



Event	OPSOA Conference – Engaging Minds Hearts
Location	Hilton Toronto 145 Hilton Street West (at University)
Date / Time	Speaking time: 11 am – noon Arrive: 10:30 (this is a break time)
Contact	[REDACTED] [REDACTED]
Speech length/type	Closing keynote: 25-30 minutes w. Q&A's to follow
Topic	Schools are a reflection of our communities...
Event format	Conference – auditorium with podium at front
Audience	400+ superintendants and board senior management from across Ontario

Notes:

Introduction

- Happy to be here to add my thoughts on how we can engage the minds and hearts of children.
- It is fundamental to embrace the concepts of human rights if you want to build children up to be healthy, happy, productive adults – and good neighbours and citizens.
- The learning you've done at this conference, the best-practices 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.
- 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 says something very positive...

- It tells me that we're moving past "inclusion" – and towards embracing difference.

We still have a long way to go before we get to that though...

- There are too many stories of young people taking their lives because they were bullied at school. Even more attempt to.
- In Canada, I think the statistic is almost one a day.
- Kids are targeted for bullying for a variety of reasons - almost always, being and feeling "different" plays a part in the harassment they endure.
- In 2011, a young man by the name of Jamie Hubley took his own life because he was bullied at school for being gay.
- The response in the public was a 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.
- We all have a duty and responsibility to take action.
- Your job is to make sure that a human rights lens is applied to all aspects of schooling – curriculum and h.r. practices, right on down to ensuring that a culture of respect and human rights exists in each and every school.

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 really struggled to perfectly capture what it is we want to see and what we all need to do.
- We finally settled on nurture. It encapsulates the ideas of feeding, protecting, supporting and encouraging, “bringing up.”
- We were thinking about human rights broadly, of course.
- But when we're talking about human rights in education it is especially poignant.
- We nurture our children so that they can contribute to their communities and reach their full potential.

- I am biased – but I think it's not inaccurate to say the best way to do that is by embracing the principals of human rights.

The OHRC's 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, their friends, families, neighbours and communities.
- We:
 - Educate the public so that everyone can understand their rights and responsibilities
 - Develop human rights policies and promote public interest remedies
 - Work to reduce or resolve tension and conflict in communities
 - Do outreach and education, partner with stakeholder groups

(like the work we're doing with students and educators at all levels – and the OHRC guide on teaching human rights –which is in your conference package)

- Sometimes we take legal action when the law needs to be clarified or where we see a systemic issue...

(For example, our application against the Ministry of Education re. safe schools regulations and their adverse impacts on racialized students and children with disabilities.)

The *Ontario Human Rights Code* talks about the need to recognize the dignity and worth of each person...

- And provides 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 should this be applied?

- It should be applied to everything you do...

- Human resource practices, board and school policies, codes of conduct, curriculum resources, IEP templates, how students are disciplined...
- 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...
- And why we developed our Guide on Teaching Human Rights in Ontario...
- to teach-the-teachers 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
- In the last four years the OHRC was processing complaints, 223 were filed against 39 Ontario school boards (in relation to “services.”)
- At that time, 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 schools 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.
- Sometimes that means schools and boards are dealing with policies where different rights appear to collide.
- It's encouraging to see that tough subjects like sexual orientation and religion are being openly discussed, instead of being brushed under the rug.
- More and more we're seeing parents and the community getting 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.
- Overall, I think more teachers are talking to their kids about the principles of human rights, empathy and anti-bullying.

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's 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*.

One of the big issues right now is Gay-Straight Alliances in Catholic Schools – and other tensions that come up when the rights of one group come into conflict with the rights of others.

- Where GSA's are concerned, we pushed with other groups to have provisions added to the Safe Schools Act...

Competing rights issues are coming up in all areas of society and between many groups, not just the LGBT community...

- It's part of being a diverse society.
- Sometimes it means the rights of one protected group come into conflict with another, like with sexual orientation and religion
- Other times it's a situation where *Code* rights come up against other Charter rights, common law rights or other legislated rights.
- Sometimes there are multiple *Code* grounds at play at the same time – for example, a racialized, Aboriginal gay person.

We have developed guidelines on competing rights to help you deal with these kinds of issues when they come up.

- The guide was included in your conference package.
- It includes the key legal principles and how to balance competing rights situations when they come up.
- It reiterates what the Supreme Court of Canada has repeatedly said...
- There is no hierarchy of grounds or rights...

- All are equally deserving of protection – and no one right automatically trumps another.
- Having said that, every right is limited if exercising it interferes with the rights and freedoms of others.
- For example, people are free to hold religious beliefs...
- But – where acting on these denies equal recognition and respect to other marginalized members of society, there are limits...
- If there is an actual, demonstrated impact, then competing rights are engaged and a deeper analysis to balance rights must be done.
- Our Guidelines outline considering...
- What the extent of interference is.
- If an interference with one of the rights is trivial, the analysis ends...
- That right will generally give way to the other.
- If both rights are substantially interfered with, the next question is: what harm would be caused by limiting each of the rights?
- This is where facts and context can sway the balance...
- Organizations need to ask:
 - How much will each right be impacted and are there ways to minimize it?

- Is each right affected at its core (or fundamental aspect), or at its periphery?
 - What are the underlying social and constitutional values and broader societal harms if either right is compromised?
 - Is there a solution that allows the enjoyment of each right? If not, is there a next-best solution?
- The broad strokes of what courts have recognized is:
 - respect for dignity
 - commitment to social justice and equality
 - accommodation of a wide variety of beliefs and negative stereotyping of minorities
 - and gender equality.

The goal when you're considering competing rights is to "balance rights" – but at the end of the day, one right might give way to another.

- Ideally, what we want to see is...
- parties working together to find solutions that respect everyone's dignity – and that maximize rights on both sides as much as possible.

- That might involve having some difficult conversations.
- (Like in any relationship – you’ve got to have those difficult conversations to get to a place of mutual understanding so you can move forward.)
- Sometimes one party might walk away feeling dissatisfied with the outcome...
- But, ultimately, no one person or group can expect their own views and beliefs to be respected if they are not willing to respect the views and beliefs of others...
- In the best-case scenario the process of balancing rights leads to mutual respect and understanding.

The OHRC has policies and guides on many topics that can help school boards prevent and respond to human rights issues proactively.

- We have a *Policy on sexual harassment* that addresses bullying because and cyber bullying in school settings.
- And just last week we released our Policy on gender identity and gender expression...
- SOMETHING ON EDUCATION SPECIFICALLY?
- We are also finding innovative ways to make sure our message reaches principals and school administrators...

- Last fall the Ministry of Education released a resource guide entitled “Supporting Bias-Free Progressive Discipline in Schools: A Resource Guide for Schools and System Leaders”.
- That was the result of a partnership with the Ministry and the OHRC.
- The resource guides school leaders to foster a bias-free approach to progressive discipline, prevention and early intervention practices.
- It clarifies complex and challenging human rights and education concepts...
- and includes case studies coupled with reflective questions that help educators understand the concepts and how they apply to practical situations.
- The goal is to help school leaders identify and eliminate discriminatory decisions and systemic barriers.

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 resources.

- And now the Equity Strategy on top of that.
- But...without equity and inclusion we can't engage the minds and hearts of all our children.
- You are working hard at the board level to implement the Equity Strategy...

So 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.
- Those of us who are part of the dominant culture might have trouble seeing even the most common barriers.
- Like that “step up.”
- Or not hiring women because they might have a baby.
- Seems obvious to us now that these things are discriminatory.
- But barriers and stereotypes like those still exist all over society.

- 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.
- You probably have already guessed that the OHRC has a guide for this as well...
- It's called *Count Me In!*
- And it offers practical tips on how to collect data to meet strategic goals, including those linked to the Equity Strategy.
- One of the examples in the guide is of the Keewatin-Patricia School Board in Northern Ontario.

- When that 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.

Have I mentioned that the OHRC has many tools?

- Well, they are all available on-line...
- Including a multi-lingual e-learning module on Human Rights 101.
- And a video series we did for our 50th anniversary called Living Rights...
- For that we interviewed the people that have pushed for human rights here in Ontario – Alan Borovoy, Cheri DiNovo, Jean Augustine...
- And got submission from people young and old about their experiences of human rights and the Code.

- Those are powerful, inspiring, hopeful stories perfect for educators, students and others looking to push change forward.

That's what I'm hoping you to leave here with today – some inspiration – and some tools – for continuing the hard work you've already committed to.

- You know that equity needs to be an integral part of school planning and integrated into the success plan of boards.
- And you know that 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've made a commitment to young people and to their success.
- A part of that must be the challenge of human rights, equity and inclusion.

- 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.
- You don't have to reinvent the wheel...
- Use our resources – they are 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 countless others, are slipping through the cracks.
- Bullying and harassment aren't a normal rite of passage.
- Being excluded should never happen.
- It's our children's right to have safe places to learn.

- From which they can leave and go out into the world and reach their full potential.
- When we do that – we create a better world for all of us.
- No one is born racist, or homophobic – we learn those things.
- And the good news is that children are born with an intuitive sense of justice and what's "fair."
- [STORY: Bob Watt's daughter]
- If we can leverage that kind of thinking, and ask children to apply those principles more broadly...
- We'll have the world we've been talking about creating.
- Thank you very much.