HWDSB

Issue Identification

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Scoping Report

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Draft Policy Development

↓

Public Consultation

↓

Draft Policy Approval

↓

Policy Review

Ministry Mandated

Revoking a Policy

Policy Development Process

HWDSB

HWDSB Policy Development

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Please note: All green boxes with thicker lines in the document denote Trustee involvement.

HWDSB

GUIDING PRINCIPLES:

Hamilton-Wentworth District School Board strives for a policy development process that:
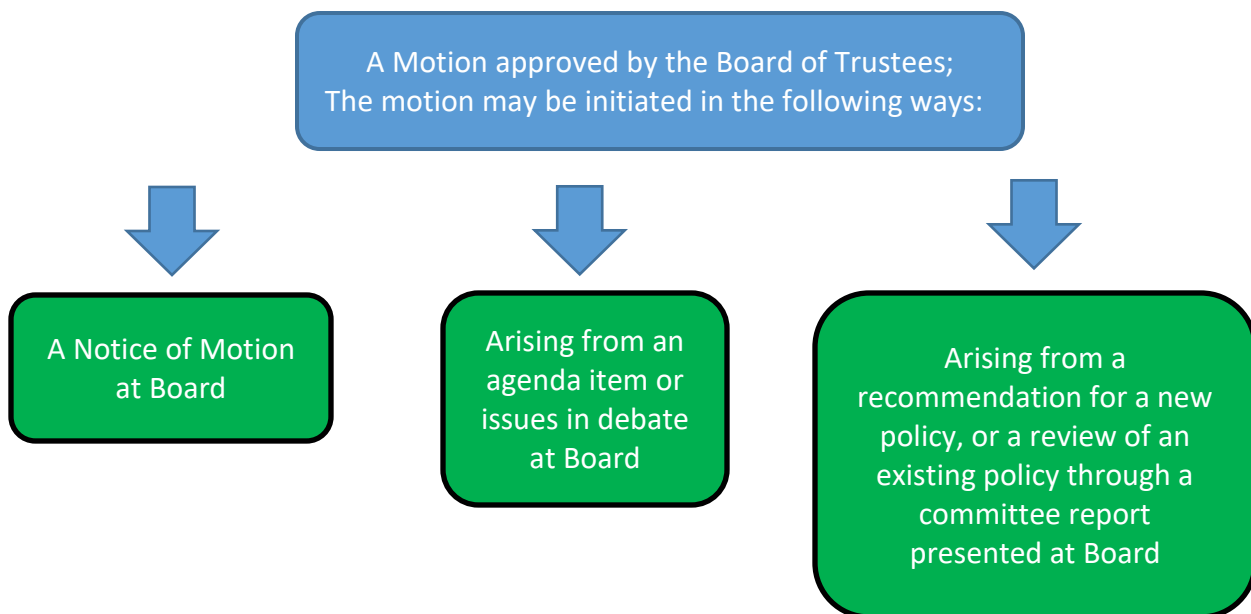
- Follows HWDSB's Board of Trustee Governance Manual;
- Provides effective system guidance and an implementation framework that is based on the Board's vision and Strategic Directions;
- Ensures that policies are based on human rights, anti-racist, and anti-oppressive principles;
- Reduces human rights and equity barriers;
- Includes principles of reconciliation and reciprocity;
- Simplifies the language used in policies;
- Provides clarity, transparency, accountability, and common understanding;
- Provides flexibility to Trustees and staff in responding to a wide range of issues;
- Ensures efficient use of time and momentum through the policy cycle;
- Ensures congruence and consistency of language between policy and procedure; and
- Provides participation and engagement with the HWDSB community.

HWDSB

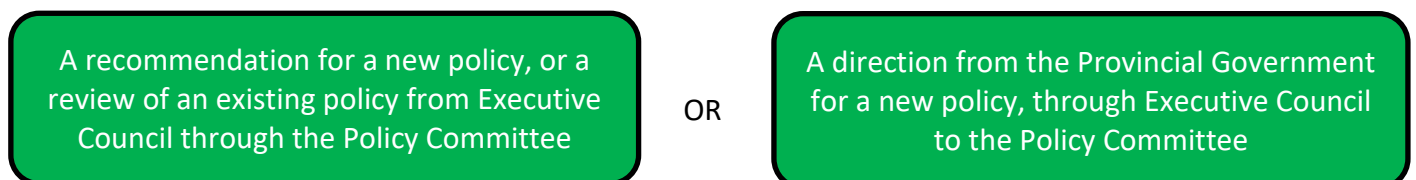## ISSUE IDENTIFICATION:

The process of developing a policy begins by:

Trustee Initiated:

A Motion approved by the Board of Trustees;
The motion may be initiated in the following ways:

A Notice of Motion at Board

Arising from an agenda item or issues in debate at Board

Arising from a recommendation for a new policy, or a review of an existing policy through a committee report presented at Board

If the policy is Trustee initiated, proceed to Scoping Report on page 4.

Example wording of a Motion could read: "That HWDSB start the policy development process to investigate the feasibility of developing/replacing/revoking/reviewing a _____ Policy"

Executive Council Initiated:

A recommendation for a new policy, or a review of an existing policy from Executive Council through the Policy Committee

OR

A direction from the Provincial Government for a new policy, through Executive Council to the Policy Committee
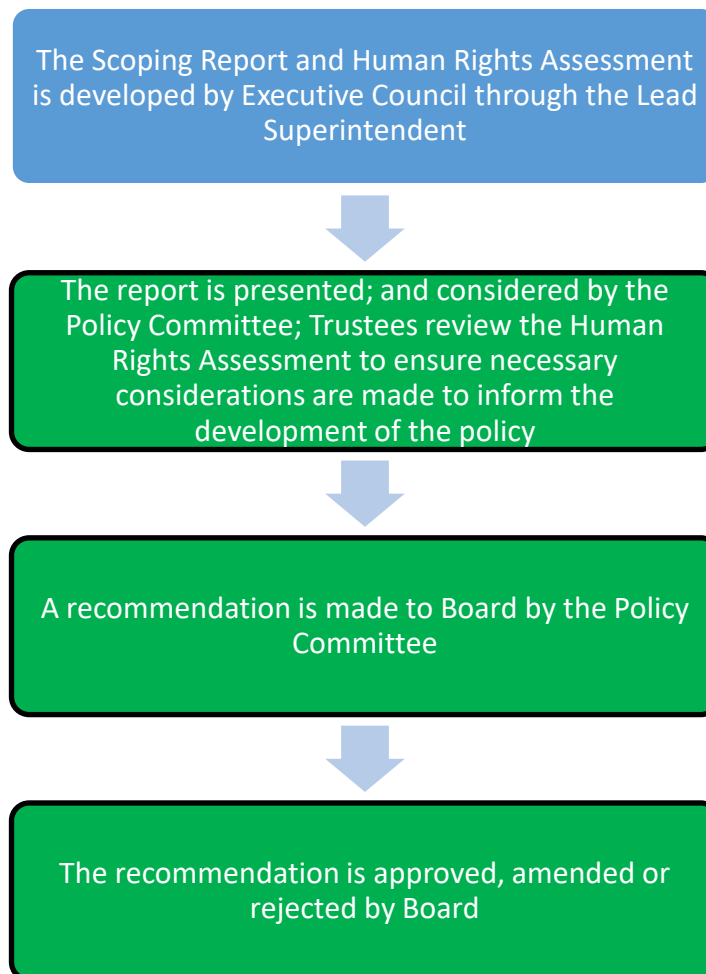
Proceed to Scoping Report on page 4.

Proceed to Ministry Mandated Policy on page 11.

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SCOPING REPORT:

Once the Policy Development Process has been initiated, a Scoping Report is written.

- Issue
- Background (providing history and other information to bring the Trustees up to speed on the issue)
- Considerations (the facts, arguments, opinions, and analysis needed to show that the recommendation is a sound response to the issue)
- Opportunities (existing board policy and legal obligations)
- Policy Development Plan
- Staff recommendation to Trustees

The Scoping Report and Human Rights Assessment is developed by Executive Council through the Lead Superintendent

The report is presented; and considered by the Policy Committee; Trustees review the Human Rights Assessment to ensure necessary considerations are made to inform the development of the policy

A recommendation is made to Board by the Policy Committee

The recommendation is approved, amended or rejected by Board

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DRAFT POLICY DEVELOPMENT:

The Scoping Report helps guide the development of the Policy. Using the *Policy Template*, a Draft Policy is written.

The Draft Policy is developed and presented to the Policy Committee; and the policy should be developed through the Human Rights Assessment

The Draft Policy is discussed and considered by the Policy Committee

After due consideration, the draft policy is approved for public consultation, where appropriate (provided it meets the criteria for consultation*) by the Policy Committee

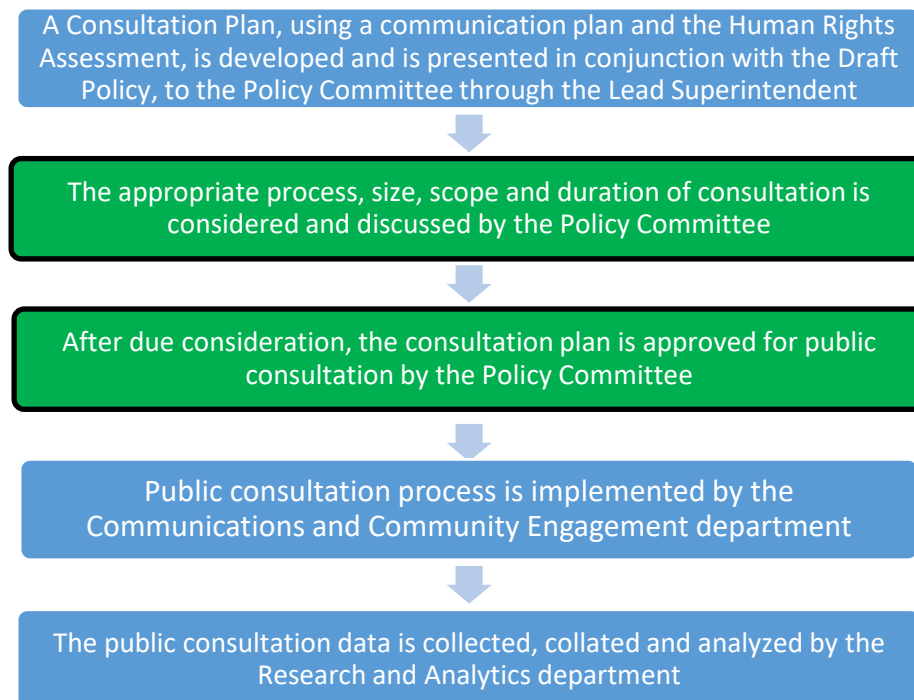*criteria for public consultation is listed under "Public Consultation"

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PUBLIC CONSULTATION:

The appropriate size, scope and duration of consultation is recommended by the Policy Committee.

The process used for the consultation will be determined by the nature of the policy but will always include consultation with School Councils, Hamilton-Wentworth Council of Home & School Associations, Community Advisory Committees, Parent Involvement Committee, Staff (where applicable) and Union Leaders (where applicable) and a survey on the website allowing feedback within 30 days. The process may include, but is not limited to:

a) Public delegations and/or presentations to the Policy Committee
b) Public meetings
c) Facilitated focus groups
d) Community & Ad-hoc advisory committees
e) Advisory committees, and
f) Web surveys or opinion polls.

A Consultation Plan, using a communication plan and the Human Rights Assessment, is developed and is presented in conjunction with the Draft Policy, to the Policy Committee through the Lead Superintendent

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The appropriate process, size, scope and duration of consultation is considered and discussed by the Policy Committee

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After due consideration, the consultation plan is approved for public consultation by the Policy Committee

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Public consultation process is implemented by the Communications and Community Engagement department

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The public consultation data is collected, collated and analyzed by the Research and Analytics department

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DRAFT POLICY REVISIONS AND APPROVAL:

Based on the consultations, revisions may be made to the Draft Policy.

The Draft Policy considering feedback from the public consultation, is presented to the Policy Committee

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The Draft Policy is discussed and considered by the Policy Committee

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A recommendation to approve is made to Board by the Policy Committee

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The Draft Policy, Scoping Report, and Executive Summary of the consultation are presented to Board by the Chair of the Policy Committee

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The Board approves, amends, rejects or sends the Draft Policy back to committee for further revisions

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PROCEDURES AND IMPLEMENTATION:

A Procedure is the tool used for implementation of the Policy at the staff level. Therefore, a Procedure is developed containing specific actions that must be taken by staff at various levels of the organization in order to implement the Policy.

The development of the procedure begins during the development of the Policy

Once the Policy is approved by the Board, staff will finalize the Procedure and distribute to staff and Trustees

The Policy Committee receives bi-monthly updates at Committee meetings

When a new Procedure is developed, the Policy Committee will be advised of the new procedure at upcoming Policy meetings. The item will be reflected on an upcoming agenda as an Information Item (using a link to the website where the procedure is posted).

NOTE: The Chair of the Board, in consultation with the Director, can modify the process that procedures are shared.

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POLICY EVALUATION AND REVIEW:

A Policy review results from:

a) The four-year review schedule,
b) A recommendation from the Policy Committee (Trustee or staff-initiated) to the Board,
c) Ministry-mandated change,
d) Direction from Board to the Policy Committee to review a specific policy through:
   - A Motion arising from discussion at a Board meeting,
   - A Notice of Motion.

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┌─────────────────────────────────────┐
│   The Policy is reviewed by Executive │
│      Council through the Lead         │
│          Superintendent               │
└─────────────────────────────────────┘
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┌─────────────────────────────────────┐
│   A recommendation for action is      │
│   presented to the Policy Committee   │
│  (the Scoping Report may be required) │
└─────────────────────────────────────┘
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┌─────────────────────────────────────┐
│   The Recommendation is discussed     │
│     and considered by the policy      │
│             committee                 │
└─────────────────────────────────────┘
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┌─────────────────────────────────────┐
│   A recommendation is made to Board   │
│       by the Policy Committee         │
└─────────────────────────────────────┘
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┌─────────────────────────────────────┐
│    The recommendation is either       │
│  approved by Board or sent back to the│
│  Policy Committee for further revisions│
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NOTE: If the Policy Committee raises concerns that significantly amend the scope, content, and format of the Policy, the Director or designate, may reengage the Draft Policy Development Process from the Scoping Report stage.

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MINISTRY MANDATED POLICY:

For cases where the development of a Policy is legislated by a government body (for example, – the purpose, intended outcomes and timelines are specified), the need for a Policy is brought to the Policy Committee for information only and then the Draft Policy Development process begins.

The Ministry Guidelines are presented to the Policy Committee

Staff will provide the Policy Committee with a revised policy and the Committee will then recommend the policy for approval

The Policy Development Process will begin at the *Draft Policy Development* stage passing over the *Public Consultation* section unless specified

NOTE: No Scoping Report or public consultation is required for Ministry Mandated policies, unless the HWDSB Policy significantly exceeds the parameters set out by the Ministry or the Ministry directly requires the Board to consult on the policy. If consultation is required, yet Ministry deadlines do not allow for a full consultation, then an Interim Policy will be developed with consultation later.

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REVOKING A POLICY:

Revoking a policy takes place when upon review of a current Policy, or at the direction of Trustees, it is noted that the terms or direction of the current policy is

- inconsistent with newer legislation,
- inconsistent with the direction of the Board of Trustees,
- captured in another policy, or
- operational in its focus.

Revoking a policy means the policy will no longer exist, but it may be replaced by statement(s) in another policy; and /or a new or expanded Procedure.

The Policy is reviewed by Executive Council through the Lead Superintendent

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A recommendation for revocation is presented to the Policy Committee through the *Scoping Report*

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The recommendation is discussed and considered by the Policy Committee

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A recommendation is made to Board by the Policy Committee

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The recommendation is approved, amended or rejected by Board

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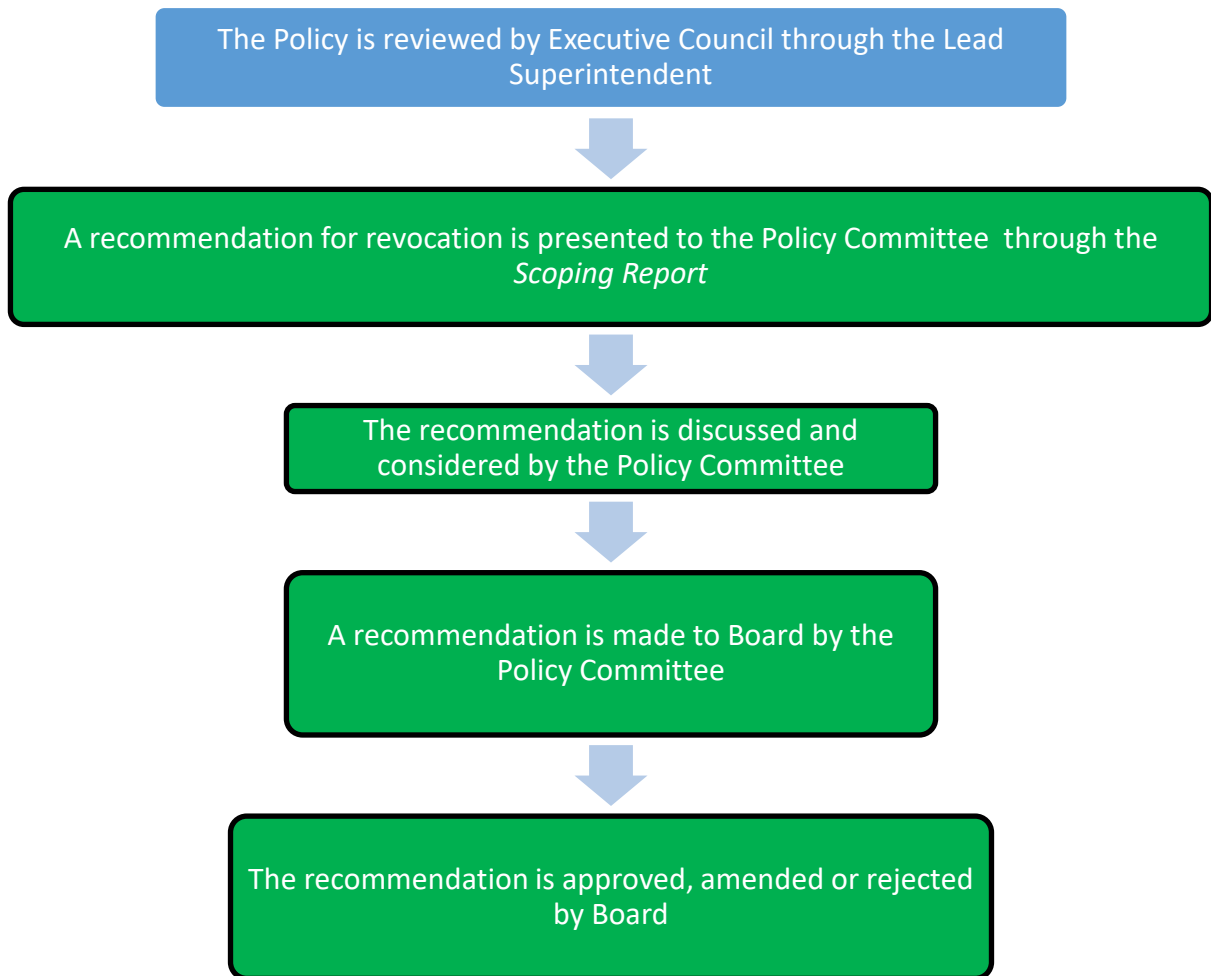
Human Rights Impact Assessment (HRIA)

Human Rights Impact Assessment (HRIA) is a process for identifying and assessing potential unintended, adverse, and disproportional impacts (positive or negative) of a policy, program, procedure or initiative on the human rights enjoyment and/or educational access for students/ staff/ families/ communities. The tool facilitates that any practice that may produce inequitable outcomes or has adverse human rights impact is identified, mitigated, and addressed proactively in accordance with the HWDSB Human Rights Policy A.1, the Equity and Inclusion 5.4 and Indigenous Education Policy (in development). The HRIA will be conducted when developing a new policy/ program/procedure and/or when reviewing/ evaluating existing policies, programs and procedures.

Even though the HRIA can be used for various kinds of projects (policies, procedures, programs, initiatives etc.), to avoid repetition, the rest of the document will only refer to policy development. The HRIA is developed based on the OHRC's Human Rights-Based Approach to Program and Policy Development Framework and adopted from a Health and Equity Assessment Tool (HEAT) by the Ontario Ministry of Health.

Name of Policy:

Department/ Lead of Policy:

Summary:

The following guiding questions and considerations are provided to probe and support policy developers and decision makers to think differently and proactively in identifying human rights barriers at every stage of the policy development process.

Issue identification– Identifying the human rights context of the policy
Guiding questions: - What human rights issues are connected to this policy? - What historical and current factors may create gaps or present challenges to effectively address the problem that this policy seeks to address? - How will this policy respect and uphold the rights of Indigenous students and families? How will it impact Indigenous Educational Wellness? - Which code-protected groups may be most affected by and concerned with the issues related to this policy issue? How and why? - Will the issues in this policy require the use of a population-specific human rights impact tool (e.g., a tool that focuses on disability?)

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Scoping of the issue- considering human rights in understanding the policy issue

Guiding questions:
- Are there current literature/research that identify potential barriers / systemic discrimination in connection to the policy issue? What quantitative and qualitative evidence of inequality exist? What evidence is missing or needed? What are the limitations of these findings to define the policy issue?
- How are you considering provincial and HWDSB specific human rights, identity-based and disaggregated data? (e.g. student census, disproportionality report, mental health and wellness survey, staff census, Employment Equity Audit etc.)
- Does your scoping research include gathering the perspectives of human rights, equity, and Indigenous Educational Wellness experts?
- Does your scoping research include engaging students, families, staff and community partners with lived experience, targeting groups that often experience discrimination in relation to the topic/issue?
- Is intersectionality considered in understanding the scope of the policy?

Policy Engagement: Considering human rights and lived experience

Guiding questions:
- Are you considering policy engagement methods that are accessible and free from discrimination? (e.g. online and print surveys, focus groups discussions etc.)
- Are you considering how non-English speaking students and families will be engaged? (e.g. accessible translation services)
- How will you identify and target groups who have been disproportionally impacted by past policies and programs in the area this policy addresses? (e.g. Students with disabilities, Black students, Indigenous students, transgender students etc.)
- Have students, staff and families, especially those most adversely affected, been informed, meaningfully involved and authentically represented in the development of this policy? Who is missing and how can they be engaged?
- Do you have a specific and tailored plan to engage Indigenous students, staff, and communities?

Policy recommendations, implementation, and evaluation: alignment with human rights policy

Guiding questions:
- Do the policy recommendations address systemic discrimination identified (if any)?
- Do the policy recommendations address needs of specific populations identified (if any)?
- What adverse impacts or unintended consequences could result from this policy? Which code-protected groups could be negatively affected? How could adverse impacts be prevented or minimized?
- What positive impacts on human rights and equity could result from this policy? Which code-protected groups could benefit? Are there further ways to maximize equitable opportunities and impacts?
- How will disproportionality data inform the policy recommendations, decision-making and evaluation of outcomes?
- Do the policy implementation ensure evaluation and review of the policy include looking at disaggregated data to identify any potential human rights barriers and discriminatory outcomes?
- Is the policy communication to the public inclusive, accessible, and provided in multiple languages where needed?

NOTE: This section to be filled in after completing the Assessment.

Conclusions:
(e.g. what decisions were made following completion of assessment? What needs to change and recommended to mitigate potential negative impacts identified. Are there resources (for example- budget, human resources, etc.) implications to mitigate potential negative impacts identified)?

HWDSB   **Human Rights Impact Assessment (HRIA)**

Step 1. SCOPING	Step 2. POTENTIAL IMPACTS				Step 3. MITIGATION	Step 4. MONITORING
Populations[i] Using evidence, identify which populations may experience significant inequities, discriminatory and disproportional impacts as a result of the policy.	Intended Positive Impacts.	Unintended Positive Impacts.	Unintended Negative Impacts.	Provide more Information including how you know about the impacts.	Changes/ recommendations/ challenges to mitigate potential negative impacts.	Identify ways to measure success for each mitigation strategy identified.
Indigenous peoples (Turtle Island in reference to North America- First Nations, Metis and Inuit)						
Age (e.g., children, youth, seniors, etc.)						
Race, Ancestry, Ethnicity, Culture, Place of Origin						
Disability (e.g., persons with physical, mental, cognitive, auditory, visual, addiction, psychological disabilities, or disorders, etc.)						
Nationality, Citizenship, Immigration Status						
Linguistic communities (e.g., persons whose first language is not English or French, persons who use ASL or have different literacy levels.)						
Socioeconomic Status (e.g., unemployed, underemployed, etc.)						
Religious/faith communities/Creed						
Rural/remote or inner-urban populations (e.g., geographic, or social isolation, under-serviced areas, etc.)						
Gender Identity and Gender Expression (e.g., female, male, non-binary, transgender, two-spirit, etc.)						
Sexual orientation, (e.g., bisexual, gay, lesbian, Indigqueer, etc.)						
Family Status and Marital Status: (e.g., single parent, childcare, adoption, foster parents, diverse families, breastfeeding, maternity leaves, etc.)						
Other: please describe the population here.						

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[i] *Consider* intersectionality and how people with interesting identities may be impacted differently.