



Event	<b>Quest</b>
Location	<b>Sheridan Toronto North Convention Centre 600 Hwy. 7 East, Richmond Hill (NW corner of Beaver Creek)</b>
Date / Time	<b>Thursday, November 17, 2011</b>  <b>Speaking time: 6:00</b>  <b>Requested arrival time: 5:30</b>  <b>Dinner entertainment starts: 5:15</b>
Contact	<b>[REDACTED]</b>  <b>[REDACTED]</b>
Speech length/type	<b>Keynote: 25-30 minutes</b>
Topic	<b>Leadership, compassion and human rights</b>
Event format	<b>Conference dinner – speech delivery on a stage with podium and microphone (no other speakers)</b>
Audience	<b>500+ educators – provincial, national and international</b>

**Notes:**

**[REDACTED]**

**\*\*\*CHECK AGAINST DELIVERY\*\*\***

## Introduction

- Happy to be here this evening...
- And happy to join this important discussion on how we can build equitable, inclusive and engaging environments for learning.
- The learning that you're doing here at this conference, the best-practices that are being shared, are important because how you apply these lessons will have an impact not only on individual students—but on society as a whole.
- When it comes to change-making and attitudinal change, educators are at the front-lines.
- You are in a unique position because you are central to the lives of children, their parents and the community.
- The work you do gives our young people the education and social skills they need to reach their full potential, live their lives and go out into the world and participate in their communities.
- Schools are the place where self esteem, confidence, self-determination and a sense of belonging can (and should) be seeded.
- I think we all know the impact being excluded can have on young people and their future.
- Over the years we've all seen a lot of change in our educational institutions (and institutions generally) in terms of equity and inclusion.

- The fact this conference includes the notion of actively “engaging” young people implies that in some ways we are moving towards embracing difference.

**But we still have a long way to go before the concepts you’re learning about here become universally lived realities...**

- Just last month a young man by the name of Jamie Hubley committed suicide here in Southern Ontario because he was being bullied at school for being gay.
- He is one of dozens of young people that take their own lives, or attempt to, every year because they are bullied or harassed for being different.
- I think the statistic is almost one a day here in Canada.
- What really struck me is the public and media outcry that followed. And the call for adults to take responsibility and make a commitment to creating safe, caring environments for our young people.
- One principal near Ottawa said in a letter to her local newspaper that her anger about what had happened to Jamie Hubley compelled her to make a personal commitment to do everything in her power to make her school community a safe and friendly one.
- She implored her staff and students to do the same in a morning announcement.

- What she hoped to convey (and what human rights law says) is that it is not okay to tolerate discrimination, harassment and exclusion when you see it. There is a responsibility and duty to take action.
- Rick Mercer – a Canadian comedian and commentator - responded in one of his televised “rants.” His point: we have to make life better now for children who are different—and its adults that need to set the example.
- His message is a strong one. If you haven’t seen it, I urge you to search it out on YouTube.
- What we’re seeing is a public call to action, along with Board mandates and human rights law.

### **At the Ontario Human Rights Commission...**

- Our vision is an Ontario in which everyone is valued, treated with dignity and respect, and where human rights are nurtured by us all.
- It’s no accident that we use the word nurture. We had a lot of conversation about how to describe what it is that want to see and what we all need to do.
- We nurture plants so that they might grow strong and healthy. And we nurture our children so that they can contribute to their communities and reach their full potential.

- Our role in Ontario's human rights system is to protect, promote and advance human rights; to make sure that each person understands their rights and responsibilities under the *Code* and can advocate for themselves and their friends, families, neighbours and communities.
- That means we:
  - Educate the public so that everyone can understand their rights and responsibilities
  - Develop human rights policy, and promote remedies that are in the public interest
 

**Example:** We're currently wrapping up a consultation, and will be writing a policy on human rights and mental health and addictions
  - Work to reduce or resolve tension and conflict in communities
  - Do outreach, distribute publications and training
 

**Example:** like the work we're doing with students and educators at all levels
  - Take targeted legal action to clarify the law or to deal with a systemic issue
 

**Example:** application against the Ministry of Education, when we found their safe schools regulations adversely affected racialized students and students with disabilities
  - Researching and monitoring what's happening – reporting on the state of human rights in Ontario
  - Working with partners in communities and sectors, government, organizations – **such as the education sector.**

- The *Ontario Human Rights Code* talks about the need to recognize the dignity and worth of each person, and to provide for equal rights and opportunities without discrimination in “ 5 social areas”:
  - employment, accommodation, goods, services and facilities, and membership in vocational associations and trade unions.
- Essentially what this means is that none of us should experience discrimination where we work, live, play or go to school.
- What it also means is that beyond the fact that as educators you have a moral obligation to protect the rights of students, you also have a legal responsibility to do so.
- This legal responsibility applies to everyone working in education. From caretakers and administrators, all the way through to superintendents and the Ministry of Education.

### **So, how does this apply to you?**

- It applies to everything you do. It applies to school policies, codes of conduct, curriculum resources, IEP templates, how you discipline students...
- And in the vast majority of cases the *Code* takes priority over other laws including the Education Act. and the Equity Strategy. It also has primacy over school board policies.

- That's why we've been working with teachers, principals, supervisory officers, school boards and the Ontario Ministry of Education; to teach-the-teachers, if you will, about how you can use the *Code* as a tool to build equity and inclusion into your day-to-day work.

### **We are still seeing...**

- Lack of accommodation, racial profiling, streaming, homophobic bullying, challenges in religious accommodation in schools
- Between January 2004 and July 2008, 223 human rights complaints were filed against 39 Ontario school boards, in relation to "services."
- 65% cited disability, 32% race, colour, ethnic origin or ancestry and 12% sexual orientation.
- Some years back we initiated a complaint against the Ministry of Education. The case settled and the Ministry agreed that school systems across Ontario would provide an education free of discrimination, offer equitable treatment and promote full participation.
  - Since then the Ministry of Education has introduced Ontario's Equity and Inclusive Education Strategy which sets out a vision for achieving these goals. The strategy includes having an equity policy and reviewing other policies against it, to remove barriers.
  - It focuses on responding to human rights issues, and more importantly from preventing them from happening in the first place.

- The OHRC is taking on the role of supporting this by helping to develop tools and guidelines that can build inclusion and equity right into the system.
- Our feeling is that the *Code* and the work we are doing with the Ministry, Boards, superintendants and individual schools will help the Equity Strategy to be meaningful and lasting.

**The goals are ambitious but we are seeing good progress in many areas...**

- Individual school boards are putting their own equity policies in place, and having some of the hard discussions on sensitive issues that are needed to make this possible. They are engaging and listening.
- Many school are re-thinking their approach to disciplining students.
- They are looking at the context and listening to the stories, instead of applying a one-size-fits-all policy of routinely suspending students.
- Other schools and boards are dealing with policies where different rights appear to collide. I'm encouraged by the respectful dialogue over some tough subjects like sexual orientation and religion.
- We are seeing parents and the community get involved in meaningful ways in decision-making.
- And we're seeing students learning more about their rights, and speaking out to advance their rights and those of their classmates.



**Many of you are already doing many of the things that need to be to be done to make schools the inclusive learning environments that all students need and deserve...**

- Educators are working wonders with students and their families.
- For example, we've seen students with disabilities having great success in regular classrooms with added supports, rather than being segregated in special education classes.
- So many of the human rights issues that flare up could be solved by being accommodating, flexible and making that flexibility part of the "system."
- We see this when issues come up surrounding students who dress to meet religious requirement and school dress codes. That should be an easy one to fix, but when rules are rigidly applied they can get in the way of productive discussion and accommodation.
- Issues like these date back to the days when we used to take individual complaints. Now, we work with many of you towards preventing inequities and promoting inclusion.

**One of the issues that is being raised a lot by educators is the adverse impact school discipline policies have on some groups of children.**

- In a 2009 consultation, the OHRC heard from advocates that racialized children and children with disabilities are more likely to experience punitive consequences. These disparities are also noticed by people within the education system, such as school board staff and lawyers to the sector. At all levels, there is a growing commitment to bias-free discipline, or discipline that advances and is consistent with the principles of equity.
- Although there has been progress since the safe schools settlement, in our consultation, we also heard some concerns about things like:
  - Exclusion and segregated placements
  - Lack of timely, effective accommodation
  - Mitigating factors and disciplinary policies not applied consistently
  - Bigger impacts on racialized students and students with disabilities
- The Equity Strategy provides a framework for addressing all of these issues and others that may emerge over time, as is required under the *Code*. The OHRC has policies on many topics that can help school boards prevent and respond to human rights issues proactively.
- We are also finding innovative ways to make sure our message reaches school board principals, who are most responsible for discipline in their schools. For example, we are partnering with the Ministry of Education to develop a resource on how to address

inappropriate student behaviour in a way that is consistent with both good education practice and human rights.

- This collaboration shows that we need to work together—Ministry, Commission, school boards, communities, students and parents—to ensure that discipline is bias free and that all students are able to equally participate in, and contribute to, their schools and society.

**We recognize the challenges of applying the Equity Strategy and the Code, but neither is optional...**

- We know that educators deal with a complex regulatory framework, competing priorities, pressure to take on additional initiatives under budget constraints.
- And we know that there are challenges around funding and uncertainty regarding the resources that are allocated to your work.
- And now the Equity Strategy on top of that.

**Yet, equity, inclusion, compliance with the Code are fundamental to all aspects of a school board's work and to student achievement.**

- Ontario boards are working hard to implement the Equity Strategy, so the the question is how the Code can be a support to that work rather than an add on?

- The good news is that the work we are doing at the OHRC overlaps and supports the equity goals of educators: our policies provide a frame of reference and analysis for what you are trying to do.
- For example, you might be striving to ensure that teachers and principals are as diverse as your student population. In that context, you might look at hiring procedures, trying to identify barriers..
- People who are part of the dominant culture might have trouble seeing even the most common barriers. But those barriers must be removed nonetheless.
- The OHRC's policy on racism and racial discrimination provides a process for identifying systemic racial discrimination by looking at data, policies and practices and the organizational culture.
- By looking at the OHRC's Race policy, one might see, "oh, hiring by word of mouth is a potential barrier because it limits the pool of applicants – but that's the way we do it here."
- The board can then start to put in place a more equitable hiring process.
- The same kind of barrier removal is required on the service side of education – for example, relating to suspensions, transfers, expulsions and exclusions.
- You won't be able to effectively address a concern unless you know what is happening. Let's focus on exclusions—situations where students are being told they cannot attend school.

- Using Commission policies and a human rights analysis can help you ask the key questions:
  - How many kids are being excluded?
  - Why are they being excluded?
  - Is race or disability a factor?
  - For the kids with disabilities, are there concerns about the accommodation they have been given – is this leading to the exclusions?
  - What do the policies and procedures say?
  - And what about the organizational culture?
  - Is there a feeling that it is better to remove the kids from the school, that this is in their best interests, even if it might not be in accordance with the *Code*?
  - Is there a sense of resignation that the accommodation needs of students with disabilities can't possibly be met, that exclusion is the only way?
  - How can the principles in the OHRC's Guidelines *on inclusive education* be brought to life in the school?
- I can't answer these questions for you – that is the work that you will need to do within your boards and schools.

- And I know it's not easy. That's why we're reaching out to support Ontario's school boards.
- The OHRC's policies can help educators understand the human rights issues and gather all the information they need to put in place proper measures to address the challenging human rights issues you encounter every day.

**How do we know when we have a problem, or when we have prevented one? How can we spot the barriers to success?**

- It's hard to answer the questions without the right information; collecting human rights-based data can help.
- Despite the outdated perception that you are not allowed to collect this kind of information, I am here to say "Yes, you can" – and even, "you should".
- Collecting this kind of data is allowed under the *Human Rights Code* and can help schools and school boards track changes and check to see if systemic changes are working.
- The OHRC's plain-language guide on getting started collecting data is called *Count Me In!*

- The guide offers practical tips on how organizations, including schools, can collect data to meet strategic goals, including those linked to the Equity Strategy.
- *Count me in!* includes best practice examples, such as the Keewatin-Patricia School Board in Northern Ontario.
- When the board collected data it found a significant achievement gap between Aboriginal and non-Aboriginal students. The data also showed that with the right support the gap could be closed.
- There is now a greater understanding of evidence-based actions or connecting next steps to a real sense about what issues need to be addressed. For example, Ontario boards are using school climate surveys to help identify barriers and guide the steps they take to address them. That's a kind of data collection that is consistent with human rights.

### **The OHRC has many on-line resources to help you...**

- Google us, and you will find plenty of plain-language information.
- And we'd be delighted if you would follow us on Twitter: "onhumanrights", and friend us on Facebook: "the.ohrc"
- All school staff, principles and board administrators can benefit from taking Human Rights 101, an e-learning overview of the *Human Rights Code*.

- We also have policies on Racism and Racial Discrimination, Accessible Education, and even a policy to help you develop your own policies.
- As I mentioned earlier, right now we are working on a mental health policy and a new resource on student discipline for educators, in collaboration with the Ministry of Education.
- This past spring we launched our Policy on preventing sexual and gender-based harassment—this can also be a useful tool when addressing homophobia in schools.
- The policy includes a lot of information that focuses directly on education and the need to ensure that students are not harassed because they do not conform to society's expectations about how boys and girls should look and act.
- In our schools, many students are at the age where they are just starting to think about their sexuality and how to deal with it in a social setting.
- This policy, and the OHRC's policy on sexual orientation, offer some tools you can use to make sure that gay, lesbian and transgendered students are treated equally in all schools. This is their right. As teachers and educators, this is your responsibility.
- What happened at Penn State is a perfect example of what can happen when people know something is happening, but put their heads in the sand and don't take action.



- Social media and technology are increasingly being used as tools to bully, harass and exclude, and the OHRC's new policy provides some guidance for school boards on dealing with those issues too.

**Tomorrow, Evadne Macedo, one of the OHRC's policy analysts, will be facilitating a workshop on how to bring the *Code* into practice through the Equity Strategy, from a range of perspectives.**

- It is Workshop D-6.
- At the session she will share multi-stakeholder perspectives on the learnings and practicalities of the strategy's implementation from a human rights perspective. She welcomes your participation, and will be able to answer any additional questions if you don't get a chance today.

**Equity needs to be an integral part of school planning and integrated into the success plan of the boards.**

- Creating equitable, inclusive, engaged places for children to learn isn't just the right thing to do – it is BEST way to empower young people for their future and for ours.
- We want schools at all levels, elementary to post-secondary, to look carefully at their facilities, policies, procedures, curriculum and extra-curricular activities and judge how accessible they are for children of all races, religions, sexual orientations and ability levels.

- No child should feel like they don't belong because of actions or inactions by other students, teachers, boards or the education system. The price we all pay when young people are excluded is too high.
- You are here because you have made a commitment to young people and to their success.
- Each one of you plays an important role in drawing out the strength in your students, to making sure they live their lives to their full potential—with dignity.
- But I want you to personally take on the challenge of human rights, equity and inclusion.
- Like the principal in Ottawa, I invite you to consistently interrupt racist, sexist and homophobic behaviour—and tell your students to do the same.
- Beyond this, I encourage you to develop a solid human rights approach for your school—one that sets the framework for the vision of equity and inclusion that you are trying to achieve.
- But, you don't have to reinvent the wheel. Use our stuff--its there on the internet waiting for you. The OHRC's Guidelines on developing human rights policies and procedures gives you sample language you can use to develop your own human rights strategy.
- And I ask you to apply the human rights lens we've talked about tonight in everything you do.

- The systemic work educators are doing in Ontario to combat inequity truly is a model of how inclusivity can be achieved in schools. This kind of systemic change takes time, though.
- Individually we can, we should, we must, take action now.
- Too many of our young people, like Jamie Hubley and the countless others, are slipping through the cracks.
- As Barak Obama has suggested - we need to dispel the myth that bullying and harassment are a normal rite of passage.
- Schools can be safe places that help kids understand themselves and each other.
- You can help make that happen.
- Thank you very much.