



ADMINISTRATIVE PROCEDURE PERSONNEL AND STAFF RELATIONS	
Effective:	May 28, 2021
Last Revised:	May 28, 2021

EQUITABLE HIRING OF TEACHING STAFF

1. PURPOSE

This administrative procedure supports the Rainbow District School Board staffing objective of conducting equitable, consistent and transparent hiring practices in order to secure the best qualified and most effective staff members available based on merit and qualifications and recognizing diversity, and equity. This will result in a qualified and diverse workforce with the knowledge, skills, and attributes necessary to ensure all students reach their full potential and includes the following inter-dependent components in the teacher hiring procedure:

- Qualifications and Merit
- Diversity, Equity, and Human Rights
- Employment Mobility
- Fairness and Transparency
- Monitoring and Evaluation

All hiring decisions are to be made in accordance with Ministry Memorandum 165 and in accordance with applicable laws, including the Human Rights Code, and with Rainbow District School Board collective agreements.

In outlining expectations for teacher hiring, this administrative procedure upholds the principles mandated in Regulation 298, "Operation of Schools – General", R.R.O., 1990, including those related to teacher qualifications and providing the best possible education program for students. This procedure also describes the human rights issues that must be considered when recruiting and selecting staff members.

This procedure does not modify or supersede the terms of a collective agreement or terms and conditions of employment binding upon the Rainbow District School Board and shall be read and interpreted in harmony with the relevant collective agreement or terms and conditions of employment.

2. DEFINITIONS

Conflict of Interest means a potential, apparent, or actual conflict where an Employee’s financial or other personal interest, whether direct or indirect, conflicts or appears to conflict with the Employee’s responsibility to the Board, or with the Employee’s participation in any recommendation or decision pertaining to teacher hiring within the Board.

Diversity means the presence of a wide range of human qualities and attributes within a group, organization, or society. The dimensions of diversity include, but are not limited to, age, ancestry, colour, citizenship, creed, culture, ethnic origin, family status, gender, gender identity, gender expression, language, marital status, physical and intellectual ability, place of origin, race, religion, sex, sexual orientation, and socio-economic status.

Employee means full-time or part-time Employees of the Rainbow District School Board involved in teacher hiring.

Equity: A condition or state of fair, inclusive, and respectful treatment of all people. Equity does not mean treating people the same without regard for individual differences.

Equality means treating people the same way, to give everyone equal access to opportunities and benefits in society.

Hiring means the process for selecting candidates for available positions, including all stages from recruitment, application, screening and selection. The selection process may include multiple sources such as interviews, written assignments and references.

Immediate Family Member: For the purposes of this administrative procedure, immediate family members include spouse, common-law spouse, child, parents, in-laws, sisters, and brothers.

External Activity means any activity of an Employee outside the scope of her/his employment with the Rainbow District School Board undertaken as part of a commercial or volunteer enterprise.

Relationship means any relationship of the Employee to persons of his or her immediate family whether related by blood, adoption, marriage, or common-law relationship, and any relationship of an intimate and/or financial nature during the preceding five years, any student-supervisor relationship, or any other past or present relationship that may give rise to a reasonable apprehension of bias.

Supervisor means the person to whom an Employee reports.

3. QUALIFICATIONS AND MERIT

In assigning or appointing a person to a position the Board shall:

- Adhere to the qualification requirements set out in Regulation 298, Operation of Schools – General.
- Consider merit to include formal qualifications and credentials as well as professional skills and aptitudes.
- Valuing applicants' demonstrated experience and commitment to creating a safe, inclusive, equitable, accessible, and high-quality learning environment.

- Providing the best possible program for all students as determined by the principal, and considering applicants demonstrated:
 - teaching commitment;
 - experience or time spent in a particular school; and
 - suitability for a particular assignment.
- Valuing applicants' additional experiences, skills, backgrounds, lived and work experience.
- Responding to school and board priorities based on clearly defined criteria, including additional qualifications.

4. DIVERSITY, EQUITY AND HUMAN RIGHTS

Rainbow District School Board believes that the promotion of human rights and equity is vital to achieving a diverse and representative teacher workforce to serve the needs of all students and communities within the board. Rainbow District School Board will achieve a diverse and representative workforce by:

- ensuring that all employment policies and practices are anti-discriminatory;
- work to intentionally identify and remove barriers for Indigenous peoples and equity seeking groups at each stage of the hiring process. This involves examining each part of the process so that no stage creates a barrier for candidates.

5. EMPLOYMENT MOBILITY

The teacher hiring process will provide employment mobility by providing equal opportunity to all OCT certified teachers to apply for any position (occasional, long-term occasional, or permanent) for which they are qualified irrespective of where they are currently employed.

6. FAIRNESS AND TRANSPARENCY

To support a fair, equitable and transparent process for candidates, the Rainbow District School Board hiring policies includes:

- a conflict of interest disclosure administrative procedure;
- a process for adherence to the bona fide or “legitimate” job requirements and qualifications through the hiring process, while following the requirements outlined in Regulation 298, “Operation of Schools – General”;
- a process for tracking and communicating with applicants;
- promotion of demographically diverse hiring panels where possible, that draw on the different experiences, skill sets, and educational and professional backgrounds in the board;
- criteria for evaluating candidates based on more than one source;
- use of questions and/or tools that prevent interview and selection bias;
- a process for providing constructive interview feedback for candidates, upon request;
- a process for providing accommodation based on needs related to the Human Rights Code.

7. MONITORING AND EVALUATION

In demonstration of its commitment to accountability for equitable employment practices and guided by the Human Rights Code and Ontario's Anti Racism Act the Rainbow District School Board will monitor and to review the effectiveness of this teacher hiring policy on a regular basis and make adjustments as necessary.

8. APPLICATION

This administrative procedure applies to all supervisors and to prospective and current employees of the Rainbow District School Board.

9. PROCEDURES

Hiring of Staff

- 9.1 The Rainbow District School Board employs personnel to fill vacancies in teaching and non-teaching positions in accordance with the *Education Act* and its Regulations, the *Ontario Human Rights Code*, Ministry Memorandum 165 and the collective agreements and terms of conditions of employment with employee groups.

10. GUIDING PRINCIPLES

The Board upholds fairness, equity, and inclusion as essential principles governing its human resources systems and practices, and as key determinants of its learning and working environments in which all students, staff and families have a sense of belonging.

The RDSB expects all staff in its employ to demonstrate capacity to understand and respond to the diverse lived experiences of students and families, and to implement strategies to support equitable and meaningful education that reflects equity and diversity for all students.

Hiring decisions must be based on providing the best possible education program for all students and ensuring student safety and well-being.

The following guidelines apply to employees at the point of hire and after hire:

- 10.1 An immediate family member should not:

- a) occupy a position where one immediate family member directly reports to another; or
- b) participate in any part of the selection process where another immediate family member is an applicant.

- 10.2 A direct reporting relationship encompasses an employee who has authority over another employee to:

- a) administer monetary gains;
- b) conduct performance appraisals, and/or
- c) administer discipline.

- 10.3 Approval of the manager of human resources must be obtained to waive the requirements respecting direct reporting relationships of immediate family members. The following conditions must be met before a waiver can be granted:
- a) it is necessary in order to meet the needs of the board; or
 - b) the manager of human resources is satisfied that conflict will not occur.
- 10.4 Staff members must declare when an immediate family relationship develops that puts the individual in a direct reporting relationship. As in a new hire situation, approval must be obtained from the manager of human resources in order to allow this working relationship to continue.
- 10.5 All requirements under Administrative Procedure Criminal Background Checks must be met.

11. RETENTION OF RECORDS

The following guidelines apply to the retention of records related to the hiring of staff:

- 11.1 For each posting, a file of documents related to the posting and the decision must be kept by the supervisor who initiated the posting for a period of two (2) years after the original posting date.
- 11.2 Each posting file shall contain the following records:
- a) a copy of the posting;
 - b) copies of the replies to postings and/or résumés of the applicants;
 - c) a list of interview questions;
 - d) an interview summary;
 - e) notes from reference checks (as approved under the *Municipal Freedom of Information and Protection of Privacy Act*);
 - f) any other information used to aid in the hiring decision; and
 - g) copies of all correspondence sent to the candidates related to the posting.
- 11.3 Information contained in the posting file may be viewed by the hiring manager or principal and his or her supervisor. The manager of human resources has access to files to respond to issues or complaints.
- 11.4 Files must be kept in a confidential location to maintain the board's obligation under the *Municipal Freedom of Information and Protection of Privacy Act*. After the retention of two (2) years has elapsed, files must be shredded.
- 11.5 Applicants may only have access to information within the files through the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*. Any requests to review the files by individuals other than those noted above should be discussed with either the manager of human resources or the freedom of information coordinator.
- 11.6 Information contained in competition files will be used to support enquiries into hiring decisions either through the grievance procedure or other complaint mechanisms.

REFERENCE DOCUMENTS***Legal:***

Ontario Regulation 521/01 Collection of Personal Information—background check

Ontario Human Rights Code

Municipal Freedom of Information and Protection of Privacy Act

Ontario Regulation 298 Operation of Schools - General

PPM 165: School Board Teacher Hiring Practices

United Nations Declaration on the Rights of Indigenous Peoples

Ontario Education Act, 1998, section 8.1 (29.1)

Accessibility for Ontarians with Disabilities Act

Ontario Anti-Racism Act

Ontario Human Rights Commission Policy on Preventing Discrimination Based on Creed, 2015

Ontario's Equity Action Plan, 2017

Program/Policy Memorandum No. 165, School Board Teacher Hiring Practices, November 2020

Policy/Program Memorandum No. 119, Developing and Implementing Equity and Inclusive Education Policies in Ontario Schools

Board:

Board Policy No. GOV-01 Vision, Mission, and Values

Board Policy No. GOV-03 Role of the Corporate Board

Board Policy No. GOV-06 Role of the Director of Education

Board Policy No. GOV-11 Learning and Working Environment: Equity and Inclusion

Administrative Procedure Equity and Inclusion Framework

Administrative Procedure Privacy and Distribution of Personal Information

Administrative Procedure Conflict of Interest