refer to him (his preferred pronoun) as “she” or “it.” Occasionally, they also sit across from him in the lunch room while reading, out loud, inflammatory passages from the writings of transphobic social commentators.
- In a classroom, a student with Tourette Syndrome is repeatedly subjected to taunting and teasing by another student. The same student consistently encourages other students to exclude him from recess activities, stating that he is “different” and “weird.”

Racism Incidents

- An Indigenous student returns to class from lunch and discovers that a printout of the Washington Redskins logo has been placed on her desk, accompanied by the message “I love the name of this NFL team – and you should too!”
- The N-word* is found scrawled in pencil on a school bathroom stall; there are no accompanying words or symbols indicating that a hate group is responsible for the slur.

*Note: Unlike a swastika, which is a symbol identified with specific, discrete, organized groups promoting hate and violence, the use of the N-word, in and of itself, is not necessarily indicative of the action of a specific, discrete, organized hate group. If, however, writing of the N-word is accompanied by reference to a hate group (e.g. Soldiers of Odin), and/or a threat of violence, then the incident would be classified as a hate crime, rather than a racism incident. Following the same standard, with respect to antisemitic messaging, discovery of the slur “k-ke” written on school property, with no reference to a hate group or threat of violence, would be classified as a racism incident, rather than a hate crime.