



BY EMAIL

September 17, 2019

Maria Rizzo
Chair
Toronto Catholic District School Board
Catholic Education Centre
80 Sheppard Avenue East
North York, ON M2N 6E8
maria.rizzo@tcdsb.org

Dear Chair Rizzo:

Re: Including gender identity, gender expression, family status and marital status in the TCDSB's Code of Conduct

The OHRC is aware that the Toronto Catholic District School Board (TCDSB) is considering amending its Code of Conduct to specifically include gender identity, gender expression, family status and marital status as grounds upon which members of the TCDSB community cannot be treated unfairly. Our understanding is that this issue is being specifically considered by the Catholic Education and Living our Catholic Values Sub-committee on September 25, 2019.

Addressing gender identity, gender expression, family status and marital status in the Code of Conduct is necessary for the TCDSB to meet its obligations under the [Education Act](#), the Ministry of Education's [Policy/Program Memorandum No. 128: The Provincial Code of Conduct and School Board Codes of Conduct](#), and Ontario's [Human Rights Code](#).

All schools in Ontario have a legal duty to ensure a school environment free from harassment and other forms of discrimination on the basis of *Human Rights Code*. Gender identity, gender expression, marital status and family status are all prohibited grounds of discrimination under the *Human Rights Code*, and their inclusion in the TCDSB's Code of Conduct is essential to ensuring that all members of the school community are able to fully participate without discrimination.

Expressly referencing gender identity and gender expression in the TCDSB's Code of Conduct is particularly important given the extreme vulnerability of transgender students. Research shows that transgender children and youth are extremely

marginalized; have high rates of depression and suicide; and experience isolation, harassment, and bullying in school environments. Given this, it is important that school codes of conduct – which set out standards of behaviour for all members of the school community – clearly state that transgender people must be treated fairly and with respect.

Conversely, excluding particular protected grounds would send a harmful and troubling message, and would set a lower standard of treatment for particular members of the TCDSB community.

Accordingly, the OHRC calls on the TCDSB to amend its Code of Conduct to specifically include gender identity, gender expression, family status and marital status as grounds upon which members of the TCDSB community must refrain from treating others differently – bringing it in line with the *Human Rights Code* and the requirements mandated by the Ministry of Education noted above.

Following the September 25, 2019 meeting at which the amendment is being considered, we ask that you provide us with an update and a copy of any updated version of the TCDSB's Code of Conduct being recommended to the Board.

Thank you for your attention to this matter, and if there is any further information we can provide that would assist, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Renu Mandhane". The signature is fluid and cursive, with a small dot at the end.

Renu Mandhane, B.A., J.D., LL.M.
Chief Commissioner

cc. Catholic Education and Living our Catholic Values Subcommittee, c/o Michael
Caccamo, Superintendent