

May 9, 2023

Durham District School Board of Trustees
400 Taunton Road East
Whitby, Ontario
L1R 2K6

Dear Board of Trustees,

Subject: Petition for Revision to Bylaw 5.13.15 – Upholding Ontario Human Rights Code

We, Durham Parents United, a rapidly growing group of over 1700 concerned families, write to discuss the proposed amendment to Bylaw 5.13.15, and its potential contravention of the Ontario Human Rights Code (the “Code”). Our objective is not to inhibit the protection of specific groups like the 2SLGBTQ+ community, but to ensure that the Board, while safeguarding these communities, respects the rights of other groups and parents in matters of moral and religious education.

The proposed amendment can arbitrarily dismiss/disallow questions that, according to the Board, contradict its commitment to human rights.

As you know, on Monday, April 17, 2023, the Board Trustees discussed a notice of motion on the revised, consolidated bylaw 5.13.15 which provides:

"Questions will also not be entertained if they are contrary to the Board's commitment to the Ontario Human Rights Code, or the Board's Human Rights Policy or Indigenous Education Policy and Procedures"

We are concerned that the Board, under the guise of this amendment and its ambiguous “commitment” to human rights, will stifle community members, including faith-based groups, from raising concerns and queries related to: gender identity education in schools; sexual orientation education in schools; gender neutral washrooms/change rooms; mixed gender sports; mixed gender washrooms/change rooms; sexually explicit books in DDSB libraries; age-appropriate literary themes in DDSB libraries; and secret gender transitions at DDSB schools.

Concerns and questions related to the above topics may be interpreted as being “contrary to the Board’s commitment to human rights, and thus disallowed.

Ontario is an increasingly diverse society; conflicts can arise where an individual or group tries to exercise a right, interest, or value, pursuant to the Code, which happens to conflict with the Code- rights of other individuals or groups. This is not uncommon, and the Human Rights Tribunal (the “Tribunal”) of Ontario has dealt with many such cases; in so doing, it has provided helpful guidelines on how to reconcile issues of competing human rights. For example, the Tribunal has recognized that no one right is more important than another right.

Silencing critical conversations related to the above topics would be contrary to Tribunal’s, and Ontario Human Rights Commission's (the “Commission”), guidelines on the issue of competing human rights, such as creed and gender.

We urge the Board to carefully review the Commission’s Policy on Competing Human Rights and establish clear policies to address these potential conflicts effectively, efficiently, promptly, and in line with the Charter and Code.

Further, the Board should make efforts to educate and train individuals on the Code and how to navigate competing rights situations. The proposed amendment should not restrict stakeholders’ rights to express opinions, including sincerely held religious beliefs, as protected by s.13 of the Code and s.2(b) and section 15 of

the Charter of Rights and Freedoms.

The current amendment wording may also limit parents' ability to provide input or share concerns regarding their children's education. We propose maintaining the status quo and fostering more discussions with stakeholders, not less.

Stifling such important conversations, under the guide of the Board's commitment to human rights, may also lead to an increase in incidents of sexual harassment/assault, in spaces like changerooms/bathrooms. This could expose the Board to increased liability and contradict the Education Act's obligation to maintain safe schools.

To avoid potentially lengthy and costly litigation, we request the Board to:

- a. Abandon the amendment to Bylaw 5.13.15, ensuring respect for parents' rights, the rights of protected communities under gender and creed-based rights, free speech protections in the Charter, and the rights of faith-based communities.
- b. Familiarize with and uphold the Ontario Human Rights Code, especially regarding competing human rights.
- c. Educate and train individuals on competing human rights and the Ontario Human Rights Commission's Policy.
- d. It is vital to balance these concerns. We trust the Board will address this issue respectfully, ensuring all stakeholders within the Durham District School Board community feel heard.

Sincerely,

Durham Parents United