

**Durham Catholic District School Board**  
Catholic Education: Learning & Living in Faith



**REGULAR BOARD MEETING**

**AGENDA**

**Monday, October 2, 2017**  
**7:30 p.m.**



Durham Catholic District School Board Conference Centre, 652 Rossland Road West, Oshawa, Ontario L1J 7C4  
Main Telephone Number: (905) 576-6150; Toll Free: 1-877-482-0722  
Main Fax Number: (905) 576-0953 - Board Web Site: [www.dcdsb.ca](http://www.dcdsb.ca)

If you require accessibility related accommodations for attendance at this meeting,  
please notify the meeting organizer in advance of the meeting date so that arrangements can be made.



Durham Catholic District School Board  
**REGULAR BOARD MEETING**

**Monday, October 2, 2017**

Open Session 7:30 p.m.

Catholic Education Centre,

650 Rossland Road West, Oshawa

**OPEN SESSION AGENDA**

**A. CALL TO ORDER**

**Page**

- a.1 Memorials and Prayer
- a.2 Roll Call and Apologies

John Rinella

**B. APPROVAL OF AGENDA**

- b.1 Changes to printed agenda
- b.2 Approval of Agenda

**C. ANNOUNCEMENTS**

**D. NOTICES OF MOTIONS**

**E. DECLARATIONS OF INTEREST**

- e.1 Declaration of conflict of interest

**F. ACTIONS TO BE TAKEN**

**G. PRESENTATION**

**H. DELEGATIONS**

**I. CONSIDERATION OF MOTION**

**J. UNFINISHED BUSINESS FROM PREVIOUS MEETINGS**

**K. COMMITTEES**

- k.1 Committee Reports
- k.2 Matters Referred from Committee

**L. STAFF REPORTS**

**I.1 Policy**

I.1.1	Roster of Policies and Administrative Procedures	7
I.1.2	Revised Inclusion Policy (PO804) – First Reading	10
I.1.3	Revised Appropriate Dress for Pupils Administrative Procedure (AP610-2)	13
I.1.4	Annual Review - Workplace Harassment and Workplace Sexual Harassment Policy (PO320)	21
I.1.5	Annual Review of the Workplace Harassment and Workplace Sexual Harassment Administrative Procedure (AP320-1)	26
I.1.6	Annual Review of the Workplace Violence Policy (PO324)	45
I.1.7	Annual Review of the Workplace Violence Prevention Administrative Procedure (AP324-1)	51
I.1.8	Annual Review of the Occupational Health and Safety Policy (PO318)	68
I.1.9	Annual Review of the Student Attendance Policy (PO613)	72
I.1.10	Annual Review of the Student Attendance – Elementary Administrative Procedure (AP613-1)	75
I.1.11	Annual Review of the Student Attendance – Secondary Administrative Procedure (AP613-2)	85

**M. CORRESPONDENCE**

**N. INQUIRIES AND MISCELLANEOUS**

**O. PENDING ITEMS**

**P. ADJOURNMENT**

**Q. CLOSING PRAYER**



## Durham Catholic District School Board

**MEMORANDUM**

To: Board of Trustees

From: Anne O'Brien, Director of Education

Date: October 2, 2017

Subject: **Policies and Administrative Procedures**

---

**RECOMMENDATIONS**

## Roster of Policies and Administrative Procedures

Moved by \_\_\_\_\_, seconded by \_\_\_\_\_

"THAT the Durham Catholic District School Board receive and file as information the Current Roster of Policies and Administrative Procedures – October 2, 2017."

## Inclusion Policy

Moved by \_\_\_\_\_, seconded by \_\_\_\_\_

"THAT the Durham Catholic District School Board approve the First Reading of the revised Inclusion Policy (PO804)."

## Appropriate Dress for Pupils Administrative Procedure

Moved by \_\_\_\_\_, seconded by \_\_\_\_\_

"THAT the Durham Catholic District School receive and file as information the revised Appropriate Dress for Pupils Administrative Procedure (AP610-2)."

## Workplace Harassment and Workplace Sexual Harassment Policy – Annual Review

Moved by \_\_\_\_\_, seconded by \_\_\_\_\_

"THAT the Durham Catholic District School Board approve the Annual Review of the Workplace Harassment and Workplace Sexual Harassment Policy (PO320)."

To: Board of Trustees  
Re: Policies and Administrative Procedures  
Date: October 2, 2017

Page 2

#### Workplace Harassment and Workplace Sexual Harassment Administrative Procedure – Annual Review

Moved by \_\_\_\_\_, seconded by \_\_\_\_\_

“THAT the Durham Catholic District School Board receive and file as information the Annual Review of the Workplace Harassment and Workplace Sexual Harassment Administrative Procedure (AP320-1).”

#### Workplace Violence Policy – Annual Review

Moved by \_\_\_\_\_, seconded by \_\_\_\_\_

“THAT the Durham Catholic District School Board approve the Annual Review of the Workplace Violence Policy (PO324).”

#### Workplace Violence Prevention Administrative Procedure – Annual Review

Moved by \_\_\_\_\_, seconded by \_\_\_\_\_

“THAT the Durham Catholic District School Board receive and file as information the Annual Review of the Workplace Violence Prevention Administrative Procedure (AP324-1).”

#### Occupational Health and Safety Policy – Annual Review

Moved by \_\_\_\_\_, seconded by \_\_\_\_\_

“THAT the Durham Catholic District School Board approve the Annual Review of the Occupational Health and Safety Policy (PO318).”

#### Student Attendance Policy – Annual Review

Moved by \_\_\_\_\_, seconded by \_\_\_\_\_

“THAT the Durham Catholic District School Board approve the Annual Review of the Student Attendance Policy (PO613).”

To: Board of Trustees  
Re: Policies and Administrative Procedures  
Date: October 2, 2017

Page 3

Student Attendance – Elementary Administrative Procedure – Annual Review

Moved by \_\_\_\_\_, seconded by \_\_\_\_\_

“THAT the Durham Catholic District School receive and file as information the Annual Review of the Student Attendance – Elementary Administrative Procedure (AP613-1).”

Student Attendance – Secondary Administrative Procedure – Annual Review

Moved by \_\_\_\_\_, seconded by \_\_\_\_\_

“THAT the Durham Catholic District School receive and file as information the Annual Review of the Student Attendance – Secondary Administrative Procedure (AP613-2).”

**RATIONALE**

As per attached.

AOB/BC  
Attach.



## Current Roster of Policies and Administrative Procedures 2017-2018

DEPARTMENT	TITLE	POLICY/ADMIN.PROCEDURE	IDENTIFIED	DRAFTING	ADMIN. COUNCIL	BOARD -1 <sup>st</sup> READING (P) -FOR INFO. (AP)	BOARD -2 <sup>ND</sup> READING (P) -FOR INFO. (AP)	LEGAL COUNSEL INPUT	BOARD -3 <sup>rd</sup> READING (P) -FOR INFO (AP)	DISTRIBUTION
						COMMUNITY INPUT				
GOVERNANCE	Board Award of Merit	PO209	X							
	Board Award of Merit	AP209-1	X							
OPERATIONS	Records Management	AP	X	X						
	Anti-Spam	PO444	X	X						
	Anti-Spam	AP444-1	X	X						
	Ontario Student Record (on hold pending MOE direction)	PO418	X							
	Ontario Student Record (on hold pending MOE direction)	AP418-1	X							
	Modified Calendar		X							
	Communicable Diseases	PO446	X	X						
	Communicable Diseases	AP446-1	X	X						
PROGRAM & INSTRUCTION	Catholic Curriculum	PO517	X							
	Family Life Education (Fully Alive Program)	AP700	X							
	Student Excursions and/or Exchanges for Educational Purposes	PO512	X	X						
	Student Excursions and/or Exchanges for Educational Purposes	AP512-1	X	X						

HUMAN RESOURCES	Disability Management	P	X	X	X					
	Disability Management	AP	X	X	X					
	Employee Conflict of Interest	PO317	X	X	X					
	Employee Conflict of Interest	AP317-1	X	X	X					
	Appl. to Interim Leadership Position	AP451	X	X	X					
	Application to the Leadership Position of Curriculum Chair	AP325-1	X	X	X					
	Application to the Leadership Position of Consultant/Coordinator	AP325-2	X	X	X					
	Workplace Harassment and Workplace Sexual Harassment (Annual Review)	PO320	X							
	Workplace Harassment and Workplace Sexual Harassment (Annual Review)	AP320-1	X							
	Workplace Violence (Annual Review)	PO324	X							
	Workplace Violence Prev (Annual Review)	AP324-1	X							
	Occupational Health and Safety (Annual Review)	PO318	X							
	Drone Safety	AP318-6	x							
	Staff Processes	PO328	X	X						
	Personnel File: Review by Employee	AP328-1	X	X						
	Teacher Recruitment and Hiring	AP328-2	X	X						
	Employees Elected to Public Office	PO301	X	X						
	Teacher Transfers	AP328-3	X	X						
	Allocation of Teaching Staff	AP328-4	X	X						
	Staff Absence: Severe Weather Conditions	AP328-5	X	X						



STUDENT CONDUCT & SAFETY	Student Attendance (Annual Review)	PO613	X							
	Student Attend. – Elem. (Annual Review)	AP613-1	X							
	Student Attend. – Sec. (Annual Review)	AP613-2	X							
	Appropriate Dress for Pupils	AP610-2	X	X	X	X	X	X		
STUDENT SERVICES	Inclusion	PO804	X	X	X					
	Applied Behavioural Analysis (ABA)	AP804-1	X							
	Safe Physical Interventions with Students	AP804-2	X							



## Durham Catholic District School Board

"The Board"

# Policy

Title: <b>Inclusion</b>	Policy #: <b>PO804</b>
Policy Area:	Student Services
Source:	Superintendent of Education – Student Services
Date Approved:	January 5, 1998
Dates of Amendment:	November 9, 2015

## 1.0 Introduction

The Durham Catholic District School Board recognizes its responsibility to embrace diversity and promote inclusion across the system by welcoming all individuals consistent with Gospel values and the Board's mission statement which states: *We are called to celebrate and nurture the God-given talents of each student as we serve with excellence in the light of Christ.*

## 2.0 Definitions

**Diversity** – 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 ancestry, culture, ethnicity, gender identity, language, physical and intellectual ability, race, religion, sexual orientation and socio-economic status.

**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.

**Inclusive Education** – Education that is based on the principles of acceptance and inclusion of all students. Students see themselves reflected in their curriculum, their physical surroundings, and the broader environment, in which diversity is honoured and all individuals respected.

## 3.0 Purpose

To provide all students with appropriate learning experiences in their home schools and in regular classrooms that will provide personal growth and preparation for active participation in the community with the help of a carefully planned and judiciously executed program.

#### 4.0 **Application/Scope**

This policy applies to all students Junior Kindergarten to Grade 12 or age 21 within the Durham Catholic District School Board. Responsibility for providing an inclusive education, including both for intrapersonal, interpersonal and spiritual growth is shared by the Principal, classroom teachers, Early Childhood Educators, school support staff, Teaching and Learning staff, Student Services staff, parents/guardians and community agencies.

#### 5.0 **Principles**

- 5.1 The Durham Catholic District School Board is committed to the principle that all students registered within its schools will be welcomed into and will attend their home school.
- 5.2 The regular classroom may include support.
- 5.3 Classroom teachers will receive assistance with program delivery support from in-school staff, student services staff, program services staff, community supports and parents and guardians.

#### 6.0 **Requirements**

- 6.1 All students begin school in the September of the year the child turns four.
- 6.2 Parents and guardians are encouraged to make the school aware of their child's special needs prior to registration.
- 6.3 Schools will implement Entry Plan procedures as pertinent to student's needs whether the child is beginning school for the first time or transitioning from one school to another.
- 6.4 Classroom teachers will include all students in classroom activities and programs.
- 6.5 A school team meeting will determine what assistance is necessary from in-school staff, Teaching and Learning staff and Student Services staff.
- 6.6 Parents/guardians, school staff and Student Services personnel will collaborate to develop and deliver a program suitable to the student's abilities and goals with the assistance of Teaching and Learning staff and community agencies where services are required.
- 6.7 Specialized transportation may be provided for students whose special needs meet the criteria as outlined in the Durham Student Transportation Services (DSTS) policy and Board criteria.
- 6.8 Students with special needs may attend school until June of the calendar year the student turns 21.

## 6.0 **Requirements** (Cont'd)

- 6.9 The Program Support department will provide parents/guardians with opportunities for Integrated Transition Planning during their child's high school years to prepare for his/her transition to the world of work or community programs.

## 7.0 **Sources**

- ~~Realizing the Promise of Diversity: Ontario's Equity and Inclusive Education Strategy, 2009~~
- Special Education in Ontario, Kindergarten to Grade 12 Policy & Resource Guide, 2017
- Durham Catholic District School Board Special Education Plan, ~~2015~~

## 8.0 **Related Administrative Procedures**

- ~~Educational Research in Schools Administrative Procedure (AP802-1)~~
- Admission of Students AP410-1



## Durham Catholic District School Board

"The Board"

# Administrative Procedure

Title: <b>Appropriate Dress for Pupils</b>	Procedure #: <b>AP610-2</b>
Administrative Area: Student Conduct and Safety	
Policy Reference: Code of Conduct (PO610)	
Date Approved: December 3, 2001	
Dates of Amendment:	

## 1.0 Purpose

The purpose of this Administrative Procedure is to provide direction to principals on the creation and implementation of a school-level Dress Code as part of the School's Code of Conduct. A School Dress Code promotes a safe and respectful environment for teaching and learning.

## 2.0 Definitions

**Appropriate Dress** – the standard of student dress that meets the school community's expectations of modesty, decency, and neatness and promotes a safe and respectful learning environment.

**Dress Code** – the appropriate dress policy for students established by each school in consultation with parents through their school councils, and may include appropriate dress, uniform dress or school uniform.

**Inappropriate Dress** – a standard of attire which does not meet the school community standards of decency and includes language and/or representations on attire that indicates gang affiliation, that depicts violence, profanity, racial or gender discrimination or discrimination of any kind whatsoever, or that otherwise demeans an identifiable individual or group.

**School Code of Conduct** – clear standards of behaviour for all students whether they are on school property, on school buses, at school related events and activities or in other circumstances that could have an impact on the school climate.

**School Uniform** – any common standard of attire with respect to colour and design which students are required to wear at school.

**Uniform Dress** – the standard of student dress consistent in style, colour and pieces (e.g., everyone wears a white shirt and black pants).

### 3.0 **Procedure**

#### 3.1 **School Dress Codes for Students**

- 3.1.1 Every school must establish a Dress Code for students. It should be shared annually with parents and students (e.g., agenda, website, assemblies).
- 3.1.2 It is expected that every student in the school will comply with the Dress Code, except in specific circumstances, where the principal has permitted exceptions.
- 3.1.3 All Dress Codes must include a provision, which permits the Principal to exercise the discretion to allow exceptions to the school Dress Code.
- 3.1.4 Every school Dress Code must be consistent with both the spirit and letter of the *Canadian Charter of Rights and Freedoms* and the *Ontario Human Rights Code*. For instance, Dress Codes must be flexible enough to provide accommodation for religious dress in secondary schools.
- 3.1.5 A Dress Code may include a school uniform.

#### 3.2 **Review and Monitoring of the Appropriate Dress for Pupils Procedure**

The school Dress Code as part of the Appropriate Dress for Pupils Procedure shall be reviewed at the school every three years in consultation with the Catholic School Council. The review shall have representation from students, teachers, staff and parents/guardians in the schools.

#### 3.3 **Process to Change an Existing School Dress Code to Include a School Uniform or Uniform Dress**

In the event that a school uniform or uniform dress is proposed for a school where it has not previously existed, the approval of the change must follow the following process:

- 3.3.1 The proposed change may only be reviewed by the Catholic School Council as part of the three-year review cycle (see 3.2).
- 3.3.2 The Principal, in conjunction with the Catholic School Council, must survey the school community to determine if there is sufficient interest in the school community to proceed with a formal voting process (see Appendix 1-4).
  - 3.3.2.1 Each family will have the opportunity to provide one response to the survey (See Appendix 1 and 2).
  - 3.3.2.2 The survey results (regardless of how many are returned), must demonstrate that at least 51% of the total number of families are in favour of proceeding to a formal vote. Families that do not respond are counted as a “No, we are not interested” vote. Parents must be informed of the results following the initial survey (See Appendix 3 or 4).

### 3.0 **Procedure (cont'd)**

- 3.3.3 In preparation for the formal vote, the Principal, in conjunction with the Catholic School Council, should establish the parameters of the proposed standard dress, with consideration given to:
- 3.3.3.1 Affordability.
  - 3.3.3.2 Ease of purchase from local vendors.
  - 3.3.3.3 Practicality and respect for the age, growth and developmental stages of children.
  - 3.3.3.4 Durability and ease of care.
  - 3.3.3.5 Respect for cultural norms within the school community.
  - 3.3.3.6 Alternative options for top-wear with at least two colour options (e.g., not white only).
  - 3.3.3.7 Inclusion of skirts, shorts and dresses.
  - 3.3.3.8 Seasonal temperature changes.
  - 3.3.3.9 Neatness and cleanliness.
  - 3.3.3.10 No restrictions regarding footwear.
  - 3.3.3.11 Inclusion of "Spirit Wear" as an acceptable option.
- 3.3.4 In preparation for the formal vote, the Principal in conjunction with the Catholic School Council, should establish the parameters of the formal vote:
- 3.3.4.1 Clearly establish which families are eligible to vote (e.g., families with children who are only in grade 8 may be excluded).
  - 3.3.4.2 Entitle each family to a single vote; every opportunity should be provided for families to be able to vote.
  - 3.3.4.3 Provide each family with details of the proposed change, including the cost of each item.
  - 3.3.4.4 Identify the percentage of eligible families who must be in favour of the proposed change in order for it to be deemed approved **with a minimum of 51% of families in the school who must vote**. The percentage determined by a school must exceed two-thirds (67%) (~~e.g., the school might choose 80% as its threshold~~).
  - 3.3.4.5 Identify that the percentage represents the total of eligible parents, not just those who vote. Families who do not vote will be counted as a "no" vote.
- 3.3.5 The process for the proposed change should commence no later than November 15<sup>th</sup> and must be completed by March 31<sup>st</sup> for implementation in September of the next school year. **The communication plan must be shared with the Family of Schools Superintendent.**
- 3.3.6 Once completed, the Dress Code is deemed in effect for three years and a new proposal cannot be brought forward within the three years.

### 3.0 **Procedure (cont'd)**

#### 3.4 **Compliance with the Appropriate Dress for Pupils Procedure**

All students are expected to comply with the school plan for the implementation of the Appropriate Dress for Pupils Procedure. The implementation of the Dress Code shall be the first day of the school year. Progressive discipline consequences for students who do not comply with the Dress Code shall be established by the school and shall be a part of the School Code of Conduct.

3.4.1 Examples of a progressive discipline approach for non-compliance include but are not limited to:

- 3.4.1.1 Verbal reminders of expectations
- 3.4.1.2 Communication with parent/guardian
- 3.4.1.3 Written notification to parent/guardian by the Principal or designate outlining the Dress Code expectations.

### 4.0 **Sources**

- PPM128 – The Provincial Code of Conduct and School Board Codes of Conduct
- Reg. 612/00 – School Councils and Parent Involvement Committees

### 5.0 **Related Policies, Administrative Procedures and Appendices**

- Code of Conduct Policy (PO610)
- Code of Conduct Administrative Procedure (AP610-1)
- Appendix 1 – Initial Letter
- Appendix 2 – Initial Survey
- Appendix 3 – Survey Results – Not Proceeding
- Appendix 4 – Survey Results – Proceeding to Next Step



---

Appendix 1 – Initial Letter

[Put on School Letterhead]

[Insert Date]

Dear Parents and Guardians:

As part of the School Code of Conduct, each school has a dress code for students. Every three years, the dress code must be reviewed in consultation with the Catholic School Council. This is the year that we will be reviewing the dress code.

Some parents have made a formal request to our Catholic School Council, that as part of the review cycle, our school community considers revising the dress code to include a standard uniform for all students.

The Durham Catholic District School Board has an administrative procedure that governs such a school level request. As per the procedure, there are three steps that a Catholic School Council must follow in order to make such a significant change to the school dress code.

***Step One***

*The school community must be surveyed (one survey per family) to determine whether there is sufficient interest to proceed to Step Two. In order to proceed, the survey results must indicate that 51% of the potential votes are in favour of proceeding.*

***Step Two (if Step One is successful)***

- a) *Investigation of a standardized uniform and communication of it to the school community*
- b) *The Principal, in consultation with the Catholic School Council, establishes the parameters for the formal vote.*

***Step Three***

*The School community participates in a formal vote to determine whether or not the school proceeds with a change to the Dress Code.*

Attached to this letter is the Step One survey question. Please return the survey to your youngest child's teacher by \_\_\_\_\_ [insert date] \_\_\_\_\_. The results of the survey will be communicated to the school community via a letter home to all parents and guardians.

If you have any questions, please do not hesitate to contact me.

Sincerely,

[Principal]

## Appendix 2 – Initial Survey

Initial Survey for a Change to the Dress Code at  
[Insert School]  
for September [Insert Date]

Family Name: \_\_\_\_\_

Student Name	Teacher

Parents have requested that the Principal, in conjunction with the Catholic School Council, determine whether there is sufficient interest in pursuing a standard uniform dress for all students at     [insert school name]     for September   [insert date]  .

☐ Yes, we are interested

☐ No, we are not interested

Appendix 3 – Survey Results – Not Proceeding

[Put on School Letterhead]

[Insert Date]

Dear Parents and Guardians:

I am writing to inform you of the results of our survey regarding interest in a school dress code that includes standard uniform dress.

The results of the survey were \_\_\_\_\_, which did not exceed the 51% threshold and as such the Catholic School Council will not be proceeding with the investigation into a standard uniform dress as part of the three-year review of the dress code.

Sincerely,

[Principal]

---

Appendix 4 – Survey Results – Proceeding to Next Step

[Put on School Letterhead]

[Insert Date]

Dear Parents and Guardians:

I am writing to inform you the results of our survey regarding interest in a school dress code that includes a standard uniform dress.

The results of the survey were \_\_\_\_\_, which exceeded the 51% threshold. As such, the Catholic School Council, in conjunction with the Principal, will determine a standard uniform dress, including the proposed costs. The Council will also develop the parameters of the formal vote, that will take place once all the specific details of the proposed dress code have been determined.

You will receive more communication in the coming weeks.

Sincerely,

[Principal]



## Durham Catholic District School Board

"The Board"

## Policy

Annual Review

<b>Title: Workplace Harassment and Workplace Sexual Harassment</b>	<b>Policy #: PO320</b>
<p>Policy Area: Human Resources and Administrative Services</p> <p>Source: Superintendent – Human Resources and Administrative Services</p> <p>Date Approved: November 12, 2007</p> <p>Dates of Amendment: September 26, 2016 (Interim); October 24, 2016</p> <p>Date of Annual Review: October 24</p>	

## 1.0 Introduction

The Durham Catholic District School Board (the 'Board') is a Catholic learning community committed to providing a work environment supportive of the dignity of each and every employee, contract employee and volunteer. In addition, because the Board is entrusted with the nurturing and education of students, it is important that all employees be positive role models for the students in their care. The Board believes that all employees and volunteers have the right to work in an environment that is free of harassment and discrimination.

The Board will not tolerate harassment including that which is sexual, by an employee or other individual in the workplace or at any work-related functions, or in any other circumstances that are likely to cause offence or humiliation to an employee including incidents that occur beyond the normal workplace, on social media or outside of working hours. The Board has an obligation under the *Ontario Human Rights Code (OHRC)* and the *Occupational Health and Safety Act (OHSA)*, to investigate incidents and complaints of alleged harassment and/or discrimination in the workplace that are contrary to law.

The Board upholds the *Ontario Human Rights Code* which states, "*Every person who is an employee has a right to freedom from harassment in the workplace by the employer or agent of the employer or by another employee because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability*".

The Board policies and administrative procedures shall adhere to the spirit and intent of the Code. Notwithstanding, this Policy should not be construed as affecting the Board's denominational rights as afforded and protected in the *Constitution Act, 1867*, confirmed in the Canadian Charter of Rights and Freedoms and provided for under the Ontario Human Rights Code. The Board does not relinquish these rights.

## 2.0 **Definitions**

**Discrimination** – Is defined to include harassing behaviour (see Workplace Harassment and Sexual Workplace Harassment definition) as well as unfair treatment, or the denial of normal privileges, opportunities, services, goods and/or facilities because of any grounds protected under the Ontario Human Rights Code: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability. Subsection 19(1) the OHRC provides that “this Act shall not be construed to adversely affect any right or privilege respecting separate schools enjoyed by Separate School Boards or their supporters under the *Constitution Act* of 1867 and the *Education Act*.”

**Workplace Harassment** – As defined in the Ontario *Occupational Health and Safety Act* (OHSA) consists of “engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome, or workplace sexual harassment”. It includes, but is not limited to, systemic or persistent actions such as taunts, annoyances and demands designed to inflict distress such as:

- name calling, insults, threats, slurs, degrading or suggestive remarks, offensive songs or records, demeaning racial or ethnic remarks and jokes or innuendoes;
- communication by means of written or graphic materials, unwanted notes, posters, cartoons or letters, and emails, including the display of racist, derogatory or offensive pictures, graffiti or other materials which demean, embarrass or humiliate;
- use of stereotypical images or language (including jokes and anecdotes) which suggest that all or most of a particular identity are the same;
- differential treatment, and the avoidance or exclusion of any group or individual, including the refusal to converse or work with an employee because of his/her racial or ethnic background or gender identity;
- sexual solicitation, advances, threats or innuendos;
- any activity or behaviour, not necessarily directed at anyone in particular that creates a hostile or offensive workplace;
- abuse of authority such as acts or misuse of power as intimidation, threats, aggressive behaviour, blackmail or coercion;
- withholding of information necessary to perform ones duties;
- verbal and emotional abuse;
- inappropriate staring; and
- “bullying” – which is an attempt to undermine an individual through criticism intimidation, hostile verbal and non-verbal communication and interfering actions.

**Workplace Sexual Harassment** – Is defined in the Ontario *Occupational Health and Safety Act* (OHSA) as “engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome”. Sexual harassment is an expression of power in a sexual manner. Sexual harassment includes, but is not limited to, that which creates a hostile or offensive work environment, or could be reasonably thought to put sexual

conditions on a person's job or employment opportunities. Sexual harassment is prohibited under the Code regardless of the gender of the persons involved. Sexual harassment may include, but is not limited to:

- unwelcome sexual innuendo;
- unwelcome sexual advances;
- inappropriate body contact;
- request for sexual favours;
- display of exploitive material;
- leering;
- unwelcome questions or comments about a person's sexual life; and
- unwelcome comments on a person's sexual attractiveness or unattractiveness;

*Note: For the purposes of this procedure, the term "harassment" is intended to include not only the forms of harassment outlined above, but to also include discrimination and other forms of workplace conduct, which an individual knows or ought reasonably to know to be unwelcome.*

**Intimidation** – Is the use of verbal, written or non-verbal action intended to frighten, discourage or inhibit.

**Threat** – Is a written or verbal promise or overt action forewarning trouble, worry or harm.

Note: Reasonable actions taken by the Board or supervisor relating to the management and direction of workers or the workplace is not considered workplace harassment.

**Workplace** –The workplace includes, but is not limited to:

- any place where employees, contract employees,volunteers, and other users perform work or work-related duties or functions;
- schools and school-related activities such as extracurricular activities, co-co-instructional activities and excursions, comprise the workplace, as do Board offices and facilities;
- conferences, training sessions, workshops, social and travel gatherings are included within this Policy;
- activities within offices, staff rooms, classrooms, cafeterias/lunch rooms and other Board property;

### 3.0 **Purpose**

The purpose of this policy is to provide a framework for a harassment and discrimination free working environment.

#### **4.0 Application/Scope**

The policy applies to every employee, contract employee, and volunteer of the Board.

#### **5.0 Principles**

The Board believes that:

- 5.1 All forms of workplace harassment and workplace sexual harassment are inconsistent and undermine Catholic values/social teachings and ethical standards in the workplace;

#### **5.0 Principles (cont'd)**

- 5.2 The climate of the workplace must be one that promotes and protects the dignity and self-worth of all employees and, to that end, all employees are entitled to work in an environment that is free of workplace harassment;
- 5.3 All employees have a right to expect and receive respect of person and property, and to have that right supported and enforced by the Board;
- 5.4 Victims of workplace harassment and workplace sexual harassment have a right to be supported by the provisions of legislation, Board policies and administrative procedures.

#### **6.0 Requirements**

- 6.1 The Director of Education, in consultation with the Joint Occupational Health and Safety Committee (JHSC) shall issue administrative procedures and programs to support this policy and amend them thereafter as the need may arise.
- 6.2 The Board shall review this policy and related administrative procedure on an annual basis in consultation with the JHSC.
- 6.3 Every employee shall refrain from engaging in conduct that is in any way harassing, threatening or intimidating.
- 6.4 Nothing under this policy and its attendant administrative procedures shall impede management from directing, supervising, assessing and evaluating employee conduct and performance in accordance with Board policies, administrative procedures and applicable Collective Agreements/Terms and Conditions of Employment or service contracts.
- 6.5 All forms of workplace harassment and workplace sexual harassment, including discrimination, intimidation and threatening conduct, constitutes a breach of this policy and its attendant administrative procedures and is subject to disciplinary action that could result in dismissal.
- 6.6 Reprisals, including intimidation and threat against a complainant or witness are subject to disciplinary action that could result in dismissal.



- 6.7 Complaints shall be investigated, addressed and resolved through internal and external processes and in accordance with the administrative procedures attendant to this policy.

## **7 Sources**

- Education Act
- Ontario College of Teachers Act
- Municipal Freedom of Information and Protection of Privacy Act
- Occupational Health and Safety Act
- Ontario Human Rights Code
- Youth Criminal Justice Act
- Trespass Act
- Criminal Code of Canada
- Anti-racism Ethnocultural & Equity Act
- Police/School Board Protocol

## **8 Related Policies and Administrative Procedures**

- Workplace Harassment and Workplace Sexual Harassment Administrative Procedure (AP320-1)
- Acceptable Use of Information and Communication Technology Policy (PO431)
- Acceptable Use of Information and Communication Technology Administrative Procedure (AP431-1)
- Code of Conduct Policy (PO610)
- Code of Conduct Administrative Procedure (AP610-1)
- Student Discipline Policy (PO611)
- Student Discipline Administrative Procedure (AP611-1)



## Durham Catholic District School Board

"The Board"

## Administrative Procedure

Annual Review

Title: <b>Workplace Harassment and Workplace Sexual Harassment</b>	Procedure #: <b>AP320-1</b>
Administrative Area:	Human Resources and Administrative Services
Policy Reference:	Workplace Harassment (PO320)
Date Approved:	June 25, 2007
Dates of Amendment:	September 26, 2016 (Interim)
Date of Annual Review:	

## 1.0 Purpose

The purpose of this administrative procedure is to provide a framework for the implementation of the Workplace Harassment and Workplace Sexual Harassment Policy (PO320) and to ensure that all persons covered by the Policy and this Administrative Procedure are aware of their rights and responsibilities, and to provide clear and precise procedures for the filing and investigation of complaints and resolution of incidents.

## 2.0 Definitions

**Discrimination** – Is defined to include harassing behaviour (see Workplace Harassment and Sexual Workplace Harassment definition) as well as unfair treatment, or the denial of normal privileges, opportunities, services, goods and/or facilities because of any grounds protected under the Ontario Human Rights Code: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability. Subsection 19(1) the OHRC provides that "this Act shall not be construed to adversely affect any right or privilege respecting separating schools enjoyed by Separate School Boards or their supporters under the *Constitution Act of 1867 and the Education Act.*"

**Workplace Harassment** – As defined in the *Ontario Occupational Health and Safety Act* (OHSA) consists of "engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome". It includes, but is not limited to, systemic or persistent actions such as taunts, annoyances and demands designed to inflict distress such as:

- name calling, insults, threats, slurs, degrading or suggestive remarks, offensive songs or records, demeaning racial or ethnic remarks and jokes or innuendoes;
- communication by means of written or graphic materials, unwanted notes, posters, cartoons or letters, and emails, including the display of racist, derogatory or offensive pictures, graffiti or other materials which demean, embarrass or humiliate;

- use of stereotypical images or language (including jokes and anecdotes) which suggest that all or most of a particular identity are the same;
- differential treatment, and the avoidance or exclusion of any group or individual, including the refusal to converse or work with an employee because of his/her racial or ethnic background or gender identity;
- sexual solicitation, advances, threats or innuendos;
- any activity or behaviour, not necessarily directed at anyone in particular that creates a hostile or offensive workplace;
- abuse of authority such as acts or misuse of power as intimidation, threats, aggressive behaviour, blackmail or coercion.
- withholding of information necessary to perform ones duties;
- verbal and emotional abuse;
- inappropriate staring; and
- “bullying” – which is an attempt to undermine an individual through criticism intimidation, hostile verbal and non-verbal communication and interfering actions.

**Workplace Sexual Harassment** – Is defined in the *Ontario Occupational Health and Safety Act* (OHSA) as “engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome”. Sexual harassment is an expression of power in a sexual manner. Sexual harassment includes, but is not limited to, that which creates a hostile or offensive work environment, or could be reasonably thought to put sexual conditions on a person’s job or employment opportunities. Sexual harassment is prohibited under the Code regardless of the gender of the persons involved. Sexual harassment may include, but is not limited to:

- unwelcome sexual innuendo;
- unwelcome sexual advances;
- inappropriate body contact;
- request for sexual favours;
- display of exploitive material;
- leering;
- unwelcome questions or comments about a person’s sexual life; and
- unwelcome comments on a person’s sexual attractiveness or unattractiveness;

*Note: For the purposes of this procedure, the term “harassment” is intended to include not only the forms of harassment outlined above, but to also include discrimination and other forms of workplace conduct, which an individual knows or ought reasonably to know to be unwelcome.*

**Intimidation** – is the use of verbal, written or non-verbal action intended to frighten, discourage or inhibit.

**Threat** – is a written or verbal promise or overt action forewarning trouble, worry or harm.

Note: Reasonable actions taken by the Board or supervisor relating to the management, direction or supervision of workers or the workforce is not considered workplace harassment or workplace sexual harassment.

## 2.0 Definitions (cont'd)

**Workplace** –The workplace includes, but is not limited to:

- any place where employees, contract employees, volunteers and other users perform work or work-related duties or functions;
- schools and school-related activities such as extracurricular, co-instructional activities and excursions, comprise the workplace, as do Board offices and facilities;
- conferences, training sessions, workshops, social and travel gatherings are included within this Policy;
- activities within offices, staff rooms, classrooms, cafeterias/lunch rooms and other Board property;

## 3.0 Procedures

### 3.1 Ontario Human Rights Code/Criminal Code of Canada/Grievance Procedure

- 3.1.1 Filing a complaint under this Administrative Procedure is not intended to preclude rights under the Collective Agreement/Terms and Conditions of Employment, *Occupational Health and Safety Act*, *Ontario Human Rights Code*, and *Criminal Code of Canada* or other avenues of redress open under the law.
- 3.1.2 These complaint and investigation procedures should not be invoked or pursued at the same time as a parallel complaint before the Ontario Human Rights Tribunal or if a grievance remains outstanding. While such proceedings are taking place, the procedures outlined here will be suspended and may be superseded, where appropriate.

### 3.2 Reporting Time Frame

- 3.2.1 A complaint should be filed within a reasonable timeframe following the occurrence of the triggering incident(s). The Board encourages a six-month time frame and may, in its discretion, decide not to deal with the complaint when the facts upon which the complaint is based occurred more than six (6) months before the complaint was filed. However, where reasonable circumstances exist for failing to bring the complaint forward within the six (6) month timeframe and the delay would not result in any prejudice to the Respondent, a complaint may be accepted beyond the six (6) month limit.

### **3.0 Procedures (Cont'd)**

#### **3.3 Complaint Withdrawal**

- 3.3.1 The Complainant may choose to withdraw the complaint at any stage; however, the Board may be obliged under this procedure, to continue the inquiry and investigation into the complaint and to take whatever remedial action it deems appropriate, or refer the matter to another process or procedure.

#### **3.4 Responsibilities for Reporting Harassment and Discrimination**

- 3.4.1 All persons covered under this procedure have the responsibility for and are expected to promote a working and learning environment that is free from harassment and discrimination, and to assist anyone who believes that they are being or may have been harassed or discriminated against, sexually or otherwise in the workplace. Anyone who believes that a colleague or another person covered under this procedure is being or may have been harassed or discriminated against in the workplace, is encouraged to notify the applicable Supervisor, Principal, Manager or Superintendent.
- 3.4.2 Where the employees' supervisor or Board personnel that is charged with responsibility to investigate complaints of workplace harassment or workplace sexual harassment are the subject of the complaint, the complainant shall report the complaint to the next or another management or supervisory level.
- 3.4.3 The Complainant has the right to decide how to respond to workplace harassment, workplace sexual harassment and/or discrimination including informal, verbal or written communication with the respondent, or through the filing of a complaint under this Administrative Procedure. The Complainant may wish to seek guidance or counselling from his or her Supervisor, Principal, Manager, Superintendent/designate or another resource person (i.e., Union or Association) to discuss the situation and how it might be resolved. Since advice only is being sought at this stage, names need not be disclosed.

#### **3.5 Reporting Obligations for Teachers**

- 3.5.1 Teachers should note their obligation under the regulation of the *Teaching Profession Act*, s.18(1)(b):

##### **3.5.1.1 Duties of a Member to Fellow Members**

*18(1)(b): A member shall, on making an adverse report on another member, furnish him/her with a written statement of the report at the earliest possible time and not later than three days after making the report. All parties will ensure that a high degree of confidentiality concerning the incident is maintained.*

### 3.0 **Procedures** (Cont'd)

#### 3.6 **Consequences of Engaging in Harassment**

##### 3.6.1 **Under Statute**

3.6.1.1 **Ontario Human Rights Code (OHRC):** Persons who engage in harassment prohibited by the *Ontario Human Rights Code* (OHRC) and the *Occupational Health and Safety Act* (OHSA) and are liable under the applicable legislation for damages payable to the Complainant. In addition, a person who violates the OHRC and/or OHSA or who obstructs a related investigation may also be liable to prosecution under the Code and, on conviction, to a fine of not more than \$25,000. Persons who have knowledge of, or who acquiesce in, workplace harassment or workplace sexual harassment may be found in violation of the Ontario Human Rights Code (OHRC) as having indirectly engaged in prohibited activity and are subject to the same consequences as those who directly engage in discrimination or harassment.

3.6.1.2 **Occupational Health and Safety Act (OHSA):** A person who contravenes or fails to comply with the Act or the Regulations; an order or requirement of an inspector or a Director, or an order of the Minister, is guilty of an offence and on conviction is liable to a fine of not more than \$25,000 or to imprisonment for a term of not more than twelve (12) months, or to both. If a corporation is convicted of an offence, the maximum fine that may be imposed upon the corporation is \$500,000.

##### 3.6.2 **In Employment**

3.6.2.1 Employees who engage, directly or indirectly, in workplace harassment, workplace sexual harassment or discrimination may be disciplined up to and including termination of employment.

##### 3.6.3 **Confidentiality**

3.6.3.1 All records of the complaint, including contents of meetings, interviews, results of inquiries and other relevant identifying information or material will be kept confidential by the Durham Catholic District School Board, except where disclosure is required during any investigation process, by a disciplinary or other remedial process, required by operation of law or as a consequence of contemplated or actual litigation. Records will be stored in a secure file in the Human Resources and Administrative Services Department.

---

**3.0 Procedures (Cont'd)**

3.6.3.2 The Complainant and the Respondent and any witnesses interviewed in an investigation are expected to maintain strict confidentiality about the complaint.

3.6.3.3 Upon completion of an investigation for any complaint, both the complainant and respondent will be advised of the results of the investigation and any corrective action that has or will take place.

**3.6.4 Counselling**

3.6.4.1 The Board's Employee Family Assistance Program (EFAP) is available to all employees and their immediate families, and offers counselling and resource assistance on a voluntary and confidential basis.

**3.6.5 Alternate Routes for Dealing with Complaints**

3.6.5.1 Notwithstanding anything else provided for in these resolution procedures, where, in unusual or extenuating circumstances, the Board determines that a complaint should be dealt with outside these resolution procedures, then any other procedure which the Board determines to be appropriate in the particular circumstances will be followed.

**3.6.6 No Reprisals**

3.6.6.1 For the purposes of this procedure, "reprisal" against an employee will be treated as workplace harassment or workplace sexual harassment when such actions occur for:

3.6.6.1.1 having invoked this procedure (whether on behalf of oneself or another individual);

3.6.6.1.2 having participated or co-operated in any inquiry under this procedure; or

3.6.6.1.3 having associated with a person who has invoked this procedure or participated in these procedures.

3.6.6.1.4 The Board will not allow reprisal for good faith complaints.

### **3.0 Procedures (Cont'd)**

#### **3.6.7 Frivolous or Vexatious Complaints**

- 3.6.7.1 In the event that an individual is shown to have initiated proceedings under this Procedure in a frivolous or vexatious manner, the Board may take formal disciplinary action against the Complainant(s), which may include, but is not limited to a letter of reprimand, suspension or termination of employment. Documentation regarding the disciplinary action will be placed in the employee's personnel file.

#### **3.7 Workplace Harassment and Workplace Sexual Harassment Complaint Procedure Steps**

- 3.7.1 The Workplace Harassment and Workplace Sexual Harassment Complaint procedure comprises three (3) steps, which are outlined below. In most instances, the complaint will be advanced through the Steps outlined below. It is noted that some exceptions to this may apply including where the alleged harasser is the immediate supervisor or person entrusted by the Board to investigate incidents of workplace harassment or workplace sexual harassment, and Step 1 or Step 2 may be bypassed and the complaint initiated at Step 3.

Where the Respondent to any workplace harassment or workplace sexual harassment is the Supervisor or Board personnel responsible for investigating workplace harassment and/or workplace sexual harassment, the Complainant shall report a complaint to the next or another management level.

- 3.7.2 Timelines set out in this procedure may be subject to variation, as deemed necessary or appropriate by the Board.

#### **3.7.3 Step 1 – Speak Up**

- 3.7.3.1 The Complainant (person who considers that he/she has been subject to harassment or discrimination) is advised to record the details surrounding the incident(s) including times, dates, places, names of witnesses, if any, and circumstances surrounding the incident(s).
- 3.7.3.2 The Complainant is encouraged to bring the matter to the attention of the Respondent (person responsible for the comment or conduct) calmly, but firmly, making direct and clear objection indicating that the comment or conduct is not acceptable, is unwelcome and must stop. This is often an effective way to resolve the issue and end the workplace harassment, workplace sexual harassment and/or discrimination. The Complainant may choose to do this alone or accompanied by a representative of their choice (i.e., Supervisor, Principal, Manager, Superintendent or Union). It is



important the Complainant document any communication he or she has with the Respondent. It is also important that the Respondent document any communication regarding a workplace harassment or workplace sexual harassment and/or discrimination complaint.

### 3.0 **Procedures** (Cont'd)

3.7.3.3 Instead of speaking directly with the Respondent, the Complainant may wish to advise the Respondent by letter that the behaviour is unacceptable. If this option is chosen, it is advisable to keep a copy of the letter and proof of mailing, such as a courier or registered mail receipt.

3.7.3.4 The Complainant may wish to contact the Supervisor, Principal, Manager or Superintendent/designate to request assistance in dealing with the complaint at Step 2.

3.7.3.4.1 if the Complainant does not feel comfortable talking with or writing to the Respondent; or

3.7.3.4.2 if the Complainant is not satisfied with the result of the initial contact with the Respondent; or

3.7.3.4.3 ~~or~~, if the harassment and/or discrimination continues.

#### 3.7.4 **Step 2 – Informal Resolution Process**

3.7.4.1 To initiate the Step 2 process, the Complainant is required to complete the Workplace Harassment and Workplace Sexual Harassment Complaint Form attached to this procedure which details the particulars of the allegations, and submit it along with any other supporting documentation, to their Supervisor, Principal, Manager or Superintendent/designate.

3.7.4.2 The Supervisor, Principal or Manager is required to contact the respective Superintendent/designate to arrange a consultation within two (2) working days.

3.7.4.3 The Respondent cited in a complaint will be entitled to receive a copy of the Workplace Harassment and Workplace Sexual Harassment Complaint Form filed by the Complainant within three (3) working days of the submission. The Supervisor, Principal, Manager or Superintendent/designate is responsible for ensuring that the Respondent receives a copy of the written complaint. Teachers are required to note their obligation under the regulation of the *Teaching Profession Act*, s.18(1)(b) as outlined on page 3 of this procedure.

Where provided for under a Collective Agreement, Terms and Conditions of Employment or any other employment contract, an employee may be entitled to representation during meetings or discussions under this administrative procedure.

### 3.0 **Procedures** (Cont'd)

- 3.7.4.4 The Supervisor, Principal, Manager or Superintendent/designate will collect evidence by interviewing the Complainant and Respondent (separately), interviewing any witnesses, and otherwise investigating all aspects of the matter which are relevant in determining whether the allegations of harassment are substantiated.
- 3.7.4.5 The Supervisor, Principal, Manager or Superintendent/designate must keep confidential and comprehensive notes of all meetings which are signed and dated at the conclusion of each meeting. Such notes are to be kept and maintained in a secured location.
- 3.7.4.6 The following actions may occur:
  - 3.7.4.6.1 Attempt at informal resolution;
  - 3.7.4.6.2 Referral to other more appropriate Board procedures, or other process, if appropriate or necessary;
  - 3.7.4.6.3 Referral of the complaint to Step 3 – Formal Process.

Note: If it is determined at Step 2 that the complaint will involve disciplinary action, the Supervisor, Principal, Manager or Superintendent/designate will forward the complaint to the Superintendent – Human Resources and Administrative Services for review. If disciplinary action is required, a copy of any disciplinary correspondence will be placed in the employee's personnel file.

- 3.7.4.7 If the complaint is resolved at Step 2 – Informal Process, the resolution is confirmed in writing and signed by both the Complainant and the Respondent. A copy is to be forwarded to the Superintendent – Human Resources and Administrative Services in an envelope marked "Private and Confidential" by the Complainant's Supervisor, Principal, Manager or Superintendent/designate. The Superintendent – Human Resources and Administrative Services will place the document(s) in a secure file. A copy of the written resolution will not be placed in either the Complainant's or the Respondent's personnel file.
- 3.7.4.8 If there is not a satisfactory resolution at Step 2, the Superintendent will submit a report to the Superintendent –

Human Resources and Administrative Services requesting that the complaint be advanced to Step 3.

### 3.0 **Procedures** (Cont'd)

#### 3.7.5 Step 3 – Formal Resolution Process

- 3.7.5.1 The complaint may proceed to Step 3 in the following circumstances:
  - 3.7.5.1.1 In lieu of Step 1 or Step 2, if it is determined by the Superintendent – Human Resources and Administrative Services/designate that the most appropriate avenue, given the circumstances surrounding the complaint, is to proceed to Step 3; for example, if the source of the complaint is the Complainant's Supervisor);
  - 3.7.5.1.2 If Step 1 and/or Step 2 does not resolve the complaint;
- 3.7.5.2 The request to proceed to Step 3 shall be made in writing to the Superintendent – Human Resources and Administrative Services/designate. A copy of the Workplace Harassment and Workplace Sexual Harassment Complaint Form and any supporting documentation must accompany the written request.
- 3.7.5.3 The Superintendent – Human Resources and Administrative Services/designate is responsible for informing both the Complainant and Respondent within five (5) working days of receipt of the submission of the complaint to the Step 3 process that the complaint has been forwarded to Step 3, unless deemed inappropriate by the Superintendent – Human Resources and Administrative Services/designate. If the Respondent has not previously been provided with a copy of the Workplace Harassment and Workplace Sexual Harassment Complaint Form, the Superintendent – Human Resources and Administrative Services/designate shall provide the Respondent with a copy of the document, unless deemed inappropriate.
- 3.7.5.4 The Superintendent – Human Resources and Administrative Services/designate will commence a separate investigation into the complaint within ten (10) working days of the receipt of a written request for a Step 3 investigation.

Where provided for under a Collective Agreement, Terms and Conditions of Employment or any other employment contract, an employee may be entitled to representation during meetings or discussions under this administrative procedure.

**3.0 Procedures (Cont'd)**

- 3.7.5.5 If the complaint can be resolved through voluntary mediation (both parties agree to participate voluntarily in the mediation), the Superintendent – Human Resources and Administrative Services/designate will appoint an independent third party with the appropriate professional qualifications who is acceptable to both parties to mediate the dispute. Mediation will be facilitated on a without prejudice and “off the record” basis by a mediator who has had training in alternative dispute resolution and mediation. Should the mediation be successful, the agreement reached between the parties will be confirmed in writing and signed by all parties. A copy of the mediated settlement will be placed in a secure file in the Human Resources and Administrative Services Department. A mediated settlement is without prejudice to the parties

It is noted that mediation may not be appropriate in all cases and the Superintendent – Human Resources and Administrative Services/designate may deem it necessary not to mediate the complaint, but to continue the investigation to determine if remedial or disciplinary action is appropriate.

- 3.7.5.6 The Superintendent – Human Resources and Administrative Services/designate may appoint an independent investigator and/or mediator with the appropriate professional training and credentials.
- 3.7.5.7 The investigation into the complaint must be handled expeditiously. While it is expected that all investigations occurring under this complaint procedure will be completed within six (6) months of the filing of the complaint, delays may occur.
- 3.7.5.8 Notwithstanding either party's refusal to co-operate in an investigation, the Board may deem it necessary to follow the complaint procedure through to completion.
- 3.7.5.9 The Superintendent – Human Resources and Administrative Services/designate will advise the Complainant and the Respondent of the results of the Step 3 investigation and any actions that may be taken in the matter. The specific details of any disciplinary action will be provided to both the Complainant and the employee who is to be disciplined.
- 3.7.5.10 Outcomes – Depending on the outcome of the Step 3 investigation and subject to 3.7.5.10, a decision regarding rehabilitative or disciplinary action for the Respondent and/or the Complainant may include, but is not limited to:

3.7.5.10.1 Counselling;

3.7.5.10.2 Education on Workplace Harassment and/or Workplace Sexual Harassment;

3.7.5.10.3 Formal written apology;

3.7.5.10.4 Change of work assignment of the Complainant and/or Respondent;

3.7.5.10.5 Disciplinary action up to and including termination of employment.

Such a decision regarding outcomes is made by the Superintendent – Human Resources and Administrative Services.

- 3.8 If the incident is resolved at this stage, no further action will be taken. Counselling and related services are available through the Board's Employee and Family Assistance Program (EFAP).

### 3.9 **Review Process**

- 3.9.1 In the event a Complainant or a Respondent to a formal complaint has one or both of the specific concerns set out below, within ten (10) days of receipt of the decision, a request may be made by either the Complainant or the Respondent to the Director of Education to review the decision. The grounds for review are:

3.9.1.1 The investigators did not comply with the Policy or the Administrative Procedures; or

3.9.1.2 New evidence has become known after the decision but before the expiry of the ten (10) working days limitation period for requesting a review.

- 3.9.2 No review of the decision will be undertaken with regard to the claim that the conclusions drawn by the investigator(s) based on findings of fact were incorrect.

- 3.9.3 A review will affirm or amend a decision or require that a new investigation be undertaken.

- 3.9.4 The Complainant, at any stage, may choose to withdraw the complaint. The Board, however, may still be obliged to investigate.

- 3.9.5 The provisions of this Administrative Procedure do not take away an employee's right to take action outside of its provisions. For example, using any of the internal options does not mean one cannot exercise other rights such as filing a complaint directly to the Ministry of Labour or the Ontario Human Rights Tribunal.

#### 4.0 **Sources**

- Education Act
- Ontario College of Teachers Act
- Municipal Freedom and Protection of Privacy Act
- Occupational Health and Safety Act
- Ontario Human Rights Code
- Youth Criminal Justice Act
- Trespass Act
- Criminal Code of Canada
- Anti-racism Ethnocultural & Equity Act
- Police/School Board Protocol

#### 5.0 **References**

#### 6.0 **Related Policies, Administrative Procedures and Appendices**

- Appendix A – Workplace Harassment and Workplace Sexual Harassment Checklist for Dealing with an Incident of Discrimination or Harassment
- Workplace Harassment and Workplace Sexual Harassment Complaint Form (Form 4811)
- Workplace Harassment and Workplace Sexual Harassment Policy (PO320)
- Acceptable Use of Information and Communication Technology Policy (PO431)
- Acceptable Use of Information and Communication Technology Administrative Procedure (AP431-1)
- Code of Conduct Policy (PO610)
- Code of Conduct Administrative Procedure (AP610-1)
- Student Discipline Policy (PO611)
- Student Discipline Administrative Procedure (AP611-1)

**Appendix A****Durham Catholic District School Board****Workplace Harassment and Workplace Sexual Harassment  
Checklist for Dealing with an Incident of  
Discrimination or Harassment**

*All persons working for the Board or carrying out Board business on a temporary, part time or full time basis are covered by this procedure.*

Complaints from an individual or group should be reported within a reasonable time following the occurrence of the triggering incident. The Board encourages a six (6) month time frame and may, in its discretion, decide not to deal with the complaint when the facts upon which the complaint is based occurred more than six (6) months before the complaint was filed. However, where a reasonable circumstance exists for failing to bring the complaint forward within six (6) months, and the delay would not result in any prejudice to the Respondent, a complaint may be accepted beyond the six (6) month time limit.

In some circumstances, Step 1 and/or Step 2 may be bypassed and the complaint procedure may be started at Step 3. The Superintendent – Human Resources and Administrative Services will make the final determination regarding commencement at Step 3.

**Step 1 – Speak Up** *(the majority of cases are resolved at this step)*

- ☐ Complainant is advised to record the details surrounding the incident (times, dates, places, names, witnesses, circumstances, etc.).
- ☐ Complainant to advise the Respondent in person or in writing that he/she considers the conduct in question to be offensive and request the Respondent to stop. This may be done in the presence of a resource person.
- ☐ Both the Complainant and the Respondent are advised to document the details of the meeting.
- ☐ If the Complainant writes to the Respondent, a copy of the correspondence is to be kept.
- ☐ If the Respondent fails to stop, or if the Complainant does not feel comfortable in confronting the Respondent in the first place, or if not satisfied with the initial contact, then move to Step 2 or Step 3. **(in cases of Workplace Sexual Harassment – Step 3).**
- ☐ Where the Respondent is the immediate supervisor or Board personnel responsible for investigating such complaints, the Complainant may be referred to the next supervisory level (Note – This may also apply at Steps 2.1.3).

## Step 2 – Informal Process

- ☐ Complainant contacts his/her Supervisor/Manager/Principal as soon as possible within the times noted previously.

(If the Respondent is the Supervisor/Manager/Principal, contact the respective Superintendent).

The Supervisor/Manager/Principal is required to contact the respective Superintendent/designate for a consultation within three (3) working days.

- ☐ The Complainant submits the completed Workplace Harassment and Workplace Sexual Harassment Complaint Form and any other documentation.
- ☐ Supervisor/Manager/Principal ensures that the Respondent receives a copy of the complaint within three (3) working days of submission.

Action may include:

- ☐ Meeting between the Supervisor/Manager/Principal and the Respondent to discuss the concern(s).
- ☐ Referral to other procedures as the Board considers appropriate.
- ☐ Referral of the concern(s) to Step 3.
- ☐ Meeting between the Supervisor/Manager/Principal, Complainant and the Respondent to reach a resolution, **and**
- ☐ **Resolution** – Agreement/letter is prepared and signed by both the Complainant and the Respondent.

A copy to be forwarded to the Superintendent – Human Resources and Administrative Services marked “Private and Confidential”, or

- ☐ **No Resolution** – Move to Step 3.



### Step 3 – Formal Resolution

- ☐ Complaint is filed with the Superintendent – Human Resources and Administrative Services/designate. Copy of Workplace Harassment and Workplace Sexual Harassment Complaint Form completed and submitted with request to move complaint to Step 3.
- ☐ Superintendent – Human Resources and Administrative Services/designate will advise both the Complainant and Respondent within five (5) working days that the complaint has been forwarded to Step 3.
- ☐ Superintendent – Human Resources and Administrative Services/designate (may be Board employee or independent) will commence a separate investigation into the complaint within ten (10) working days of the receipt of a written request for a Step 3 investigation.
- ☐ Superintendent – Human Resources and Administrative Services/designate to interview the Complainant, Respondent and any witnesses (separately).

*Note:* If the complaint can appropriately be resolved through mediation, and effort to do so will be made by the Superintendent – Human Resources and Administrative Services /designate. If it is determined by the Superintendent – Human Resources and Administrative Services /designate that mediation is not appropriate, or if no resolution is reached through mediation, the investigation will continue and a determination in the matter will be made by the Superintendent – Human Resources and Administrative Services /designate.

*Note:* If mediation is successful, the agreement reached between the parties will be confirmed in writing by all parties. A copy of the mediated agreement will be given to both the Complainant and the Respondent and a copy will be stored in a secure file in the Human Resources and Administrative Services Department.

The Superintendent – Human Resources and Administrative Services /designate will investigate fully. The investigation shall be completed as expeditiously as possible.

### **Step 3 (cont'd) – Formal Resolution**

Following the investigation:

- ☐ The Complainant and the Respondent will be advised by the Superintendent – Human Resources and Administrative Services /designate of the conclusion of the Step 3 investigation.
- ☐ The results of the investigation will be shared with the Complainant and the Respondent. The specific detail of any disciplinary action will be provided to the employee who is disciplined, as well as the Respondent.

#### **Outcomes**

Depending on the outcome of the Step 3 investigation, a decision regarding rehabilitative or disciplinary action for the Respondent and/or the Complainant may include, but is not limited to:

- ☐ Counselling;
- ☐ Education on Harassment;
- ☐ Formal written apology;
- ☐ Change of work assignment of the Complainant and/or Respondent; and
- ☐ Disciplinary action, up to and including termination of employment.



Durham Catholic District School Board

## ***Workplace Harassment and Workplace Sexual Harassment Complaint Form***

All persons working for the Board or carrying out Board business on a temporary, part time, full time, or volunteer basis are covered by this procedure.

### **Private and Confidential**

Complainants may seek assistance before completing this form.

Complaint is being submitted at a:	<input type="checkbox"/>	Step 2 (Informal Process – Form to be submitted to the Complainant's Supervisor, Principal, Manager or Superintendent)
	<input type="checkbox"/>	Step 3 (Formal Process – Form to be submitted to the Superintendent – Human Resources and Administrative Services). Note: Documentation of previous meetings held, witness statements, etc., are to be included with a Step 3 request.

Name of Complainant: \_\_\_\_\_

School/Department/Work Site: \_\_\_\_\_

Description of alleged harassment and/or discrimination (attach further information if required):

---



---



---

Name(s) of person(s) accused of harassment and/or discrimination:

---



---

*Workplace Harassment and Workplace Sexual Harassment Complaint Form (Cont'd)*

Date(s) of incident(s) or time frame and location of incident:

---

---

What steps have been taken to date to resolve the complaint:

---

---

---

Resolution requested:

---

---

Complainant(s) Signature(s):

_____	Date: _____
_____	Date: _____

Supervisor/Principal/Manager/Superintendent's Signature (indicating receipt):

_____	Date of Receipt: _____
-------	------------------------

The information contained in this form is of a highly confidential nature and will be protected as outlined in the Workplace Harassment and Workplace Sexual Harassment Administrative Procedure (AP 320-1)

**Instructions for Handling this Form**

Place this form in a sealed envelope marked "Private and Confidential" and forward as outlined above for a Step 2 or Step 3 investigation.



## Durham Catholic District School Board

"The Board"

# Policy

Annual Review

Title: <b>Workplace Violence</b>	Policy #: <b>PO324</b>
Policy Area:	Human Resources and Administrative Services
Source:	Superintendent – Human Resources and Administrative Services
Date Approved:	January 24, 2011
Dates of Amendment:	November 12, 2012
Date of Annual Review:	June 13, 2016

## 1.0 Introduction

The Durham Catholic District School Board is committed to the promotion of the values of respect, dignity and fairness for all. The Board believes that in adhering to these values there can be no tolerance of violence in the work or learning environment. The Durham Catholic District School Board recognizes that violence and threat of violence are a serious hazard to its employees and is committed to protecting workers from workplace violence from all sources, preventing and controlling such risks in its workplace.

## 2.0 Definitions

**Joint Health and Safety Committee (JHSC)** is a committee composed of employees who represent the workers and the Board. The Committee is committed to improving health and safety conditions in the workplace. The Committee identifies health and safety issues and brings these matters to the employer's attention. Members of the Committee must be kept informed of health and safety developments in the workplace.

**Reprisal** is defined as any act of retaliation, either direct or indirect.

**Sexual assault** is touching of a person in a sexual manner without the informed and valid consent of the person touched.

**Threat** is any statement, act or communication intended or apparently intended to intimidate a person, in circumstances where the person threatened believes, or has reasonable grounds to believe, the threat may be carried out.

**Workplace** The workplace is any place where employees perform work or work-related duties or functions. Schools and school related activities, such as extra-curricular activities and excursions, comprise the workplace, as do Board offices and facilities. Conferences and training sessions fall within the direction of this Policy.

## 2.0 **Definitions** (Cont'd)

**Workplace Violence** is defined by the Ministry of Labour (MOL) as:

- the exercise of physical force by a person against a worker in a workplace that causes or could cause physical injury to the worker;
- an attempt to exercise physical force against a worker, in a workplace that causes or could cause physical injury to the worker;
- a statement or behaviour that is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

## 3.0 **Purpose**

It is the purpose of this Policy and related Administrative Procedure to support a safe working environment through implementation of effective measures to prevent and address violence in the workplace.

## 4.0 **Application/Scope**

- The Workplace Violence Policy applies to all Board employees and trustees, as well as other individuals including clients of the Board, parents, volunteers, permit holders, contractors and employees of other organizations not related to the Board but who work on or are invited onto Board premises. The provisions of this Policy also apply to workplace violence by such persons which is proven to have repercussions that adversely affect the Board's working and learning environment.
- This Policy is to be interpreted and applied in conjunction with all other applicable Board policies and practices having to do with employee conduct, including, but not limited to, workplace harassment and school safety.
- The rights of students to a respectful working and learning environment, free from violence, are addressed under other appropriate policy, legislation or regulations including, but not limited to, the *Education Act*, Ontario Schools Code of Conduct as well as Board and School Codes of Behaviour. The Occupational Health and Safety Act (OHSA) Sec. 32.0.1, covers harassment and risks of workplace violence that may arise because of student and/or staff behaviours. This Policy, therefore, applies in appropriate circumstances.

## 5.0 **Principles**

- The Board recognizes that behaviour within our school communities should be in accordance with the Gospel values of Jesus Christ, the Board's Mission Statement, and the requirements set forth by the *Occupational Health and Safety Act* and the applicable regulations.
- The Board recognizes that all forms of violence are unacceptable behaviours.

## 5.0 **Principles** (Cont'd)

- The Board is committed to the provision of working and learning environments that are free of any form of violence and that are safe, secure, harmonious and sensitive to the needs and well-being of all employees, students, volunteers and visitors.
- The Board acknowledges that victims of violence will be supported by the provisions of enacted legislation and the requirements of Board policy and administrative procedures.
- The Board recognizes that workplace violence adversely affects healthy relationships, the school climate, and other working environments.
- The Board recognizes that workplace violence will not be accepted on school property, at school-related activities in schools with locations related to Board business sponsored programs or events, on school buses, or in any other circumstances where engaging in violence will have a negative impact on the working and learning environment.
- The Board will comply with Privacy and Access legislation in protecting confidentiality of the Workplace Violence process and of all parties involved to the extent possible.

## 6.0 **Requirements**

1. The Director of Education shall issue administrative procedures to support this Policy and amend them thereafter as the need may arise.
2. The Board, in consultation with the Joint Health and Safety Committee, will develop, implement, and maintain a workplace violence prevention and intervention program, which will include training and educating employees. This program will include:
  - i) a workplace violence risk assessment protocol which will identify and mitigate areas of potential risk of workplace violence.
  - ii) procedures to follow in order to control risks of workplace violence identified through the risk assessment, as likely to expose an employee to physical or other form of injury;
  - iii) procedures to summon immediate assistance when workplace violence occurs or is likely to occur;
  - iv) measures that employees must take to report incidents of workplace violence to the Board or their supervisor;
  - v) the Board process for investigating and responding to incidents or complaints of workplace violence.

## 6.0 **Requirements** (Cont'd)

3. The Board, in consultation with the Joint Health and Safety Committee, will assess the risks of workplace violence that may arise from the nature of the workplace, the type of work or the conditions of work in accordance with the provisions of the *Occupational Health and Safety Act*. The risks of workplace violence will be reassessed as often as necessary to ensure that this Policy and the related program continue to protect employees from workplace violence.
4. The Board will advise the Joint Health and Safety Committee of the results of the assessment and reassessment, and provide a copy, if the assessment or reassessment is in writing.
5. The Board will clearly define roles and responsibilities of stakeholders, including Board/school administrators, principals/vice principals, managers, supervisors and employees in preventing, reporting and responding to workplace violence.
6. The Board will provide an employee with information and instruction that is appropriate for the employee on the contents of the Policy and program with respect to workplace violence and any other prescribed information or instruction.
7. The Board will not disclose more personal information than is reasonably necessary to protect employees' safety and security. The information provided to an employee may include personal information related to a risk of workplace violence from a person with a history of violent behaviour if the employee can be expected to encounter that person in the course of his or her work and the risk of workplace violence is likely to expose the employee to physical injury.
8. The Board will take every reasonable precaution to protect the employee if the Board becomes aware or ought reasonably to be aware of domestic violence that is likely to expose an employee to physical injury may occur in the workplace.
9. This Policy and the Occupational Health and Safety Act prohibits reprisals against individuals, acting in good faith, who report incidents of workplace violence or act as witnesses. The Board will take all reasonable and practical measures to prevent reprisals, threats of reprisals, or further violence. False, malicious and vexatious accusations, however, will face corrective and remedial action.
10. As part of an internal responsibility system, individuals engaging in unsafe activity will be held accountable for their actions.
11. With respect to employees, the Board's progressive discipline may be applied concerning any unsafe behaviour and particularly concerning behaviour that is described in the definition of "workplace violence" above.
12. All complaints and reports of violence will be treated seriously, will be investigated thoroughly and fairly, and will be dealt with accordingly. Every attempt will be made to maintain confidentiality and all investigations will be conducted adhering to any applicable provisions of the *Municipal Freedom of Information and Protection of Privacy Act*.



## 6.0 **Requirements** (Cont'd)

13. The Policy concerning workplace violence will be posted at a conspicuous place in the workplace.
14. The Board will review the Policy with respect to workplace violence as often as is necessary, but at least annually in consultation with the Joint Health and Safety Committee.
15. All employees will be required to acknowledge their review of the Workplace Violence Policy and Administrative Procedure on an annual basis in accordance with the Policy Development and Implementation Administrative Procedure (AP210-1).

## 7.0 **Sources**

- Statutes and Regulations
- Criminal Code (Canada)
- Ontario Human Rights Code
- Ontario Occupational Health and Safety Act
- Education Act
- Teaching Profession Act
- Ontario College of Teachers Act
- Canadian Charter of Rights and Freedoms
- Antiracism and Ethno Cultural Equity (Education Act, s.8 (1), 29.1)
- Safe Schools Act, 2000
- Education Amendment Act (Progressive Discipline and School Safety), 2007
- Municipal Freedom of Information and Protection of Privacy Act

### ***Ministry of Education Policy/Program Memoranda***

- PPM 120 School Board Policies On Violence Prevention In Schools
- PPM 128 Provincial Code of Conduct
- PPM 144 Bullying Prevention and Intervention
- PPM 145 Progressive Discipline and Promoting Positive Student Behaviour

### ***Professional Colleges***

- College of Audiologists and Speech-Language Pathologists of Ontario
- College of Early Childhood Educators
- College of Psychologists of Ontario
- Ontario College of Teachers
- The Ontario College of Social Workers and Social Service Workers and/or;
- Any other professional colleges or associations recognized under Provincial statutes

## 8.0 **References**

- Working Alone Protocol, Facilities Services Staff, September 2008
- School Banking Protocol, Business Services, January 2011

## 9.0 **Related Board Policies and Administrative Procedures**

- Freedom of Information and Protection of Individual Privacy (PO201)
- Employees' Assistance Program Policy (PO304)
- Sexual Harassment Policy (PO307)
- Occupational Health and Safety Policy (PO318)
- Workplace Harassment Policy (PO320)
- Emergency Preparedness Policy (PO414)
- Lockdown Policy (PO436)
- Code of Conduct Policy (PO610)
- Student Discipline Policy (PO611)
- Bullying Prevention and Intervention Policy (PO612)
- Workplace Harassment Administrative Procedure (AP320-1)
- Employee Injury Administrative Procedure (AP414-1)
- Accident/Personal Injury Administrative Procedure (AP414-2)
- Lockdown Administrative Procedure (AP436-1)
- Handling Racial/Ethnic Incidents Administrative Procedure (AP570)
- Student Protection Administrative Procedure (AP607-1)
- Code of Conduct Administrative Procedure (AP610-1)
- Student Discipline Administrative Procedure (AP611-1)
- Bullying Prevention and Intervention Administrative Procedure (AP612-1)

### **Related Sources**

- Ontario Ministry of Labour, Health and Safety Guidelines, *Workplace Violence and Harassment: Understanding the Law*, March 2010
- Ontario Education Services Corporation, *Resources for Implementing Bill 168*, April 2010
- Catholic Consortium, *Workplace Violence Policy – General*, March 26, 2010



## Durham Catholic District School Board

"The Board"

## Administrative Procedure

Annual Review

Title: <b>Workplace Violence Prevention</b>	Procedure #: <b>AP324-1</b>
Administrative Area:	Human Resources and Administrative Services
Policy Reference:	Workplace Violence (PO324)
Date Approved:	January 24, 2011
Dates of Amendment:	November 12, 2012
Date of Annual Review:	June 13, 2016

## 1.0 **Purpose**

It is the purpose of this administrative procedure and related policy to support a safe working environment through implementation of effective measures to prevent and address violence in the workplace.

## 2.0 **Definitions**

**Incident** as it applies to this program, includes any and all events in which any act of violence is recognized as being applicable to a circumstance on Durham Catholic District School Board (DCDSB) property or associated with DCDSB activities and their employees.

**Joint Health and Safety Committee (JHSC)** is a committee composed of employees who represent the workers and the Board. The Committee is committed to improving health and safety conditions in the workplace. The Committee identifies health and safety issues and brings these matters to the employer's attention. Members of the Committee must be kept informed of health and safety developments in the workplace.

**Reprisal** is defined as any act of retaliation, either direct or indirect.

**Sexual assault** is touching of a person in a sexual manner without the informed and valid consent of the person touched.

**Threats** are any statements, acts, or communication intended or apparently intended to intimidate a person, in circumstances where the person threatened believes, or has reasonable grounds to believe, the threat may be carried out.

**Workplace** is any place where employees perform work or work-related duties or functions. Schools and school related activities, such as extra-curricular activities and excursions, comprise the workplace, as do Board offices and facilities. Conferences and training sessions fall within the direction of this policy.

## 2.0 **Definitions** (Cont'd)

**Workplace Violence** is defined by the Ministry of Labour (MOL) as:

- the exercise of physical force by a person against a worker in a workplace that causes or could cause physical injury to the worker,
- an attempt to exercise physical force against a worker, in a workplace that causes or could cause physical injury to the worker,
- a statement or behaviour that is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

## 3.0 **Procedures**

### 3.1 **Risk Assessment and Prevention**

#### 3.1.1 **Assessment of the Risks of Workplace Violence**

3.1.1.1 The Board, in consultation with the Joint Health and Safety Committee (JHSC), will assess the varying degrees of potential exposure of the Board's employees to violence in the workplace and support a workplace violence prevention program.

3.1.1.2 The Board, in consultation with the JHSC, will assess the risks of workplace violence that may arise from the nature of the workplace, the type of work or the conditions of work in accordance with the provisions of the *Occupational Health and Safety Act* (OHSA).

3.1.1.3 The Board will reassess the risks of workplace violence as often as necessary to ensure that the related policy and program continue to protect employees from workplace violence. The assessments and reassessments will take into account:

- circumstances that would be common to similar workplaces; and
- circumstances specific to the workplace.

3.1.1.4 Circumstances that would be common to schools of the Board are:

- the existence of potential risks due to interactions with the public, students, parents and employees; and
- the existence of protocols between the Board and the Durham Region Police Services (DRPS) or other police services

3.1.1.5 The Board shall advise the JHSC of the results of the assessment and reassessment, and provide a copy, if the assessment or reassessment is in writing.

### 3.0 **Procedures** (Cont'd)

#### 3.1 **Risk Assessment and Prevention** (Cont'd)

##### 3.1.2 **Prevention Strategies – Students and Curriculum**

To further its mission to provide students with a quality Catholic education rooted in the Gospel teachings, the DCDSB is committed to ensuring that violence prevention is incorporated into the curriculum and all school routines for students from junior kindergarten to the end of secondary school.

##### 3.1.3 **Prevention Strategies – Physical Environment**

3.1.3.1 The Workplace Violence Prevention Program requires that administrators, principals, supervisors and workers take preventative measure aimed at reducing the risk of possible workplace violence. Such measures include but are not limited to the following:

- Reviewing the need for controlled entry points at the worksite;
- Controlling, managing and restricting internal access (i.e., keys/authorized personnel) to vital areas of operation at the worksite;
- Controlling and managing external access (i.e., keys/locks) at the worksite;
- Ensuring that there is a check-in process for all visitors at the worksite;
- Controlling and managing parking and fire routes;
- Monitoring internal security by closing doors and windows and turning off computers when not in use, including after-hours operations;
- Reviewing communication systems (i.e., intercoms, walkie talkies, video surveillance, etc.);
- Ensuring that emergency exits, corridors, stairwells and grounds are not blocked;
- Maintaining good housekeeping practices, including proper storage of items;
- Ensuring that classroom(s) and office areas are configured in a manner that does not box in or restrict staff from the exit points;
- Ensuring all graffiti is reported and removed as soon as possible from the worksite;
- Reviewing and assessing lighting at the worksite (inside/outside of building);
- Ensuring all required fire and emergency response drills are conducted on a regular basis;
- Ensuring an annual Fall review is conducted of the Board's Emergency Response Program;
- Training for managers and staff to enable them to identify risks of violence and responses required.

### 3.0 **Procedures** (Cont'd)

#### 3.1 **Risk Assessment and Prevention** (Cont'd)

##### 3.1.3 **Prevention Strategies – Physical Environment** (Cont'd)

3.1.3.2 Refer to the “Checklist for the Safety and Security of Building and Grounds” in the DCDSB Safe Schools Audit for a comprehensive listing of physical environment measures.

##### 3.1.4 **Prevention Strategies – Staff: Applicable Board Policies, Procedures, Guidelines and Resources that Prevent and Mitigate Workplace Violence**

The DCDSB has in place many measures and procedures for controlling risks that arise from the nature of the workplace, the type of work or the conditions of work at DCDSB, both generally and in particular positions. These incorporate both prevention/mitigation and reporting mechanisms. Refer to the Reference section of this Administrative Procedure for a summary of the measures currently in place.

#### 3.2 **Workplace Violent Incident Reporting**

##### 3.2.1 **Who May Initiate a Complaint?**

3.2.1.1 All employees who are included under section Application/Scope in the Workplace Violence Policy have access to the complaint procedures. Individuals who are victims of workplace violence, including threats of violence, may initiate a complaint. Only individual complaints are permitted. In addition, those who have witnessed workplace violence directly, have received reports of workplace violence or have reasonable grounds/objective evidence to suspect that workplace violence may occur can initiate a complaint.

3.2.1.2 All reports will be signed and dated

3.2.1.3 Each employee has the right and is encouraged to contact their Union/Association for assistance and advice throughout this reporting process. Non-unionized employees are encouraged to consult with the Director of Education or designated Supervisory Officer.

##### 3.2.2 **Reporting**

3.2.2.1 Workplace violence as defined in the Workplace Violence Policy must be reported using the Workplace Violence Incident Report Form 4324 and submitted to the Principal/Supervisor or designate, unless the alleged aggressor is a student.

3.2.2.2 All acts of violence against an employee, by a student must be reported in accordance with Student Discipline policy and supporting administrative procedures.

### 3.0 **Procedures** (Cont'd)

#### 3.2 **Workplace Violent Incident Reporting** (Cont'd)

##### 3.2.2 **Reporting** (Cont'd)

3.2.2.3 Members of a professional college are required to fulfill the reporting requirements as per their respective code of conduct or legislative obligations.

3.2.2.4 If the supervisor is the party alleged to be responsible for the workplace violence or alleged to condone the workplace violence, the complaint should be reported to that supervisor's superior.

3.2.2.5 The rights of staff and students to a respectful working and learning environment, free from violence or threats of violence, are dealt with under other appropriate policy, legislation or regulations including, but not limited, to the *Education Act* and the Ontario Schools Code of Conduct and codes of behavior. Students, parents and guardians should contact their principal, vice-principal, or, where appropriate, their school superintendent, for clarification on the process to be followed.

3.2.2.6 Other user complainants should report the complaint to the appropriate supervisory or managerial personnel at the Board or, if they require assistance in reporting.

##### 3.2.3 **Timelines for Initiating a Complaint**

All complaints must be reported as expeditiously as possible, but no later than within forty-five (45) calendar days of the most recent incident or threat of workplace violence. Reports of workplace violence filed outside this time frame may be considered by the Director or designate

##### 3.2.4 **Durham Catholic District School Board Reporting**

3.2.1 If an incident of workplace violence were to cause a person to be disabled from performing his/her usual work or to require medical attention, the WSIB/Disability Claims Management Officer or designate would, in accordance with the *Occupational Health and Safety Act (OHSA)*, notify the JHSC and the applicable union/association, if any, within 4 days from the incident.

3.2.2 If an incident of workplace violence were to result in a death or critical injury as defined by the OHSA, the Health, Safety and Wellness Program Coordinator or designate would, in accordance with the OHSA, immediately notify the Ministry of Labour, the JHSC and the applicable union/association, if any. The Health, Safety and Wellness Program Coordinator or designate would then provide the Ministry of Labour with written details of the incident as prescribed within 48 hours.

### 3.0 **Procedures** (Cont'd)

#### 3.3 **Summoning Immediate Assistance**

3.3.1 **When workplace violence occurs or is likely to occur, employees are encouraged to act immediately and summon assistance. For threats of violence, assaults or other violent incidents, employees should contact their supervisory or managerial personnel, if possible, and/or call 9-1-1- immediately.**

3.3.2 After requesting police involvement and the emergency situation is under the proper control, the particulars of the event must be detailed on the Workplace Violent Incident Report Form 4324 and submitted to the Principal/Supervisor in a timely manner.

#### 3.4 **Workplace Violent Incident Investigations**

##### 3.4.1 **Confidentiality**

3.4.1.1 To protect the interests of all parties involved, confidentiality will be maintained throughout the complaint process to the extent possible under the circumstances, subject to all relevant legal considerations. Witnesses should be informed that supervisory and managerial personnel, in obtaining a statement, will maintain such statement in strict confidence, subject to their ability to conduct a full and thorough investigation.

3.4.1.2 Notwithstanding the above, procedural fairness requires that the respondent to a complaint be apprised of the nature of the complaint and by whom it has been made so that they have an opportunity to respond to the allegations. This may require the disclosure of witness names and statements to the parties, subject to any applicable privacy considerations under the Education Act and Regulations.

3.4.1.3 A complainant has the right to withdraw a complaint at any stage defined in these procedures. The withdrawal must be done in writing. At the same time, the Board may be required to continue to act on the issues identified in the complaint in order to comply with its legal obligations and to address its concerns regarding systemic issues. When the Board determines that the safety of an individual or the community is at risk, it will act to the best of its ability to address this situation. This may mean that the procedures outlined in this policy, including confidentiality, will be set aside.

3.4.1.4 The Board may be required to provide information obtained during an investigation to an outside agency, such as police services, court or tribunal that has the right to require information otherwise protected by the Municipal Freedom of Information and Protection of Privacy Act.



### 3.0 **Procedures** (Cont'd)

#### 3.4 **Workplace Violent Incident Investigations** (Cont'd)

##### 3.4.2 **Threshold Assessment**

3.4.2.1 All reports filed under the Workplace Violence Policy will be subject to a threshold assessment to determine whether the alleged conduct would, if proven, meet the definition of workplace violence by the Principal/Supervisor. The Principal/Supervisor will conduct the threshold assessment in consultation with the appropriate Superintendent and the Human Resources and Administrative Services Department.

3.4.2.2 If following this threshold assessment, it is determined that the report of workplace violence filed:

- would not, if true, meet the definition of workplace violence;
- does not provide sufficient details of the alleged incident or threat of workplace violence, provided the complainant is given notice that insufficient details have been provided and given reasonable time to provide sufficient details; or
- is vexatious, frivolous, trivial, or has not been made in good faith or would, if investigated, constitute an abuse of the Workplace Violence Policy,

then the complainant shall be so advised in writing by the Director or designate and no further action shall be taken under these procedures.

3.4.2.3 If the report of workplace violence does meet the definition of workplace violence, then proceed to investigate the incident in accordance with section 3.4.3

3.4.2.4 Where allegations relate to harassment or discrimination on the basis of a ground prohibited by the *Ontario Human Rights Code*, they shall be addressed in accordance with Board policy PO320, Workplace Harassment and Administrative Procedure AP320-1.

##### 3.4.3 **Investigations and Resolutions**

3.4.3.1 Reports of workplace violence deemed to meet the definition through the threshold assessment require an investigation of the complainant's allegations. Investigators will most often be the supervisory staff of the complainant. Principals/Supervisors have the right to assistance and support from their respective Superintendent and/or Human Resources and Administrative Services Department.

### 3.0 **Procedures** (Cont'd)

#### 3.4 **Workplace Violent Incident Investigations** (Cont'd)

##### 3.4.3 **Investigations and Resolutions** (Cont'd)

3.4.3.2 Informal inquiries and discussion, with the views of the parties being solicited and assessed, may be sufficient depending on the circumstances.

3.4.3.3 The Work Related Incident Investigation Report is to be completed by the Principal/Supervisor in all cases of reported employee injury.

3.4.3.4 Incidents of workplace violence involving a student or students as the alleged aggressor(s) will be investigated in accordance with Student Discipline Policy and supporting administrative procedures.

3.4.3.5 Incidents of workplace violence involving students designated with special needs will be investigated in accordance with Student Services Special Education processes. Refer to the Student Services Ad Hoc Incident Report form if an Educational Assistant is involved.

3.4.3.6 Where the employer becomes aware that domestic violence that would likely expose a worker to physical injury may occur in the workplace, the employer shall take every precaution reasonable in the circumstances for the protection of the worker (refer to Appendix A).

3.4.3.7 Principals/Supervisors who conduct the investigation shall ensure that the following steps are taken as soon as possible:

- a) Workplace violence incidents are subject to the *Criminal Code of Canada* and may require the Durham Regional Police Services to be contacted.
- b) take appropriate measures to ensure the safety of the complainant;
- c) notify the complainant(s), the respondent(s) and witness(es) that they are entitled to support and assistance throughout the process;
- d) interview the complainant(s);
- e) inform the respondent(s) of the allegations and provide an opportunity for response;
- f) interview witness(es);
- g) interview the respondent(s);
- h) consult with the appropriate Superintendent and Human Resources and Administrative Services Department about findings and determine whether a alleged incident did or did not occur based on a balance of probabilities;

### 3.0 **Procedures** (Cont'd)

#### 3.4 **Workplace Violent Incident Investigations** (Cont'd)

##### 3.4.3 **Investigations and Resolutions** (Cont'd)

- i) provide a written summary of the findings to the complainant and respondent and given them an opportunity to respond; and
- j) take appropriate action(s) to address the situation.

3.4.3.8 If the respondent declines to participate in the investigative process, the investigation will proceed. The respondent should be encouraged to participate in the interest of a balanced and fair process.

##### 3.4.4 **Standard of Proof**

The standard of proof to be applied is the balance of probabilities.

##### 3.4.5 **Outcomes in Investigations**

In the event a complaint is not substantiated, no further action will be taken, subject to the section on maintaining records. In cases where the complaint is found to be trivial, vexatious or an abuse of the process, the complainant may be subject to disciplinary action as outlined in section, "Disciplinary Action". However, if there is need to restore positive learning or working environment or if the complainant and/or respondent require counselling, appropriate steps will be taken to meet such needs.

Follow-up possibilities, including but not limited to:

- counselling for the parties;
- application of strategies to restore a positive learning/working environment;
- mediation;
- specific training for the complainant and/or respondent;
- workshops for the staff and/or others in the school/workplace regarding their rights and responsibilities;
- restorative measures;
- permanent separation of respondent and complainant from each other;
- letter of direction/discipline;
- access restrictions;
- employment terminated; and/or
- other measures deemed appropriate in the circumstances.

### 3.0 **Procedures** (Cont'd)

#### 3.4 **Workplace Violent Incident Investigations** (Cont'd)

##### 3.4.6 **Disciplinary Actions**

###### 3.4.6.1 Employee Respondents

- a) The appropriate supervisor or manager may impose discipline as appropriate and consistent with the circumstances.
- b) The principles of progressive discipline will be applied in dealing with disciplinary actions under this policy. These would include the following possibilities:
  - verbal warning;
  - written reprimand;
  - suspension with pay;
  - suspension without pay;
  - other employment related restrictions; or
  - dismissal for cause from employment with the Board.
- c) Nothing precludes the Board from bypassing lesser forms of discipline where the employee behaviour is egregious.

###### 3.4.6.2 Other Respondents

- a) Actions must be determined as appropriate for the individual situation and may include such responses as a letter of disapproval and caution or warning, a revoking of permits or contracts, an issuing of a trespass warning, or other remedies as provided by the common law and/or the appropriate legislation. The involvement of the Director or designate is recommended in these cases.

##### 3.4.7 **Mediated Resolution**

3.4.7.1 Mediation involves an unbiased third party acting as a facilitator in direct communication between the parties who voluntarily agree to enter into this process. It is an opportunity to resolve disputes in a respectful manner. It provides the opportunity to generate a variety of options for resolution and contributes to restoring the working relationship between the parties.

3.4.7.2 Where there is already a report of workplace violence being investigated under these procedures, at any time during the investigation, the parties may agree to hold the investigation in abeyance and attempt to achieve a mediated resolution.

### 3.0 **Procedures** (Cont'd)

#### 3.4 **Workplace Violent Incident Investigations** (Cont'd)

##### 3.4.7 **Mediated Resolution** (Cont'd)

3.4.7.3 Mediation is appropriate when all parties agree that a mutually agreeable solution is achievable and desirable. The investigator will request approval to mediate or attain a trained mediator when the parties have expressed an interest in a mediated resolution. In cases where mediation is sought, the Human Resources and Administrative Services Department will make arrangements to obtain the services of a trained mediator.

3.4.7.4 Meetings required for mediation sessions will be scheduled as soon as possible and, where practical, in a time and place convenient for the complainant, the respondent and the mediator.

3.4.7.5 When matters are resolved through mediation, the complainant and the respondent will sign a memorandum of agreement outlining the terms to which they have agreed. Supervisory and managerial personnel will ensure that the terms that the parties have agreed to have been met.

3.4.7.6 Mediation is voluntary and the complainant or the respondent may choose to withdraw at any time.

#### 3.5 **Review/Appeal Process**

3.5.1 Within ten (10) business days of having received the investigator's final written report, the complainant or respondent may request, in writing, to the Director or designate for a review of the Investigator's conclusions and/or report for one or both of the following reasons:

- the investigators did not comply with the procedures; or
- new evidence has become known after the final decision but before the expiry of the ten working days limitation period for requesting a review.

3.5.2 No review of the final decision will be undertaken with regard to the claim that the conclusions drawn by the investigator(s), based on findings of fact, were incorrect.

3.5.3 The reviewer will report its findings to the Director or designate who will affirm or amend a final decision or require that a new investigation be undertaken.

### 3.0 **Procedures** (Cont'd)

#### 3.6 **Records**

All correspondence and other documents generated under these Procedures must, subject to the *Municipal Freedom of Information and Protection of Privacy Act*, be marked "PRIVATE AND CONFIDENTIAL" and be stored in a locked and secure file in the Human Resources and Administrative Services Department. Records will be retained per legislated requirements. Only a record of the negative consequence, warning, caution, or other disciplinary action will be placed in the respondent's personnel file, with a copy to appropriate employee group representative.

#### 3.7 **Misuse of the Workplace Violence Reporting Procedures**

If there is a determination on a balance of probabilities that a report of workplace violence has been filed in bad faith, the investigation process may discontinue and disciplinary action may occur.

#### 3.8 **Reprisals**

Reprisals against individuals because they have reported a complaint are strictly forbidden. Alleged reprisals shall be investigated and, if substantiated, are subject to the same consequences as complaints of harassment.

#### 3.9 **Sharing of Personal Information**

- 3.9.1 In cases where an individual with a history of violent behavior presents a risk of workplace violence that is likely to expose the employee(s) to physical injury, the Board will provide information related to the risk of workplace violence to employee(s) who can be expected to encounter that person in the course of his/her/their work.
- 3.9.2 The information provided will include personal information, though no more than is reasonably necessary to protect the employee(s) from physical injury. Such sharing of information is on a need to know basis, is governed by appropriate privacy legislation. Principals, managers and supervisors should seek guidance on this issued from their Superintendent and the Human Resources and Administrative Services Department. Notification of Risk of Injury Form 4324-2 will only be used after consultation with their Superintendent and the Superintendent of Human Resources and Administrative Services.

### 3.0 **Procedures** (Cont'd)

#### 3.10 **Information and Instruction with Respect to Workplace Violence**

3.10.1 All employees of the Durham Catholic District School Board will be provided information and instruction respecting workplace violence. This will cover the basics of workplace violence and strategies to deal with the issues. It will include, but is not limited to ensuring employees:

- know how to summon immediate assistance;
- know how to report incidents of workplace violence to the employer or supervisor;
- know how the Board will investigate and deal with incidents, threats or complaints;
- know, understand and be able to carry out the measures and procedures that are in place to protect them from workplace violence; and
- be able to carry out any other procedures that are part of the program.

3.10.2 All employees will be made aware of the Workplace Violence Prevention Administrative Procedures. Principals and Supervisors will be supported with resource material suitable for staff meetings. Every fall of each school year, Principals, Supervisors and Superintendents will review with staff the Workplace Violence Policy and Administrative Procedures. Principals shall advise parents/guardians of the Policy and Administrative Procedures within a school newsletter in the fall.

3.10.3 Specialized training will be provided to staff in jobs with a higher risk of violence. For example, Non-Violent Crisis Intervention (NVCi/CPI) will be provided annually to any employee as required and determined by their immediate supervisor.

3.10.4 Information and instruction will be repeated:

- when there are significant, non-housekeeping changes to the risks encountered;
- when there are significant, non-housekeeping changes to the workplace violence policy or program;
- when circumstances indicate additional instruction or training is needed such as; and/or
- when procedures are not being followed or workers do not know about them.

#### 3.10.5 **Training Records**

3.10.5.1 The provision of workplace violence information and instruction will be tracked by the Human Resources and Administrative Services Department.

### 3.0 **Procedures** (Cont'd)

#### 3.10 **Information and Instruction with Respect to Workplace Violence**

##### 3.10.5 **Training Records** (Cont'd)

3.10.5.2 As part of the annual program audit and review described in the section, "Program Audit and Review", workplace violence information and instruction needs and other related workplace policy training needs will be continually assessed and up-dated.

#### 3.11 **Program Audit and Review**

The Board, in consultation with the Joint Health and Safety Committee, will annually review the Workplace Violence Prevention Policy and Administrative Procedures to ensure that they are effective.

### 4.0 **Sources**

#### ***Statutes and Regulations***

- Criminal Code (Canada)
- Ontario Human Rights Code
- Ontario Occupational Health and Safety Act
- Education Act
- Teaching Profession Act
- Ontario College of Teachers Act
- Canadian Charter of Rights and Freedoms
- Antiracism and Ethno Cultural Equity (Education Act, s.8 (1), 29.1)
- Safe Schools Act, 2000
- Education Amendment Act (Progressive Discipline and School Safety), 2007
- Municipal Freedom of Information and Protection of Privacy Act

#### ***Ministry of Education Policy/Program Memoranda***

- PPM 120 School Board Policies On Violence Prevention In Schools
- PPM 128 Provincial Code of Conduct
- PPM 144 Bullying Prevention and Intervention
- PPM 145 Progressive Discipline and Promoting Positive Student Behaviour

#### ***Professional Colleges***

- College of Audiologists and Speech-Language Pathologists of Ontario
- College of Early Childhood Educators
- College of Psychologists of Ontario
- Ontario College of Teachers
- The Ontario College of Social Workers and Social Service Workers and/or;
- Any other professional colleges or associations recognized under Provincial statutes.



## 5.0 **References**

- Working Alone Protocol, Facilities Services Staff, September 2008
- School Banking Protocol, Business Services, January 2011

## 6.0 **Related Board Policies and Administrative Procedures**

- Workplace Violence Policy (PO324)
- Freedom of Information and Protection of Individual Privacy Policy (PO201)
- Employees' Assistance Program Policy (PO304)
- Sexual Harassment Policy (PO307)
- Harassment and Discrimination Policy (PO316)
- Occupational Health and Safety Policy (PO318)
- Workplace Harassment Policy (PO320)
- Emergency Preparedness Policy (PO414)
- Lockdown Policy (PO436)
- Code of Conduct Policy (PO610)
- Student Discipline Policy (PO611)
- Bullying Prevention and Intervention Policy (PO612)
- Workplace Harassment Administrative Procedure (AP320-1)
- Employee Injury Administrative Procedure (AP414-1)
- Accident/Personal Injury Administrative Procedure (AP414-2)
- Lockdown Administrative Procedure (AP436-1)
- Handling Racial/Ethnic Incidents Administrative Procedure (AP570)
- Student Protection Administrative Procedure (AP607-1)
- Code of Conduct Administrative Procedure (AP610-1)
- Student Discipline Administrative Procedure (AP611-1)
- Bullying Prevention and Intervention Administrative Procedure (AP612-1)

### **Related Sources**

- Ontario Ministry of Labour, Health and Safety Guidelines, *Workplace Violence and Harassment: Understanding the Law*, March 2010
- Ontario Education Services Corporation, *Resources for Implementing Bill 168*, April 2010
- Catholic Consortium, *Workplace Violence Policy – General*, March 26, 2010

## 7.0 **Related Forms**

- Workplace Violent Incident Report Form (Form 4324)
- Notification of Risk of Injury Form (Form 4324-2)

## 8.0 **Appendix**

- Appendix A – Domestic Violence

## **Appendix A**

### **Domestic Violence**

Domestic violence that could occur in the workplace is recognized by the *Occupational Health and Safety Act (OHSA)* as one form of workplace violence. Unlike many risks which may lend themselves to regular and ongoing assessment, the risk of domestic violence taking place in the workplace is much more variable and less easily anticipated. The Durham Catholic District School Board will take every reasonable precaution to protect workers from domestic violence that is likely to expose workers to physical injury in the workplace.

The responsibility for creating and maintaining a workplace environment in which workers are protected from domestic violence that may expose workers to physical injury in the workplace rests with all workers sharing the workplace.

#### **1.1 Notification**

Workers who have information that they or a fellow worker is subject to domestic violence that may expose them or their fellow workers to physical injury in the workplace have a responsibility to inform their supervisor (Workplace Violent Incident Report Form 4324).

The supervisor will treat all such reports in confidence and only disclose to Human Resources and Administrative Services, or others who need to know, information that is necessary for the protection of workers in the workplace.

#### **1.2 Investigation**

Supervisors who are informed that there is a worker who may be subject to domestic violence in the workplace must gauge the nature and extent of the threat in consultation with their Family of Schools Superintendent and the Human Resources and Administrative Service Department. This may require the supervisor to interview both the source of the information about the threat, and the worker(s) who may be subject to the risk of domestic violence in the workplace. It may also require more detailed investigations conducted by their respective Superintendent and/or Assistant Superintendent Human Resources and Administrative Services. It is the responsibility of the supervisor to make this contact.

The supervisor may request reasonable documentation from the worker in the circumstances to assess the risks and to put in place precautions to protect the worker. Such documentation may include a copy of a court order, police report or photograph of the alleged perpetrator.

The employer will make available information about supports available for victims of domestic violence. Such supports may include the Employee Assistance Program, community counselling, support groups, shelters, and the police. When possible, supervisors will remind potential victims of domestic violence in the workplace of these resources.

In all circumstances, a supervisor must tell the victim that if they feel at risk of physical harm whether inside or outside the workplace or at home, the worker should contact the police.

### 1.3 **Actions**

If the threat of domestic violence is from a co-worker or from someone outside the workplace, the supervisor, under advice from Human Resources and Administrative Services/Legal, must take steps to ensure the victim and other workers are protected. Such steps may include, but are not limited to, warnings, employee transfers, informing police, and requesting restraining orders.



Durham Catholic District School Board

"The Board"

# Policy

Annual Review

Title: <b>Occupational Health and Safety</b>	Policy #: <b>PO318</b>
Policy Area:	Human Resources and Administrative Services
Source:	Superintendent – Human Resources and Administrative Services
Date Approved:	February 27, 2006
Dates of Amendment:	June 15, 2015
Date of Annual Review:	June 13, 2016

## 1.0 Introduction

The Durham Catholic District School Board is committed to safe-guarding the health and safety of its employees. To this end, the Board lives out this commitment within the context of the social teachings of the Catholic Church and as faithful witnesses to the Gospel of Jesus.

In keeping with its mission of service, the Board makes every effort to provide a healthy and safe working environment for all its employees.

## 2.0 Definitions

**Employee** – is equivalent to “worker” as defined in the Occupational Health and Safety Act and does not include a Trustee of the Board.

**Supervisor** – is a person who has charge of a workplace or authority over a worker.

**Internal Responsibility System** – is the concept that workers and employers must share the responsibility of occupational health and safety.

## 3.0 Purpose

The purpose of this policy is to promote for all employees a healthy and safe working environment that is consistent with the requirements of the Occupational Health and Safety Act, its attendant Regulations and any other applicable legislation.

#### 4.0 **Application/Scope**

This policy applies, but is not limited to all employees, trustees, volunteers, contractors, lessees/lessors, community of school users on all premises under the jurisdiction of the Durham Catholic District School Board.

#### 5.0 **Principles**

5.1 The Board believes that:

- 5.1.1 workplace health and safety is a joint responsibility of the Board and its employees;
- 5.1.2 it has a responsibility to act in compliance with any legislation supporting this policy;
- 5.1.3 the effective implementation of this policy requires the co-operation of all Board employees;
- 5.1.4 the Joint Occupational Health and Safety Committee of the Board has a mandate to promote exemplary health and safety practices across the system.

#### 6.0 **Requirements**

6.1 The Board shall:

- 6.1.1 establish and maintain a Joint Occupational Health and Safety Committee;
- 6.1.2 implement programs and procedures to support the requirements of all health and safety legislation as appropriate;
- 6.1.3 inform all staff of their individual rights and responsibilities as identified in health and safety legislation;
- 6.1.4 in consultation with the Joint Health and Safety Committee, will provide information, develop procedures and provide training to all supervisory staff and other employees as required;
- 6.1.5 ensure that there are the appropriate number of “certified” members of the Joint Occupational Health and Safety Committee as required by the attendant legislation;
- 6.1.6 establish appropriate health and safety inspection programs and reporting procedures;
- 6.1.7 promote an awareness of health and safety issues and the need for the prevention of personal injury in the workplace by providing ongoing information on safe work practices;

## 6.0 **Requirements** (Cont'd)

### 6.1 The Board shall: (Cont'd)

- 6.1.8 promote co-operation among all employees in the implementation of programs and procedures;
- 6.1.9 promote the maintenance of safe working environments and effective prevention practices in all workplaces;
- 6.1.10 provide direction to all employees responsible or take appropriate action in the event of incidents in the workplace.
- 6.1.11 establish appropriate monitoring and annual review procedures to assess the effectiveness of this health and safety policy and the program designed to implement it.

### 6.2 The Director shall:

- 6.2.1 issue administrative procedures to support this policy and to amend them thereafter as the need may arise.

### 6.3 Supervisors shall:

- 6.3.1 take every precaution reasonable in the circumstances for the protection of a worker;
- 6.3.2 ensure that a worker complies with the Occupational Health and Safety Act and its attendant Regulations;
- 6.3.3 ensure that any equipment, protective devices or clothing required by the employer is used or worn by the worker;
- 6.3.4 advise a worker of any potential or actual health and safety dangers known by the Supervisor;
- 6.3.5 take prompt corrective action when hazards are identified and/or arise in the workplace;
- 6.3.6 ensure that a Health and Safety board is situated prominently in a location accessible to all staff, for premises under their jurisdiction;
- 6.3.7 ensure that this Health and Safety Policy be posted on the Health and Safety board on premises under their jurisdiction.

### 6.4 Employees shall:

- 6.4.1 work in compliance with the Occupational Health and Safety Act, its attendant Regulations, other applicable legislation, policies and administrative procedures.

## 6.0 **Requirements** (Cont'd)

### 6.4 Employees shall: (Cont'd)

6.4.2 use or wear any equipment, protective devices or clothing required by the employer;

6.4.3 report to the employer or supervisor any known missing or protective device that may be dangerous;

6.4.4 report any workplace hazard to the employer or supervisor;

6.4.5 report any known contravention of the Occupational Health and Safety Act or regulations to the employer or supervisor.

6.5 Contravention of the Occupational Health and Safety Act, its attendant Regulations and/or policy and its attendant administrative procedures may result in sanctions including, not limited to disciplinary action.

## 7.0 **Sources**

- Occupational Health and Safety Act, R.S.O. 1990, c.O1
- Workplace Safety and Insurance Act, S.O. 1997, c.16, Schedule A

## 8.0 **Related Administrative Procedures**

- Scented Personal Products Administrative Procedure (AP318-2)
- Protective Footwear Administrative Procedure (AP318-3)
- Automated External Defibrillators (AED) Administrative Procedure (AP318-4)



"The Board"

# Policy

Annual Review

Title: <b>Student Attendance</b>	Policy #: <b>PO613</b>
Policy Area:	Student Conduct and Safety
Source:	Superintendent of Education – Student Services
Date Approved:	May 24, 2011
Dates of Amendment:	November 10, 2014 (Interim); February 9, 2015
Date of Annual Review:	February 16, 2016

## 1.0 Introduction

Regular attendance and punctuality are essential for students to be successful in school and subsequently in employment. Board staff and parents have a shared responsibility to:

- 1.1 support the values of good attendance and punctuality;
- 1.2 collaborate in resolving issues of absenteeism and lateness when they arise; and
- 1.3 provide positive reinforcement of good attendance and punctuality habits.

## 2.0 Definitions

### **Absent:**

- a) **Elementary** – an elementary student is considered absent when they are not present for the morning and/or afternoon session of the school day.
- b) **Secondary** – a secondary student is considered absent when they are not present for any subject period of the school day or scheduled examination.

### **Late:**

- a) **Elementary** – an elementary student is considered late if they arrive to class after the beginning of the morning or afternoon session of the school day.
- b) **Secondary** – a secondary student is considered late if they arrive to class after the beginning of any subject period of the school day.

**Program of Study** – a Program of Study will outline the academic program to be provided to the pupil during a Temporary Excusal from school and provides details of how that academic program will be accessed by the pupil. Where the pupil has an IEP, the Program of Study will reflect the appropriate accommodations/modifications as outlined in the IEP. A Program of Study shall be developed under the direction of the school Principal with assistance, as appropriate, by the Vice-Principal and school team.

**Temporary Excusal of Attendance** – a student is considered temporarily excused from attendance if the principal has granted permission for them to be absent from school on a temporary basis.



### 3.0 **Purpose**

The purpose of this policy and its attendant administrative procedure is to provide direction in the reinforcement of good attendance and punctuality habits among all students.

### 4.0 **Application/Scope**

This policy applies to all students in the Durham Catholic District School Board. This policy also acknowledges the responsibility of all staff and parents in supporting regular student attendance and punctuality.

### 5.0 **Principles**

- 5.1 The Durham Catholic District School Board believes there is a correlation between regular student attendance and student success from junior kindergarten to the completion of secondary school.
- 5.2 The Board believes that parents have an essential role to play in supporting the regular attendance and punctuality of their children.
- 5.3 In ensuring a safe school environment for all students, the Board acknowledges its responsibility in monitoring student attendance and punctuality, responding to issues of absenteeism and lateness, and engaging parents in a timely manner when such issues arise.
- 5.4 The Board believes that chronic absenteeism and lateness require substantial and concerted interventions in addressing other issues which may be contributing to the problem.

### 6.0 **Requirements**

- 6.1 The Director or designate shall develop administrative procedures to support the goals of:
  - 6.1.1 Daily monitoring of student attendance and punctuality
  - 6.1.2 Reinforcement of good attendance and punctuality habits
  - 6.1.3 Timely response to student absence and lateness
  - 6.1.4 Engagement of parents in reinforcing good attendance and punctuality
  - 6.1.5 Support for comprehensive and effective interventions in issues of chronic absenteeism and lateness

### 7.0 **Sources**

- Register of Daily Attendance
- Education Act
- Ontario Regulation 374/10 – Supervised Alternative Learning and Other Excusals from Attendance at School
- Enrolment Register Instructions for Elementary and Secondary Schools, Ministry of Education

## 8.0 **Related Policy and Administrative Procedures**

- Safe Arrivals – Elementary Policy (PO603)
- Student Attendance – Elementary Administrative Procedure (AP613-1)
- Student Attendance – Secondary Administrative Procedure (AP613-2)
- Admissions of Students Administrative Procedure (AP410-1)



## Durham Catholic District School Board

"The Board"

## Administrative Procedure

Annual Review

Title: <b>Student Attendance - Elementary</b>	Procedure #: <b>AP613-1</b>
Administrative Area:	Student Conduct and Safety
Policy Reference:	Student Attendance (PO613)
Date Approved:	May 12, 2011
Dates of Amendments:	November 10, 2014 (Interim); February 9, 2015
Date of Annual Review:	February 16, 2016

1.0 **Purpose**

The purpose of this administrative procedure is to support the implementation of the Student Attendance Policy in reinforcing regular attendance and punctuality habits among all elementary students.

2.0 **Definitions**

**Absent** – an elementary student is considered absent when they are not present for the morning and/or afternoon session of the school day.

**Late** – an elementary student is considered late if they arrive to class after the beginning of the morning or afternoon session of the school day.

**Program of Study** – a Program of Study will outline the academic program to be provided to the pupil during a Temporary Excusal from school and provides details of how that academic program will be accessed by the pupil. Where the pupil has an IEP, the Program of Study will reflect the appropriate accommodations/modifications as outlined in the IEP. A Program of Study shall be developed under the direction of the school Principal with assistance, as appropriate, by the Vice-Principal and school team.

**Temporary Excusal of Attendance** – a student is considered temporarily excused from attendance if the principal has granted permission for them to be absent from school on a temporary basis.

### 3.0 **Procedures**

#### 3.1 **Requirements of Students**

- 3.1.1 As per the *Education Act* s.21(1) all students under 18 years of age are required to be in attendance at school or authorized alternative education program unless they have already graduated or are otherwise excused from attendance at school.
- 3.1.2 As per *Regulation 298, Operation of Schools – General*, students are required to “attend classes punctually and regularly.” (Reg. 298, 23.1(d)).
- 3.1.3 As per *Regulation 298, Operation of Schools – General*, “students may be excused by the principal from attendance at school temporarily at any time at the written request of a parent of the pupil or the pupil if that pupil is an adult” (Reg. 289, 23.3).

#### 3.2 **Requirements of Parents/Guardians**

- 3.2.1 As per the *Education Act*, Section 21(5), parents or guardians of a person of compulsory school age “shall cause the person to attend school as required by this section unless the person is at least 16 years old and has withdrawn from parental control”.

#### 3.3 **Requirements of Principals**

- 3.3.1 The Principal of the school shall ensure that procedures for attendance tracking are instituted in accordance with the requirements of the *Education Act*, and the Enrolment Register Instructions for Elementary and Secondary Schools document and the Safe Arrivals Policy. These procedures will include notification of parents/guardians of all absences and lates.
- 3.3.2 Should a student be missing from school for several consecutive days for no known reason, and after the school has made concerted and unsuccessful efforts to reach the parent/guardian or designated emergency contact, the matter should be referred immediately to the Attendance Counsellor for consultation or follow-up.
- 3.3.3 In the case of prolonged absence of students:
  - 3.3.3.1 the Principal will determine if the student is receiving satisfactory instruction at home or elsewhere. Home schooling of students is subject to the provisions of PPM 131 – Home Schooling and the Board’s Home School Policy (PO510).

### 3.0 **Procedures** (Cont'd)

#### 3.3 **Requirements of Principals** (Cont'd)

##### 3.3.3 In the case of prolonged absence of students:

3.3.3.2 when a student is absent for 15 consecutive school days without appropriate supporting documentation, the Principal will notify the Social Worker/Attendance Counsellor in writing on board letterhead or on an Attendance Counselling Referral Form (Form 8111) (if the case has not yet been referred) on the student's sixteenth consecutive day of absence. A student of compulsory school age may remain on the register for 16 to 30 consecutive days of absence, if the Principal has referred the case in writing to the Social Worker/ Attendance Counsellor. This may be extended for subsequent 15 day periods, if the Principal receives reports from the Social Worker/ Attendance Counsellor at the beginning of each 15 day period that the file is still active. In the case of a pupil who is between 14 and 17 years of age old the period of extension is limited to 60 days. If the Principal does not receive the report, or the Social Worker/Attendance Counsellor indicates the file is inactive, the student must be retired from the register as per the Enrolment Register Instructions for Elementary and Secondary Schools.

3.3.3.3 the "C" attendance code will be used to record the Attendance Counsellor's confirmation that a file remains active.

3.3.3.4 the Principal will notify the Attendance Counsellor and Chief Attendance Officer in writing on school letterhead of any student who is 14 to 17 years old who is removed from the register as a result of 3.3.3.2. The Chief Attendance Officer will maintain a list of these students. These students will be contacted at least once per semester to encourage them to return to school by the Chief Attendance Officer or designate.

3.3.3.5 the Principal may, in accordance with the Education Act, grant a 'Temporary Excusal of Attendance' (see Form 8114) for a student if the parent or guardian makes a request in writing. If the period of absence is expected to be fifteen or more consecutive days, the Principal must provide a 'Program of Study for Temporary Excusal of Attendance' (see Form 8115). If the program of study is not provided, the student must be removed from the register as per the Enrolment Register Instructions for Elementary and Secondary Schools.

#### 3.4 **Strategies for Promoting Regular Attendance**

3.4.1 Schools will include the Attendance Tip Sheet for Parents (Appendix 1) in the September newsletter each year.

### 3.0 **Procedures** (Cont'd)

#### 3.4 **Strategies for Promoting Regular Attendance** (Cont'd)

3.4.2 Schools will promote regular attendance by supporting formal and/or informal attendance positive reinforcement programs. These incentive programs will include recognition for improvement of attendance and punctuality.

3.4.3 Expectations regarding regular attendance and punctuality will be included in the School Code of Conduct.

#### 3.5 **Responding to Chronic Attendance Issues**

3.5.1 Issues regarding chronic absence will be addressed in the following progressive manner:

<b>Step 1</b>	Classroom Teacher will complete electronic student attendance tracking to ensure prompt transmission of information to the office. Consideration will be given to extraordinary circumstances (e.g., disruption of transportation services) which are beyond the control of the student. When attendance concerns develop (2-3 lates per week, 3-4 absences per month), the teacher will discuss these concerns with the parent/guardian and, where age-appropriate, the student to determine if there are extenuating circumstances contributing to the issue. In such cases supports will be considered.
<b>Step 2</b>	Should there be no extenuating circumstances and if attendance concerns persist, the Principal/Vice-Principal will be made aware of situation.
<b>Step 3</b>	Principal/Vice-Principal communicates with student, as appropriate and parent/guardian to discuss concerns. Should no extenuating circumstances be present, progressive discipline may be implemented in response to these issues. This communication will include a letter home which details the number of days absent and/or late and the importance of regular attendance and punctuality (sample letter – Appendix 2). The school Social Worker/Attendance Counsellor may be consulted with consideration of additional options included in Section 3.6
<b>Step 4</b>	Should these measures not be effective, referral is made to a school team meeting to include Social Worker/Attendance Counsellor. This step constitutes a referral to the Attendance Counsellor and will include complete of: <ul style="list-style-type: none"> <li>• Electronic student attendance record</li> <li>• Completed Attendance Counselling Referral Form (see Form 8111)</li> </ul> <b>Please note: Parental/Guardian consent is not required for attendance referral, however a team meeting is an excellent means of developing a corrective plan and gathering more information.</b>
<b>Step 5</b>	A review team meeting will be convened to determine progress toward regular attendance and punctuality. If goals are achieved, attendance continues to be monitored to ensure sustained success. If goals are not achieved, goals or expectations may require adjustment or other strategies may be considered.
<b>Step 6</b>	The school will continue to monitor and document daily attendance and punctuality, however, further actions and interventions, including court action, remain at the discretion of the Social Worker/Attendance Counsellor.

### 3.0 **Procedures** (Cont'd)

#### 3.6 **Additional Options**

3.6.1 At any point in the above process, the options listed below may be utilized in an attempt to retain or engage the student in their learning program.

- 3.6.1.1 Timetable adjustments;
- 3.6.1.2 Counselling – Social Worker/Attendance Counsellor;
- 3.6.1.3 Other Student Services Supports;
- 3.6.1.4 Part-time Learning;
- 3.6.1.5 Breakfast/Lunch Program;
- 3.6.1.6 Community service work in school;
- 3.6.1.7 Social/Emotional Education Workshops;
- 3.6.1.8 Home Instruction;
- 3.6.1.9 Program Support/IEP;
- 3.6.1.10 Peer Tutors; and
- 3.6.1.11 Use of other community supports

#### 3.7 **Additional Considerations**

3.7.1 Parents/Guardians continue to have the option of home schooling at any time subject to the provisions of PPM 131 – Home Schooling and the Board's Home Schooling Policy (PO510).

3.7.2 In addressing concerns regarding any "at risk" student, it is essential to ensure that the parties are familiar with the student's educational history as documented in his/her OSR. In addition, school personnel must ensure that any program adjustments, Individualized Education Plans or accommodations previously recommended by board personnel or other clinicians and documented in the OSR, are addressed in the student's current program.

### 4.0 **Sources**

- Enrolment Register Instructions for Elementary and Secondary Schools
- Safe Arrivals Policy (PO603)
- Education Act
- Ontario Regulation 374/10 – Supervised Alternative Learning and Other Excusals from Attendance at School

### 5.0 **References and Appendices**

- Appendix 1 – Attendance Tip Sheet for Parents
- Appendix 2 – Sample Principal Attendance Letter
- Social Work and Attendance Counselling Services Brochure

## 6.0 **Related Forms**

- Attendance Counselling Referral Form (Form 8111)
- Temporary Excusal of Attendance Form (Form 8114)
- Program of Study for Temporary Excusal of Attendance Form (Form 8115)



# Attendance Tip Sheet for Parents

Good attendance patterns established at the beginning of a student's school life can become an important factor in determining a student's academic success.

As a parent, you can have a definite mark on your child's educational life. You may start your child off with an advantage by helping to create a good attendance pattern.

- A** address the importance of regular attendance with your child
- T** teach good habits about punctuality, homework, responsibility
- T** talk with your child about their school day experience
- E** encourage a positive attitude about school
- N** notice and re-enforce good attendance habits
- D** develop a positive connection with your child's teacher(s)

## As a parent you can promote good attendance by:

- asking the school for attendance procedures and reviewing them with your child
- noticing your child's attendance on report cards
- attending parent/teacher conferences
- knowing your child's friends
- contacting the school regarding any problems preventing your child from attending school (e.g., illness, transportation, etc.)
- requesting a school Team Meeting as needed

If good attendance matters to you, it will to your child!



Appendix 2

## Sample Principal Attendance Letter

Date

Dear (Parent/Guardian):

I am writing to you in regard to your (son's/daughter's) attendance difficulties. Please see the attached attendance profile. You may not be aware that (student's name) has been absent **X** days and late **X** times during this school year.

By law, children must attend school regularly until the age of 18 years.

Good attendance at school is directly linked to success at school. Poor attendance patterns increase the risk of dropping out of school in the future.

We would like to offer any assistance or support you may need in order to ensure (student's name)'s regular attendance at (name of school). The school's Social Worker/Attendance Counsellor (name) is also available for consultation or assistance to parents in our school community. If (student's name)'s attendance remains problematic, a referral will be made to (Social Worker's name) for follow-up.

We sincerely hope that (student's name) will be in regular attendance at (school's name) and enjoy the success of which (he/she) is capable.

Sincerely,

School Principal





*Learning and Living in Faith*

**OUR MISSION:**

We are called to celebrate and nurture the God-given talents of each student as we serve with excellence in the light of Christ.

## Durham Catholic District School Board

### Social Work and Attendance Counsellor Services

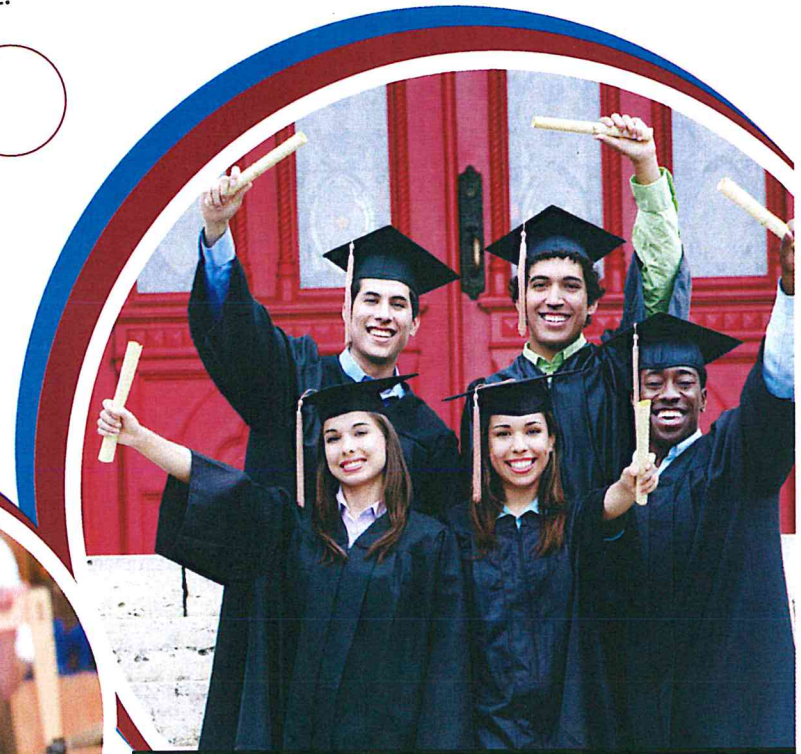
The goal is to introduce the many ways Social Work and Attendance Counselling Services can help a student.

For further information, contact your child's school principal, or the Student Services Department at:

**Durham Catholic District School Board**

650 Rossland Road West  
Oshawa, ON L1J 7C4

Tel: 905-576-6150  
or 1-877-482-0722 Ext. 2279  
dcdsb.ca



**Celebrating Inclusion**





### **School Social Work and Attendance Counsellor Services:**

School Social Workers are the link between home, school, and community. Services are accessed through a school team meeting at the request of the teacher, parent and/or student. An informed consent is required. Social work services are voluntary and can be withdrawn at any time.

Social Workers are registered with the Ontario College of Social Workers and Social Services Workers.

School Attendance Counsellors are a mandated service under the Education Act. and such, parental or student consent.

School Attendance Counsellors provide services and interventions aimed at improving student attendance.

### **When is a Student Referred?**

A student may be referred to school Social Work/Attendance Counselling Services for assistance in areas such as:

- School attendance
- Mental health concerns
- Social and emotional concerns
- Family concerns
- Health concerns
- Peer relationships
- Substance abuse
- Traumatic events/loss/grief
- School concerns
- Short term family counselling and support to parents

### **School Social Workers Provide the Following Services:**

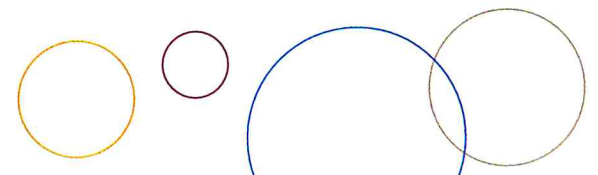
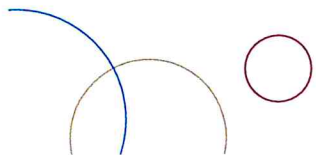
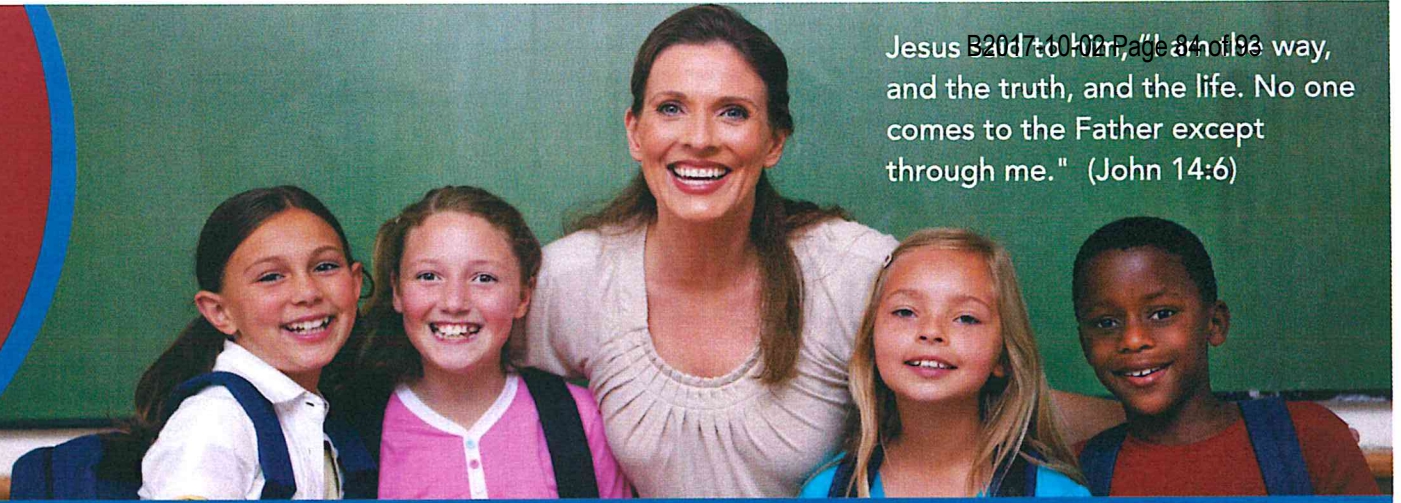
- Consultation with school administrators, teachers, school support staff, and parents;
- Individual counselling and support to students;
- Short term family counselling and support to parents;

- Group counselling for students;
- Referral services to community agencies;
- Crisis intervention.

### **School Attendance Counsellors Provide Services Aimed at Improving Student School Attendance. Services and Interventions May Include:**

- Consultation with school administrators, teachers, school support staff and parents;
- Promotion of early intervention steps to address school absenteeism;
- Identifying the barriers to school attendance;
- Individual counselling and support to families and students to overcome attendance concerns;
- Recommendations regarding school programming, alternative learning programs and/or community based services.

Jesus said, "I am the way, and the truth, and the life. No one comes to the Father except through me." (John 14:6)





## Durham Catholic District School Board

"The Board"

## Administrative Procedure

Annual Review

Title: <b>Student Attendance - Secondary</b>	Procedure #: <b>AP613-2</b>
Administrative Area:	Student Conduct and Safety
Policy Reference:	Student Attendance (PO613)
Date Approved:	May 12, 2011
Dates of Amendments:	November 10, 2014 (Interim); February 9, 2015
Date of Annual Review:	February 16, 2016

1.0 **Purpose**

The purpose of this administrative procedure is to support the implementation of the Student Attendance Policy in reinforcing regular attendance and punctuality habits among all secondary students.

2.0 **Definitions**

**Absent** – a secondary student is considered absent when they are not present for any subject period of the school day or scheduled examination.

**Late** – a secondary student is considered late if they arrive to class after the beginning of any subject period of the school day.

**Program of Study** – a Program of Study will outline the academic program to be provided to the pupil during a Temporary Excusal from school and provides details of how that academic program will be accessed by the pupil. Where the pupil has an IEP, the Program of Study will reflect the appropriate accommodations/modifications as outlined in the IEP. A Program of Study shall be developed under the direction of the school Principal with assistance, as appropriate, by the Vice-Principal and school team.

**Temporary Excusal of Attendance** – a student is considered temporarily excused from attendance if the principal has granted permission for them to be absent from school on a temporary basis.

### 3.0 **Procedures**

#### 3.1 **Requirements of Students**

- 3.1.1 As per the *Education Act* s.21(1) all students under 18 years of age are required to be in attendance at school or in an authorized alternative education program unless they have already graduated or are otherwise excused from attendance at school.
- 3.1.2 As per *Regulation 298, Operation of Schools – General*, students are required to “attend classes punctually and regularly.” (Reg. 298, 23.1(d)).
- 3.1.3 As per *Regulation 274/10 Supervised Alternative Learning and Other Excusals from Attendance at School*, a pupil who is approved by a committee to participate in supervised alternative learning is excused from attendance at school as long as the pupil’s plan has not expired or been terminated.

#### 3.2 **Requirements of Parents/Guardians**

- 3.2.1 As per the *Education Act*, Section 21(5), parents or guardians of a person of compulsory school age “shall cause the person to attend school as required by this section unless the person is at least 16 years old and has withdrawn from parental control”.

#### 3.3 **Requirements of Principals**

- 3.3.1 The Principal of the school shall ensure that procedures for attendance tracking are instituted in accordance with the requirements of the *Education Act*, and the Enrolment Register Instructions for Elementary and Secondary Schools document. These procedures will include notification of parents/guardians of all absences and lates.
- 3.3.2 Should a student be missing from school for several consecutive days for no known reason, and after the school has made concerted and unsuccessful efforts to reach the parent/guardian or designated emergency contact, the matter should be referred immediately to the Social Worker/Attendance Counsellor for consultation or follow-up.
- 3.3.3 In the case of prolonged absence of students:
  - 3.3.3.1 the Principal will determine if the student is receiving satisfactory instruction at home or elsewhere. Home schooling of students is subject to the provisions of PPM 131 – Home Schooling and the Board’s Home School Policy (PO510).

### 3.0 **Procedures** (Cont'd)

#### 3.3 **Requirements of Principals** (Cont'd)

##### 3.3.3 In the case of prolonged absence of students:

3.3.3.2 when a student is absent for 15 consecutive school days without appropriate supporting documentation, the Principal will notify the Social Worker/Attendance Counsellor in writing on the student's sixteenth consecutive day of absence. A student of compulsory school age may remain on the register for 16 to 30 consecutive days of absence, if the Principal has referred the case in writing to the Social Worker/Attendance Counsellor. This may be extended for subsequent 15 day periods, if the Principal receives reports from the Social Worker/ Attendance Counsellor at the beginning of each 15 day period that the file is still active. In the case of a pupil who is between 14 and 17 years of age old the period of extension is limited to 60 days. If the Principal does not receive the report, or the Social Worker/Attendance Counsellor indicates the file is inactive, the student must be retired from the register as per the Enrolment Register Instructions for Elementary and Secondary Schools.

3.3.3.3 the "C" attendance code will be used to record the Attendance Counsellor's confirmation that a file remains active.

3.3.3.4 the Principal will notify the Attendance Counsellor and Chief Attendance Officer in writing of any student who is 14 to 17 years old who is removed from the register as a result of 3.3.3.2. The Chief Attendance Officer will maintain a list of these students. These students will be contacted at least once per semester to encourage them to return to school by the Chief Attendance Officer or designate.

3.3.3.5 the Principal may, in accordance with the Education Act, grant a 'Temporary Excusal of Attendance' (see Form 8114) for a student if the parent or guardian makes a request in writing. If the period of absence is to exceed fifteen consecutive days, the Principal must provide a 'Program of Study for Temporary Excusal of Attendance' (see Form 8115). If the program of study is not provided, the student must be removed from the register as per the Enrolment Register Instructions for Elementary and Secondary Schools.

#### 3.4 **Strategies for Promoting Regular Attendance**

3.4.1 Schools will promote regular attendance by supporting formal and/or informal positive reinforcement programs. These incentive programs will include recognition for significant increases for punctuality/attendance.

3.4.2 Expectations regarding regular attendance and punctuality will be included in the School Code of Conduct.



### 3.0 **Procedures** (Cont'd)

#### 3.5 **Responding to Chronic Attendance Issues**

3.5.1 Issues regarding chronic absence will be addressed in the following progressive manner:

<b>Step 1</b>	Classroom Teacher will complete electronic student attendance tracking to ensure prompt transmission of information to the office. Consideration will be given to extraordinary circumstances (e.g., disruption of transportation services) which are beyond the control of the student. When attendance concerns develop, the teacher will discuss these concerns with the student and parent/guardian. If attendance concerns persist, the matter is referred to school administration.
<b>Step 2</b>	Principal/Vice-Principal communicates with student and parent/guardian to discuss concerns and determine if extenuating circumstances are contributing to the issue. In the absence of extenuating circumstances, the Principal/Vice Principal will notify the student and parent/guardian that progressive discipline may be implemented (sample letter–App. 1)
<b>Step 3</b>	Principal/Vice Principal implements appropriate and progressive discipline measures to remediate attendance/punctuality issues and may consult with the Social Worker/Attendance Counsellor to consider the additional options listed in Section 3.6.1. Should these measures not be effective, referral is made to a school team meeting to include the Social Worker/Attendance Counsellor.
<b>Step 4</b>	School team meeting is called including the school Social Worker/Attendance Counsellor. In this meeting issues are addressed, goals and expectations are established with a timeline to review progress. This step constitutes a referral to the Attendance Counsellor and will include completion of: <ul style="list-style-type: none"> <li>• Electronic student attendance profile</li> <li>• Completed Attendance Counselling Referral Form (see Form 8111)</li> </ul> <b>Please note: Parental/Guardian consent is not required for attendance referral, however a team meeting is an excellent means of developing a corrective plan and gathering more information.</b>
<b>Step 5</b>	Review team meeting is convened to determine progress toward regular attendance and punctuality. If goals are achieved, attendance continues to be monitored to ensure sustained success. If goals are not achieved, goals or expectations may be adjusted or Alternative Education options may also be considered.
<b>Step 6</b>	Alternative Education: School Team Meeting to examine Alternate Education options, Supervised Alternative Learning for 14-17 year old students or other community-based education programs. Establish new goals and timelines for engagement. If engagement or interest is not evident move to next step.
<b>Step 7</b>	Provide the student and family with the resource package of programs, community services, work-related information, etc., and include a cover letter inviting student and parent/guardian to review their options and attend a meeting at a specified time to make a decision regarding the student's registration status within the school. For students under 16 years, further interventions, including court action, remain at the discretion of the Social Worker/Attendance Counsellor. Follow-up with phone contact within one to two weeks to ensure receipt of information. If no response or unable to locate, move to next step.
<b>Step 8</b>	Invite the student and parent/guardian to a final review meeting. If the student is in attendance and re-engages return to Step 4 to convene a school team meeting. If the student does not attend or respond proceed to next step.
<b>Step 9</b>	In consultation with the Family of Schools Superintendent of Education for the applicable secondary school, remove students from register who have been absent for 60 consecutive days, ensuring full documentation of team meetings, prolonged absence forms and where appropriate, copy of closing letter. Send student/parent/guardian a letter indicating removal from the register and inviting them to contact the school or school board in the future should the student decide to re-engage in his/her education. Notify the Attendance Counsellor and Chief Attendance Officer in writing on school letterhead that the student has been removed from the register.



### 3.0 **Procedures** (Cont'd)

#### 3.6 **Additional Options**

3.6.1 At any point in the above process, the options listed below may be utilized in an attempt to retain or engage the student in their learning program.

- Timetable adjustments;
- Guidance Counselling;
- Counselling – Social Worker/Attendance Counsellor;
- Other Student Services Supports;
- Credit Recovery/Rescue;
- Part-time Learning;
- E-Learning;
- PEP/Work Experience;
- Breakfast/Lunch Program;
- Community service work in school;
- Certificate of Education;
- Psycho-Educational Workshops;
- Home Instruction;
- Program Support/IEP;
- Peer Tutors;
- Supervised Alternative Learning;
- Student Success supports; and
- Use of other community supports including:
  - Pinewood
  - Youth Justice Outreach
  - Continuing Education
  - Mental Health Services
  - Day Treatment

#### 3.7 **Additional Considerations**

3.7.1 Parents/Guardians continue to have the option of home schooling at any time subject to the provisions of PPM 131 – Home Schooling and the Board's Home Schooling Policy (PO510).

3.7.2 In addressing concerns regarding any "at risk" student, it is essential to ensure that the parties are familiar with the student's educational history as documented in his/her OSR. In addition, school personnel must ensure that any program adjustments, Individualized Education Plans or accommodations previously recommended by board personnel or other clinicians and documented in the OSR, are addressed in the student's current program.

#### 3.8 **Compassionate Grounds**

3.8.1 A Principal may authorize a pupil who is at least 16 years old to be excused from attendance at school on a full-time basis if all of the following circumstances exist:

3.8.1.1 The Principal believes that there are compassionate grounds that justify the excusal.

### 3.0 **Procedures** (Cont'd)

#### 3.8 **Compassionate Grounds** (Cont'd)

##### 3.8.1 (Cont'd)

3.8.1.2 The Principal requires the pupil to attend school on a part-time basis.

3.8.1.3 The purpose of the excusal is not to enable people to be employed during school hours.

3.8.1.4 The pupil is not excused under this section for more than one year in total.

### 4.0 **Sources**

- Enrolment Register Instructions for Elementary and Secondary Schools
- Safe Arrivals Policy (PO603)
- Education Act
- Ontario Regulation 374/10 – Supervised Alternative Learning and Other Excusals from Attendance at School

### 5.0 **References and Appendices**

- Appendix 1 – Sample Principal Attendance Letter
- Social Work and Attendance Counsellor Services Brochure

### 6.0 **Related Forms**

- Attendance Counselling Referral Form (Form 8111)
- Temporary Excusal of Attendance Form (Form 8114)
- Program of Study for Temporary Excusal of Attendance Form (Form 8115)

Appendix 1

## Sample Principal Attendance Letter

Date

Dear (Parent/Guardian):

I am writing to you in regard to your (son's/daughter's) attendance difficulties. Please see the attached attendance profile. You may not be aware that (student's name) has been absent **X** days and late **X** times during this school year.

By law, children must attend school regularly until the age of 18 years.

Good attendance at school is directly linked to success at school. Poor attendance patterns increase the risk of dropping out of school in the future.

We would like to offer any assistance or support you may need in order to ensure (student's name)'s regular attendance at (name of school). The school's Social Worker/Attendance Counsellor (name) is also available for consultation or assistance to parents in our school community. If (student's name)'s attendance remains problematic, a referral will be made to (Social Worker's name) for follow-up.

We sincerely hope that (student's name) will be in regular attendance at (school's name) and enjoy the success of which (he/she) is capable.

Sincerely,

School Principal



*Learning and Living in Faith*

**OUR MISSION:**

We are called to celebrate and nurture the God-given talents of each student as we serve with excellence in the light of Christ.

## Durham Catholic District School Board

### Social Work and Attendance Counsellor Services

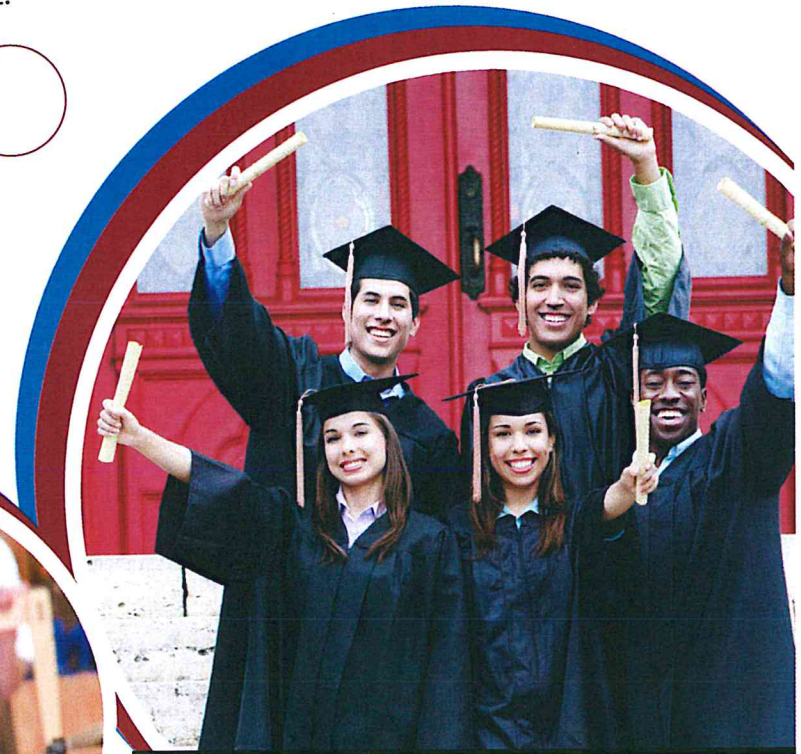
The goal is to introduce the many ways Social Work and Attendance Counselling Services can help a student.

For further information, contact your child's school principal, or the Student Services Department at:

**Durham Catholic District School Board**

650 Rossland Road West  
Oshawa, ON L1J 7C4

Tel: 905-576-6150  
or 1-877-482-0722 Ext. 2279  
dcdsb.ca



Celebrating Inclusion





### **School Social Work and Attendance Counsellor Services:**

School Social Workers are the link between home, school, and community. Services are accessed through a school team meeting at the request of the teacher, parent and/or student. An informed consent is required. Social work services are voluntary and can be withdrawn at any time.

Social Workers are registered with the Ontario College of Social Workers and Social Services Workers.

School Attendance Counsellors are a mandated service under the Education Act. and such, parental or student consent.

School Attendance Counsellors provide services and interventions aimed at improving student attendance.

### **When is a Student Referred?**

A student may be referred to school Social Work/Attendance Counselling Services for assistance in areas such as:

- School attendance
- Mental health concerns
- Social and emotional concerns
- Family concerns
- Health concerns
- Peer relationships
- Substance abuse
- Traumatic events/loss/grief
- School concerns
- Short term family counselling and support to parents

### **School Social Workers Provide the Following Services:**

- Consultation with school administrators, teachers, school support staff, and parents;
- Individual counselling and support to students;
- Short term family counselling and support to parents;

- Group counselling for students;
- Referral services to community agencies;
- Crisis intervention.

### **School Attendance Counsellors Provide Services Aimed at Improving Student School Attendance. Services and Interventions May Include:**

- Consultation with school administrators, teachers, school support staff and parents;
- Promotion of early intervention steps to address school absenteeism;
- Identifying the barriers to school attendance;
- Individual counselling and support to families and students to overcome attendance concerns;
- Recommendations regarding school programming, alternative learning programs and/or community based services.

Jesus said, "I am the way, and the truth, and the life. No one comes to the Father except through me." (John 14:6)

