

Office of the Director

Jim McCuaig Education Centre 2135 Sills Street Thunder Bay ON P7E 5T2 Telephone (807) 625-5131 Fax (807) 622-0961

BOARD ADVISORY COMMITTEE

Tuesday, February 13, 2024 Jim McCuaig Education Centre

Sherri-Lynne Pharand Director of Education

Donica LeBlanc Chair

AGENDA

PUBLIC SESSION 7:30 p.m. – in the Board Room/Microsoft Teams

Resource Person **Pages** 1. Call to Order 2. Disclosure of Conflict of Interest 3. Approval of the Agenda Resolve into Committee of the Whole - Closed Session 4. 5. COMMITTEE OF THE WHOLE - Closed Session - 7:15 p.m. (SEE ATTACHED AGENDA) 6. Land Acknowledgement 7. **Delegations/Presentations** 8. Approval of Minutes 8.1 **Board Advisory Committee Meeting** D. LeBlanc 1-5 - January 9, 2024 9. Business Arising from the Minutes

Trustees (Chair and Vice-Chair) and presenters of reports will be available for comment after the Board Meeting.

6-8

MATTERS NOT REQUIRING A DECISION:

- 10. Information Reports
- 11. First Reports

MATTERS FOR DECISION:

- 12. Postponed Reports
- 13. Ad Hoc and Special Committee Reports
- 14. New Reports
 - 14.1 Policy Review 3072 Advocacy Policy (027-24) S. Pharand

The Board Advisory Committee recommends the adoption of the following motion:

"That Lakehead District School Board approve 3072 Advocacy Policy, Appendix A to Report No. 027-24."

14.2 Policy Review – 3091 Security Policy (025-24) K. Alaksa 9-18

The Board Advisory Committee recommends the adoption of the following motion:

"That Lakehead District School Board approve the 3091 Security Policy, Appendix A to Report No. 025-24."

14.3 Policy Review – 7030 Human Rights and Workplace J. Lower 19-48 Harassment Policy (030-24)

The Board Advisory Committee recommends the adoption of the following motion:

"That Lakehead District School Board approve the 7030 Human Rights and Workplace Harassment Policy, Appendix A to Report No. 030-24."

Trustees (Chair and Vice-Chair) and presenters of reports will be available for comment after the Board Meeting.

		Resource <u>Person</u>	<u>Pages</u>		
14.4	Policy Review – 7040 Violence int the Workplace Policy (029-24)	M. Probizanski	49-60		
	The Board Advisory Committee recommends the adoption of the following motion:				
	"That Lakehead District School Board approve the 7040 Violence in the Workplace Policy, Appendix A to Report No. 029-24."				
14.5	Policy Review – 3040 Transportation Policy (028-24)	K. Alaksa	61-73		
	The Board Advisory Committee recommends the adoption of the following motion:				
	"That Lakehead District School Board approve the 3040 Transportation Policy, Appendix A to Report No. 028-24."				
14.6	Policy Review – 3020 Legal Representation Policy (026-24)	S. Pharand	74-77		
	The Board Advisory Committee recommends the adoption of the following motion:				
	"That Lakehead District School Board approve 3020 Legal Representation Policy, Appendix A to Report No. 026-24."				
14.7	Appointments to the 2023-2024 Parent Involvement Committee (024-24)	S. Pharand	78		
	"It is recommended that Lakehead District School Board approve the appointments of Adora-Lee Nawagesic and Carla Mulholland as alternate parent members to the Parent Involvement Committee effective February 27, 2024, to November 14, 2024 as outlined in Report No. 024-24."				
New Business					
Notices of Motion					
Inform	Information and Inquiries				
Adjou	Adjournment				

Trustees (Chair and Vice-Chair) and presenters of reports will be available for comment after the Board Meeting.

15.

16.

17.

18.

LAKEHEAD DISTRICT SCHOOL BOARD

MINUTES OF BOARD ADVISORY COMMITTEE

Board Room/Microsoft Teams
Jim McCuaig Education Centre

2024 JAN 9 7:30 p.m.

TRUSTEES PRESENT:

Donica LeBlanc (Chair)
Ellen Chambers
Pat Johansen
Ron Oikonen
George Saarinen
Scottie Wemigwans

Trudy Tuchenhagen Leah Vanderwey Emily Drake (Indigenous Student Trustee)

ABSENT WITH REGRETS:

Morgann De Franceschi, Student Trustee Ryan Sitch, Trustee Sherri-Lynne Pharand, Director of Education Kirsti Alaksa, Superintendent of Business

SENIOR ADMINISTRATION:

AJ Keene, Superintendent of Education Heather Harris, Superintendent of Education Jane Lower, Superintendent of Education Michelle Probizanski, Superintendent of Education (Director Designate)

MANAGERS/FEDERATION/UNION REPRESENTATIVES:

Jim Desaulniers, Manager

PUBLIC SESSION:

1. <u>Approval of Agenda</u>

Moved by Trustee Johansen

Seconded by Trustee Tuchenhagen

"THAT the Agenda for Board Advisory Committee Meeting, January 9, 2024, be approved."

CARRIED

2. Resolve into Committee of the Whole- Closed Session

Moved by Trustee Saarinen

Seconded by Trustee Chambers

"THAT we resolve into Committee of the Whole – Closed Session with Trustee LeBlanc in the chair to consider the following:

- Confirmation of Committee of the Whole Closed Session Minutes
 - November 14, 2023
- Personnel Matters

and that this meeting shall not be open to the public pursuant to Section 207 (2) of the Education Act as amended."

CARRIED

COMMITTEE OF THE WHOLE - CLOSED SESSION:

3. Committee of the Whole – Closed Session

All Committee of the Whole Closed Session items were dealt with in their entirety.

PUBLIC SESSION:

4. NOR'WESTER VIEW KNIGHTS GLEE CLUB PERFORMANCE

Chair LeBlanc introduced Mrs. Towell and the Nor'wester View Knights Glee Club to perform songs for the Board.

5. <u>Delegations/ Presentations</u>

5.1 Trustee Character Award - Sharon De Leon

Trustee Chambers, on behalf of the Board, presented Sharon De Leon, Hammarskjold High School, with the Trustee Character Award. Sharon was recognized for her exceptional dedication as an inspiring music and drama teacher, as well as for being an engaging member of the entire performance arts community in Thunder Bay for many years.

5.2 Trustee Character Award - Carolyn Brooks

Trustee Oikonen, on behalf of the Board, presented Carolyn Brooks, Algonquin Avenue Public School, with the Trustee Character Award. Carolyn was recognized for her exceptional dedication as a highly respected student support professional, as well as for the unconditional respect with which she treats her student.

5.3 <u>Trustee Character Award - Orville Councillor</u>

Trustee Vanderwey, on behalf of the Board, presented Orville Councillor, community member, with the Trustee Character Award. Orville was recognized for his invaluable wealth of knowledge and for bringing Indigenous teachings to the school in ways that allow students to connect their meanings to modern day life. The students of Algonquin Avenue Public School have come to view Orville as a teacher, mentor and a friend.

MATTERS NOT FOR DECISION:

6. Confirmation of Minutes

Moved by Trustee Saarinen

Seconded by Trustee Tuchenhagen

"THAT the Board Advisory Committee approve the minutes of the Board Advisory Committee Meeting, November 14, 2023."

CARRIED

7. Information Reports

7.1 The Arts (015-24)

Superintendent Harris introduced Kali Bernst, Principal of Program and Indigenous Education, who presented the report. All trustees' questions were addressed.

7.2 Health and Safety Semi-Annual Report (013-24)

Superintendent Keene introduced Kyle Ulvang, Health and Safety Officer, who presented the report. All trustees' questions were addressed.

7.3 <u>Early Learning (016-24)</u>

Heather Harris, Superintendent of Education presented the report. All Trustees' questions were addressed.

MATTERS FOR DECISION:

8. New Reports

8.1. <u>Policy Development – 8061 Aboriginal Education Advisory</u> <u>Committee Policy (007-24)</u>

Moved by Trustee Chambers

Seconded by Trustee Johansen

"THAT Lakehead District School Board approve the review of 8061 Aboriginal Education Advisory Committee Policy, as indicated in Report No.007-24 and update any other LDSB policies where Aboriginal Education Advisory Committee is referenced."

CARRIED

8.2. Policy Review – 3020 Legal Representation Policy (010-24)

Moved by Trustee Saarinen

Seconded by Trustee Oikonen

"THAT Lakehead District School Board approve the review of 3020 Legal Representation Policy, as indicated in Report No. 010-24."

CARRIED

8.3. <u>Policy Review – 7030 Human Rights And Workplace</u> Harassment Policy (011-24)

Moved by Trustee Johansen

Seconded by Trustee Wemigwans

"THAT Lakehead District School Board approve the review of 7030 Human Rights and Harassment Policy, as indicated in Report No. 011-24."

CARRIED

8.4. Policy Review – 3040 Transportation Policy and Procedure (014-24)

Moved by Trustee Saarinen

Seconded by Trustee Oikonen

"THAT Lakehead District School Board approve the review of 3040 Transportation Policy."

CARRIED

9. <u>Information and Inquires</u>

- 9.1 Trustee Vanderwey informed the Board that she brought greetings and congratulations on behalf of the Board to the Superior Collegiate and Vocational Institute's International Baccalaureate graduating students. The ceremonies took place on December 27, 2023. Also in attendance was Superintendent Probizanski, Trustee Johansen and Trustee Saarinen.
- 9.2 Trustee Saarinen informed the Board that Director Pharand along with the other trustees in attendance at the Gorham and Ware Community School's Holiday Luncheon Feast on December 20, 2023, thoroughly enjoyed the event.

8. Adjournment

Moved by Trustee Saarinen

Seconded by Trustee Johansen

"THAT we do now adjourn at 9:28 p.m."

CARRIED

LAKEHEAD PUBLIC SCHOOLS

OFFICE OF THE DIRECTOR OF EDUCATION

2024 FEB 13 Report No. 027-24

TO THE CHAIR AND MEMBERS OF THE BOARD ADVISORY COMMITTEE - Public Session

RE: POLICY REVIEW – 3072 ADVOCACY POLICY

1. <u>Background</u>

- 1.1 The 3072 Advocacy Policy was last revised on February 23, 2016.
- 1.2 On December 6, 2023, the draft policy was posted on the Board website and distributed to constituent groups for review and comment with input to be received by January 24, 2024. There was no input received.

2. Situation

- 2.1 The policy is attached as Appendix A.
- 2.2 Upon final approval, the policy will be distributed according to Board procedures.

RECOMMENDATION

The Board Advisory Committee recommends the adoption of the following motion:

"That Lakehead District School Board approve 3072 Advocacy Policy, Appendix A to Report No. 027-24.

Respectfully submitted,

SHERRI-LYNNE PHARAND Director of Education

BUSINESS AND BOARD ADMINISTRATION

DRAFT- February 13, 2024

3000

Appendix A to Report No. 027-24

ADVOCACY POLICY

3072

1. Rationale

In the normal course of business, Lakehead District School Board (LDSB) and its employees have ongoing communications with other boards, Ontario Government ministries and other educational partners including related professional and provincial associations. Communications are necessary in order to facilitate the exchange of ideas and to discuss and resolve issues concerning professional requirements, financial matters, policy and program.

2. Policy

It is the policy of LDSB to ensure that expenditures on advocacy be used prudently and adhere to guidelines listed below.

3. Guidelines

- Focus should be on ongoing communication between school boards, education partners and governments through established mechanisms and channels.
- 3.2 Basing communications on personal or partisan political agendas should be avoided.
- 3.3 Maximizing resources for student success and achievement should be a focus.
- 3.4 Examples of suitable advocacy expenditures include:
 - membership dues and fees to organizations that meet policy objectives.
- 3.5 Examples of inappropriate advocacy expenditures include:
 - placing content intended to advocate for a particular position with report cards and annual reports;
 - using students as vehicles for Board or school advocacy to the public, education partners and governments; and/or
 - use of Board funds to attend events for specific political parties or to sponsor political parties.

BUSINESS AND BOARD ADMINISTRATION

DRAFT- February 13, 2024

3000

Appendix A to Report No. 027-24

ADVOCACY POLICY

3072

4. Review

This policy shall be reviewed according to 2010 Policy Development and Review Policy.

Cross Reference	Date Approved	Legal Reference
	October 23, 2007	
	Date Revised	
	February 23, 2016	

G:\POL\3072_advocacy_pol.doc

LAKEHEAD PUBLIC SCHOOLS

OFFICE OF THE DIRECTOR OF EDUCATION

2023 FEB 13 Report No. 025-24

TO THE CHAIR AND MEMBERS OF THE BOARD ADVISORY COMMITTEE - Public Session

RE: POLICY REVIEW - 3091 SECURITY POLICY

1. <u>Background</u>

- 1.1 The 3091 Security Policy was last revised on January 26, 2019.
- 1.2 On December 6, 2023, the policy and procedures were posted on the Board website and distributed to constituent groups for review and comment with input to be received by January 24, 2024.

2. Situation

- 2.1 There was no input received from constituent groups.
- 2.2 The revised policy is attached as Appendix A and the procedures as Appendix B.
- 2.3 Upon final approval, the policy will be distributed according to board procedures.

RECOMMENDATION

The Board Advisory Committee recommends the approval of the following motion:

"That Lakehead District School Board approve the 3091 Security Policy, Appendix A to Report No. 025-24".

Respectfully submitted,

JIM DESAULNIERS

Manager of Property Services and Capital

KIRSTI ALAKSA Superintendent of Business

SHERRI-LYNNE PHARAND Director of Education

BUSINESS AND BOARD ADMINISTRATION DRAFT FEBRUARY 13, 2024 SECURITY POLICY 3000 3001

1. Rationale

Lakehead District School Board (LDSB) operates numerous buildings containing equipment, furniture and supplies of significant value. In order to protect these buildings and contents a comprehensive security policy and set of procedures is necessary.

2. The Policy

It is the policy of LDSB that all property, buildings and contents be protected and made secure from theft, break-in, disappearance, fire and vandalism.

3. Guidelines

- 3.1 The security for each school building and the contents therein is the responsibility of the principal.
- 3.2 The security for each building and contents therein, without a principal, is the responsibility of the superintendent of business or designate.
- 3.3 Access through exterior doors will be controlled through a keyless frequency operated button (FOB) system.
- 3.34 All buildings will be keyed under a grand master key system with each building having a master key system. Key control will be maintained at all times.
- 3.45 Intrusion alarms will be installed in appropriate areas of each building to reduce the opportunity for break-in, theft and vandalism. Security provider shall automatically notify the police in the event of an intrusion.
- 3.6 Video surveillance cameras may be added to sites in accordance with Policy 6060, Video Surveillance.
- 3.57 Each building shall have one or more areas designated for storage of valuable moveable equipment which shall come within the surveillance of intrusion alarms.
- 3.68 Each building shall maintain a perpetual inventory of all moveable items with an individual or "set" value, as defined in procedures.
- 3.79 A system for controlling the loan of moveable items to community, staff and students will be maintained.

3091

BUSINESS AND BOARD ADMINISTRATION DRAFT FEBRUARY 13, 2024

SECURITY POLICY

- 3.810 All moveable equipment shall be identified by an asset identification the use of the assigned school code number in accordance with police-recommended procedures.
- 3.911 Money shall be secured nightly in a vault or suitable safe, or deposited daily in a bank account.
- 3.4012 Filing cabinets containing personal/confidential information (including OSR cards) shall be locked when not supervised.
- 3.4413.1 Building specifications shall provide for design and construction to meet appropriate security standards.
 - 3.4113.2 Current buildings will be upgraded to meet the standards of this policy.
- 3.1214 Robberies, break-ins, fires, and major acts of vandalism shall be reported to the police, fire department (as necessary), and the office of the superintendent of business using the prescribed format.
- 3.13*15* Persons apprehended as a result of a robbery, break-in, arson or vandalism will be requested, through the Attorney-General, to reimburse the board for the losses.
- 3.4416 Unauthorized persons on premises will be handled in accordance with the Board's 8020 Access to School-Board Premises Policy.
- 3.4517 The Board is not responsible for the loss of, or damage to, personal property of staff and students.
- 3.4618 The unexplained disappearance of equipment or other contents in schools will be the responsibility of the school to replace from school budgets.
- 3.4719 The Board shall maintain a central contingency fund for significant equipment losses due to break and enter, where such losses are not covered by insurance.
- 3.1820 All Board buildings shall contain the warning that the building is protected by intrusion alarms and all equipment is identified by the police.

BUSINESS AND BOARD ADMINISTRATION	3000
DRAFT FEBRUARY 13, 2024	
SECURITY POLICY	3091

4. Review

This policy will be reviewed in accordance with the 2010 Policy Development and Review Policy.

Cross Reference	Date Approved	Legal Reference
8020 Access to School-Board Premises Policy 6070 Video Surveillance Policy	February 20, 1990 Date Revised January 27, 2009 January 26, 2016	Education Act Sect. 149 (8) Sect. 235 (i) (j) Sect. 236 (j) Regulation 262

G:\POL\3091_security_pol.doc

BUSINESS AND BOARD ADMINISTRATION DRAFT FEBRUARY 13, 2024 SECURITY PROCEDURES 3000 3000

1. <u>Procedures</u>

To outline the process for the security of Lakehead District School Board (LDSB) facilities and assets, to ensure the maximum benefit to the board.

2. Key System/Frequency Operated Button (FOB) System

Each building shall have a Sub-Master and/or a change key for each lock **and a keyless FOB entry system**.

- 2.1 The issuance of <u>Grand Master Keys</u> shall be at the discretion of the superintendent of business.
- 2.2 The issuance of individual school/building keys to staff shall be the responsibility of the principal or building anager. School master/pass keys shall not be issued to students or volunteers.
- 2.3 One door shall be designated as the after-hour entrance in each building. This door shall have a pass key which does not open any other lock in the building. The issuance of this pass key shall be the responsibility of the principal or building manager.
- 2.43 The replacement or duplication of <u>any building master/pass key</u> must be authorized by the superintendent of business or designate.
- 2.54 All principals and building managers shall maintain a key cabinet with written records of *internal* keys issuance and returns.
- 2.65 All *internal* keys shall be recalled at the end of each school year, checked against issuance records and re-issued to staff.
- 2.76 It is the responsibility of the principal or building manager to ensure that staff leaving return all keys on their last day of employment in the building.
- 2.7 All staff will be issued personal FOB's upon completing the Board's onboarding practice. The temporary issuance of FOB's to visitors may be done on an asneeded basis upon approval of the manager of property services or designate.
- 2.8 FOB's will provide site access based on standard permissions assigned to work groups. The approval of permissions will be the responsibility of the manager of property services or designate. The keyless system will record the date, time, door location and identity of individuals gaining access.

BUSINESS AND BOARD ADMINISTRATION	3000
DRAFT FEBRUARY 13, 2024	
SECURITY PROCEDURES	3091

2.9 It is the responsibility of the supervisor to ensure that staff leaving the organization return their personal FOB. All staff leaving the organization will have their FOB's deactivated.

3. Intrusion Alarms/Video Surveillance

- 3.1 Alarm systems described as silent motion detectors shall be installed in all buildings and areas of buildings where money, confidential records, and easily moveable, saleable equipment are kept. In rural buildings, exterior audible alarms will be installed.
- 3.2 Alarm systems shall be operated by a key or number program. Each employee assigned to a site will be given a unique code for arming/disarming the alarm system. This system will record the identity of the individual accessing the security panels. This number will be changed annually, or as required, by applications to the manager of property services.
- 3.3 The principal/building manager shall be responsible for instructing staff in operating the alarm system. Alarm codes shall not be passed on without the express permission of the principal.
- 3.4 All overtime and penalties (due to false alarms only) shall be paid from school funds or the department of the person responsible. Malfunction of equipment is paid out of general funds.
- 3.5 In case of alarm, the security provider shall be instructed to call the police first and then one of the head custodians, principal, vice principal or plant department, in that order, to request entrance to the school/building. The manager of property services will provide the police with a current list of said names and numbers *upon request*.
- 3.6 Where possible, fire alarm systems will be tied into the intrusion alarm system.
- 3.7 If video surveillance has been added to a site, the nature of use will follow the 6060 Policy and Procedure Video Surveillance.

4. Storage of Valuable and Moveable Equipment

- 4.1 An appropriate room, preferably without windows and with a secure door, shall be identified for the storage of valuable and easily portable equipment. It shall be the responsibility of the school staff to ensure safe storage of the above, especially during vacation periods.
- 4.2 The intrusion alarm shall be extended to cover the above storage areas.

3091

BUSINESS AND BOARD ADMINISTRATION 3000 DRAFT FEBRUARY 13, 2024 **SECURITY PROCEDURES**

4.3 Computer rooms, science rooms, shops and other high-risk areas will be provided with intrusion alarms if deemed necessary by the superintendent of business.

5. **Inventory Control**

- 5.1 Each principal shall maintain a perpetual inventory of moveable items as follows:
 - all equipment with a useful life of 3 years and an item value in excess of \$750;
 - sets of texts in excess of \$750;
 - sets of science equipment in excess of \$750; and
 - all library books and library resource materials.
- The information technology department shall maintain a central perpetual inventory of all 5.2 audio-visual technology equipment (including interactive ports and instructional computers).
- 5.3 School based inventory shall be updated annually and electronic copy forwarded by principal to accounting department.

6. Loan of Items to Staff, Students and/or Community

- 6.1 Items may be loaned for educational purposes and to support the activities of community groups, at the discretion of the principal in the case of schools, and the superintendent of business in the case of items at other locations.
- 6.2 A log book shall be maintained which will record date, nature of item loaned, serial number (if available), date to be returned, signature name and acknowledgement of borrower, date returned.
- 6.3 The borrower assumes full responsibility to the board for loss or damage to the borrowed item.

Identification of Equipment 7.

- 7.1 All portable school equipment shall be tagged with a school identification bar code.
- 7.2 Any new equipment purchased must be tagged with a bar code upon delivery to the system.
- 7.3 Identification numbers shall be placed in an inconspicuous location on the equipment and shall be recorded electrically, and kept in the school office, and a copy filed for the superintendent of business.

BUSINESS AND BOARD ADMINISTRATION DRAFT FEBRUARY 13, 2024 SECURITY PROCEDURES 3000 3000

8. Building Specifications

- 8.1 Building specifications shall provide for design and construction to meet appropriate security standards. Crime prevention through building design will be part of all new construction, and the security provider shall be requested to provide assistance towards its implementation.
- 8.2 Current buildings will be upgraded to meet the standards of the policy. The security provider shall be consulted as to appropriate security changes to be made.
- 9. Reporting Robberies, Break-Ins, Fires and Major Acts of Vandalism
 - 9.1 Immediately telephone the Police upon evidence of robbery, break-in or major acts of vandalism.
 - 9.2 In case of fire, evacuate the school and immediately telephone the fire department.
 - 9.3 Telephone the office of the superintendent of business to advise the nature of the incident and request assistance if needed, e.g., maintenance required to repair damage. In off-hours contact the maintenance department through the emergency list provided to each principal.
 - 9.4 The principal shall complete the form "Report of Unusual Occurrence" within 48 hours of incident and forward to the office of the superintendent of business. During the summer the report shall be completed by the appropriate plant personnel.
 - 9.4.1 The preceding report shall include the name of anyone apprehended during the incident and the police occurrence number. If possible, the principal shall follow up any incident to conclusion.
 - 9.4.2 The form "Report of Unusual Occurrence" shall become part of these procedures. Form is attached as "Appendix A".

10. <u>Vandalism</u>

- 10.1 In the case of minor vandalism (broken windows, graffiti, interior damage, etc.) the following steps will be followed:
 - 10.1.1 The principal will assess the cost of any damage, press for restitution and take necessary disciplinary action.

BUSINESS AND BOARD ADMINISTRATION	3000
DRAFT FEBRUARY 13, 2024	
SECURITY PROCEDURES	3091

- 10.1.2 Where restitution for vandalism, by students, is not made within 30 days, the principal will inform the superintendent of business who will officially invoice the parents for the damage.
- 10.1.3 Where restitution is not made within 60 days of the issuance of the official invoice, legal advice may be sought.

11. Personal Property

- 11.1 The security of the personal belongings of staff or students is not the responsibility of the Board. Losses should be claimed through personal homeowner's insurance policies.
- 11.2 Personal property, which is used for instructional purposes, with the express written permission of the principal, becomes the responsibility of the principal for security. However, losses of such items usually fall below the Board's insurance deductible. Where a principal authorizes the use of such property, any losses must be recovered through personal insurance and/or school funds.

12. Review

These procedures shall be reviewed in accordance with the 2010 Policy Development and Review Policy.

Cross Reference	Date Approved	Legal Reference
8020 Access to School-Board Premises Policy 6070 Video Surveillance Policy	1991 01 05	Education Act Sect. 149 (8) Sect. 235 (i) (j) Sect. 236 (j) Regulation 262
	Date Revised	Regulation 202
	January 27, 2009 January 26, 2016	

G:\POL\3091_security_proc.doc

Principal's Signature



REPORT OF UNUSUAL OCCURRENCE

School Date					
Date of Occurrence		Reported to Police by Whom			
How was Entry Gained?					
Articles Stolen:					
Article & Identification #	Date of Pu	rchase	Value	Serial #	Make
Police Report #					
Date					
Time					

If discovered by the custodian before the principal arrives, the custodian should phone the police – otherwise, the principal should do so.

LAKEHEAD PUBLIC SCHOOLS

OFFICE OF THE DIRECTOR OF EDUCATION

2024 FEB 13 Report No. 030-24

TO THE CHAIR AND MEMBERS OF THE BOARD ADVISORY COMMITTEE - Public Session

RE: POLICY REVIEW – 7030 HUMAN RIGHTS AND WORKPLACE HARASSMENT POLICY

1. <u>Background</u>

On November 24, 2020, revised 7030 Human Rights and Workplace Harassment Policy was approved.

2. <u>Situation</u>

- 2.1 As per the direction of the Ontario Human Rights Commission and the Ontario Health and Safety Act, this policy is required to be opened for review annually.
- 2.2 The policy is attached as Appendix A and the procedures as Appendix B.
- 2.3 Upon final approval, the policy will be distributed according to Board procedures.

RECOMMENDATION

The Board Advisory Committee recommends the adoption of the following motion:

"That Lakehead District School Board approve the 7030 Human Rights and Workplace Harassment Policy, Appendix A to Report No. 030-24".

Respectfully submitted,

ANTHONY JEETHAN Human Rights and Equity Advisor

JANE LOWER
Superintendent of Education

SHERRI-LYNNE PHARAND Director of Education

PERSONNEL & EMPLOYEE RELATIONS DRAFT February 13, 2024 HUMAN RIGHTS AND WORKPLACE HARASSMENT POLICY 7030

1. Rationale

Lakehead District School Board (LDSB) is committed to providing a safe, equitable and respectful working and learning environment. Lakehead District School Board promotes and supports the human rights of all individuals, as well as values equity and diversity. It is a shared responsibility across LDSB to foster a working and learning environment, where every individual is treated with respect.

2. Policy

It is the policy of LDSB to adhere to and uphold the Ontario Human Rights Code (the Code). Lakehead District School Board is committed to promoting a climate of understanding and mutual respect for each person. Harassment and discrimination based on the following grounds is prohibited:

```
sex (includes pregnancy);
race;
ancestry;
place of origin;
colour;
ethnic origin;
citizenship;
creed (religion);
age;
record of offences (in employment);
marital status;
family status;
disability;
sexual orientation;
gender identity; or
gender expression.
```

This policy also includes any new prohibited grounds that may be added to the Ontario Human Rights Code at a future date and prior to policy review.

- 2.1 All LDSB students, employees/workers, trustees, and other users that work on or are invited on to LDSB premises, including prospective employees, volunteers, visitors, parents, guardians, and contractors, must adhere to and uphold the Code. Harassment and discrimination will not be tolerated or condoned.
- 2.2 Lakehead District School Board is committed to providing reasonable accommodation to fulfil obligations according to the Code. The Code also permits the creation of special programs at LDSB to address discrimination or inequality.

PERSONNEL & EMPLOYEE RELATIONS	7000
DRAFT February 13, 2024	
HUMAN RIGHTS AND WORKPLACE HARASSMENT POLICY	7030

- 2.3 This policy also fulfils LDSB's obligations to address workplace harassment according to the Occupational Health and Safety Act (OHSA).
- 2.4 Lakehead District School Board promotes a safe, equitable and respectful working and learning environment, and endeavors to prevent harassment, discrimination, and workplace harassment. Also, where necessary, LDSB will investigate and/or respond to incidents or complaints of harassment, discrimination, or workplace harassment.

3. Application and Scope

3.1 This policy addresses Code-based harassment and discrimination and it applies to all LDSB students, employees, trustees, and other users that work on or are invited on to LDSB premises including prospective employees, volunteers, visitors, parents, and contractors.

Actions will be consistently taken to address student behaviours that are contrary to this policy, provincial, LDSB and school codes of conduct according to the appropriate LDSB policy or procedure, such as the 8070 Safe Schools Systems Expectations Policy and 8071 Bullying Prevention and Intervention Policy.

3.2 This policy addresses workplace harassment; it applies to and protects all employees/workers. The policy covers workplace harassment from all sources including students, parents, guardians, trustees, volunteers, contractors, customers of LDSB, members of the public and other members of organizations not related to LDSB but who, nevertheless, work on, are invited on to LDSB premises, or utilize LDSB services.

4. <u>Definitions</u>

4.1 Discrimination

Discrimination means any form of unequal treatment based on a Code ground, whether imposing extra burdens or denying benefits. It may be intentional or unintentional. It may involve direct actions that are discriminatory on their face, or it may involve rules, practices or procedures that appear neutral, but disadvantage certain groups of people. Types of discrimination include systemic discrimination and poisoned environment.

PERSONNEL & EMPLOYEE RELATIONS DRAFT February 13, 2024 HUMAN RIGHTS AND WORKPLACE HARASSMENT POLICY 7030

4.2 Harassment

Harassment is defined as a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome. Harassment can be based on age, disability, family status, marital status, creed, race, and ancestry, place of origin, colour, ethnic origin, sex, sexual orientation, gender identity, gender expression, citizenship, and record of offences. It can involve words or actions that are known or should be known to be offensive, embarrassing, humiliating, demeaning or unwelcome, based on a ground of discrimination identified by this policy.

4.3 Student

Student is anyone regardless of age, who is enrolled in an educational program offered by LDSB.

4.4 Workplace Harassment

Workplace harassment means, (a) 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 (b) workplace sexual harassment.

Workplace sexual harassment means:

- (a) 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
- (b) 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.

4.5 Worker or Employee

A worker or employee is any person included in the definition of "worker" under the OHSA and includes all the LDSB employees. Worker is an employee who performs work or supplies services and includes a secondary school student who performs work or supplies services for no monetary compensation under a work experience program authorized by the school Board that operates the school in which the student is enrolled.

PERSONNEL & EMPLOYEE RELATIONS	7000
DRAFT February 13, 2024	
HUMAN RIGHTS AND WORKPLACE HARASSMENT POLICY	7030

4.6 Complainant and Respondent

Complainant refers to the person who makes a complaint of harassment, discrimination, or workplace harassment according to this policy. Respondent refers to the person who has a complaint made against them under this policy.

4.7 Workplace

Workplace is defined as any land, premises, location, or thing at, upon or near where a worker works. It includes places where individuals perform work or work-related duties or functions. It includes all schools, offices, and facilities of LDSB. Work related functions include business trips, conferences, seminars, co-op placements, social and extra-curricular events that arise out of LDSB's involvement.

5. Duties and Responsibilities

- 5.1 All persons at LDSB and interacting with the LDSB are expected to engage in respectful conduct, adhere to and uphold this policy and will be held responsible for not following it.
 - 5.1.1 All employees are responsible for contributing to a climate of understanding and mutual respect for each person.
 - 5.1.1.1 Employees with supervisory authority at LDSB have additional responsibilities to:
 - create and promote a safe, equitable and respectful working and learning environment that supports human rights; and
 - act on observations or allegations of harassment, discrimination, or workplace harassment.

5.1.1.2 Teachers have additional responsibilities to:

- foster learning environments that are safe, equitable and respectful that support human rights;
- respond to observations or allegations of harassment or discrimination; and
- refer or report observations or allegations of workplace harassment.

PERSONNEL & EMPLOYEE RELATIONS	7000
DRAFT February 13, 2024	
HUMAN RIGHTS AND WORKPLACE HARASSMENT POLICY	7030

- 5.1.2 The Board of Trustees have responsibilities to:
 - engage in respectful conduct;
 - through governance, create and promote a safe, equitable and respectful learning and working environment that supports human rights; and
 - ensure the director of education acts in compliance with the 7030
 Human Rights and Workplace Harassment Policy, the Ontario Human
 Rights Code, and the Ontario Health and Safety Act; and
 - refer concerns and complaints of harassment, discrimination, or workplace harassment (excluding complaints made against the director of education and the superintendent of human resources) to the director of education or designate.
- 5.1.3 In the event of a complaint against the superintendent of human resources, the chair of the Board of Trustees is responsible for working with the director of education to seek outside legal counsel and, if necessary, an external human resources expert to appoint a third-party investigator.
- 5.1.4 In the event of a complaint against the director of education, the chair of the Board of Trustees has the responsibility to seek outside legal counsel and an external human resources expert to support the investigation and management of the complaint.
- 5.2 The director of education is responsible for implementing this 7030 Human Rights and Workplace Harassment Policy and ensuring that it is reviewed annually in accordance with OHSA.
- 5.3 Lakehead District School Board takes incidents and complaints of harassment, discrimination, and workplace harassment seriously.
 - 5.3.1 Complainant refers to the person who makes a complaint of harassment, discrimination, or workplace harassment according to this policy. Respondent refers to the person who has a complaint made against them under this policy.
 - 5.3.2 1 All persons are urged to express concerns and file complaints of harassment, discrimination, or workplace harassment according to this policy. Reprisal or retaliation against an individual who is seeking to claim or enforce their rights under this policy is prohibited.

7030

PERSONNEL & EMPLOYEE RELATIONS DRAFT February 13, 2024 HUMAN RIGHTS AND WORKPLACE

HARASSMENT POLICY

- 5.4 Lakehead District School Board will provide procedures to address incidents or complaints of harassment, discrimination, or workplace harassment. Complaints shall be dealt with in a fair and timely manner. All persons, including employees, shall cooperate so that the LDSB can address incidents or complaints under this policy.
- 5.5 Any person reporting an incident or complaint of harassment, discrimination, or workplace harassment, who participates in a process to resolve the complaint under this policy, is required to keep the incident/complaint-related information confidential or as required by law. Those with supervisory authority at LDSB or designates, who are involved with addressing an incident or complaint, will strive for confidentiality and will share information on a need to know basis to the extent necessary to protect employees, for actions such as investigation, follow-up, corrective action or as otherwise required by law.
 - 5.5.1 Those with supervisory authority at LDSB or designates, who are involved with addressing an incident or complaint, will strive for confidentiality and will share information on a need-to-know basis to the extent necessary to protect employees, for actions such as investigation, follow-up, corrective action or as otherwise required by law.
 - 5.5.2 Unauthorized disclosure or violations of confidentiality, especially by those with supervisory authority, may be subject to remedial action or discipline, as outlined in Section 5.8.
- 5.6 If a complainant withdraws a complaint, LDSB may continue to act, if required.
- 5.7 If it is determined that a complainant has made a complaint that is malicious or made in bad faith, it may result in disciplinary action.
- 5.8 An employee found in violation of this policy may be subject to remedial action or discipline, up to and including termination of employment, in accordance with applicable collective agreement provisions.
- 5.9 Nothing in this policy precludes the employee from seeking support from their union, the Employee and Family Assistance Program, where available, or externally from the Human Rights Legal Support Centre or the police.

7030

PERSONNEL & EMPLOYEE RELATIONS 7000 DRAFT February 13, 2024 **HUMAN RIGHTS AND WORKPLACE HARASSMENT POLICY**

6. Review

This policy shall be reviewed annually in accordance with 2010 Policy Development and Review Policy the Occupational Health and Safety Act, R.S.O. 1990, subsection 32.0.1(1).

Cross Reference	Date Approved	<u>Legal Reference</u>
7030 Workplace Harassment and Human Rights Procedures 7040 Violence in the Workplace 1020 Equity and Inclusive Education Faith and Creed Accommodation Guideline Appendix A 8070 Safe Schools, System Expectations 8071 Bullying Prevention and Intervention	April 19, 1994	Education Act Safe Schools Act Ontario Human Rights Code Occupational Health and Safety Act Policy/Program Memorandum 120 – Reporting Violent Incidents
8072 Sexual Orientation and Gender Identity 8075 Service Animals in Schools	Date Revised June 22, 2004 April 22, 2008 April 23, 2013 November 24, 2020	Policy/Program Memorandum 128 – Provincial Code of Conduct & School Board Codes of Conduct

PERSONNEL & EMPLOYEE RELATIONS	7000
DRAFT- February 13, 2024	
HUMAN RIGHTS AND WORKPLACE HARASSMENT PROCEDURES	7030

1. General

Lakehead District School Board (LDSB) is committed to providing a safe, equitable and respectful learning and working environment. It is a shared responsibility across the LDSB to foster an environment that is free from harassment, discrimination, and workplace harassment, where every individual is treated with respect.

These procedures support the implementation of the 7030 Human Rights and Workplace Harassment Policy.

2. <u>Definitions</u>

These terms are defined for implementing the 7030 Human Rights and Workplace Harassment Policy and Procedures.

Allegation is an unproven claim or assertion that someone has done something wrong based on a reasonable belief that a violation of the policy has occurred.

Complainant refers to anyone who makes a complaint under the policy alleging that harassment, discrimination and/or workplace harassment has occurred.

Disability¹ is defined (Ontario Human Rights Code, the Code) as:

- any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device;
- a condition of mental impairment or a developmental disability;
- a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language;
- a mental disorder; or

• an injury or disability for which benefits were claimed or received under the insurance plan established under the Workplace Safety and Insurance Act, 1997.

¹ http://www.ohrc.on.ca/en/policy-ableism-and-discrimination-based-disability/2-what-disability

7030

PERSONNEL & EMPLOYEE RELATIONS DRAFT- February 13, 2024 HUMAN RIGHTS AND WORKPLACE

HARASSMENT PROCEDURES

Gender identity² is each person's internal and individual experience of gender. It is their sense of being a woman, a man, both, neither, or anywhere along the gender spectrum. A person's gender identity may be the same as or different from their birth-assigned sex. Gender identity is fundamentally different from a person's sexual orientation.

Gender expression³ is how a person publicly presents their gender. This can include behaviour and outward appearance such as dress, hair, make-up, body language and voice. A person's chosen name and pronoun are also common ways of expressing gender.

Harassment (the Code) means engaging in a course of a vexatious comment or conduct that is known to be, or ought reasonably to be known to be unwelcome, based on age, disability, family status, marital status, creed, race, and ancestry, place of origin, colour, ethnic origin, sex, sexual orientation, gender identity, gender expression, citizenship, and record of offences. It can involve words or actions that are known or should be known to be offensive, embarrassing, humiliating, demeaning or unwelcome, based on a ground of discrimination identified by the policy. Harassment can occur based on any of the Ontario Human Rights Code grounds.

Examples of harassment may include:

- inappropriate or insulting remarks, gestures, jokes, innuendoes or taunting about a person based on a prohibited ground – for example: racial slurs, taunting about a person's mental health or sexualized insults;
- unwanted questions or comments about an employee's private life pertaining to a
 prohibited ground in the Code for example, intrusive questions about a person's
 disability, sex life, religion, or racial background; or
- posting, displaying materials, or the electronic publication of articles or graffiti etc.
 that is offensive because of a prohibited ground for example, posting pornography,
 circulating hate literature or offensive emails.

Hate group activities intimidate, threaten, or promote hatred toward Code identifiable groups, contravene the policy and will not be tolerated at LDSB. They may also violate the Criminal Code of Canada.

Lakehead District School Board is LDSB. Lakehead District School Board is an employer, as defined by the Occupational Health and Safety Act (OHSA).

Marital status (the Code) means the status of being married, single, widowed, divorced, or separated and includes the status of living with a person in a conjugal relationship outside marriage.

² http://www.ohrc.on.ca/en/policy-preventing-discrimination-because-gender-identity-and-gender-expression

³ http://www.ohrc.on.ca/en/policy-preventing-discrimination-because-gender-identity-and-gender-expression

PERSONNEL & EMPLOYEE RELATIONS DRAFT- February 13, 2024 HUMAN RIGHTS AND WORKPLACE HARASSMENT PROCEDURES 7030

Malicious or vexatious complaints are complaints that are brought forward without sufficient merit and are made to cause annoyance or distress.

Mediation is a confidential voluntary process that parties in a complaint may agree to participate in, where a trained mediator is in communication with parties to effect an agreed upon resolution that is satisfactory both to the parties and to LDSB.

Other Users refers to prospective employees, volunteers, visitors, parents, guardians, contractors, and all other individuals that work on or are invited on to LDSB premises. Other Users does not include LDSB's students or employees.

Poisoned Environment⁴ is a form of discrimination. It may be created when unwelcome conduct or comments are pervasive within the organization, which may result in a hostile environment for one or more people from a Code-protected group. This can happen when a person or group is exposed to ongoing harassment. However, a poisoned environment is based on the nature of the comments or conduct and the impact of these on an individual rather than just on the number of times the behaviour occurs. Sometimes a single remark or action can be so severe or substantial that it results in a poisoned environment.

Record of Offences (the Code) means a conviction for:

- an offence in respect of which a pardon has been granted under the Criminal Records Act (Canada) and has not been revoked; or
- an offence in respect of any provincial enactment.

Reprisal is any harassment, intimidation, threats, or negative action taken against a person (e.g., complainant, witness, investigator, or respondent) for making a report to LDSB about an incident or filing a complaint of alleged harassment, discrimination, or workplace harassment or for taking part in these complaint procedures, in good faith. Reprisal is prohibited under the policy.

Student is any person, regardless of age, who is enrolled in any program offered by LDSB.

Support person is a person whose role is to provide assistance to a complainant, respondent or witness who is engaged in these procedures. A support person can be a union representative, parent, guardian, caregiver, relative, friend, colleague, or peer.

Trans or transgender⁵ is an umbrella term referring to people with diverse gender identities and expressions that differ from stereotypical gender norms. It includes, but is not limited to, people who identify as transgender, trans woman (male-to-female), trans man (female-to-male), transsexual, cross-dresser, gender non-conforming, gender variant or gender queer.

⁵ http://www.ohrc.on.ca/en/policy-preventing-discrimination-because-gender-identity-and-gender-expression

⁴ http://www.ohrc.on.ca/en/policy-ableism-and-discrimination-based-disability

7030

PERSONNEL & EMPLOYEE RELATIONS DRAFT- February 13, 2024 HUMAN RIGHTS AND WORKPLACE

Transphobia⁶ is the aversion to, fear or hatred of trans people and communities. Like other prejudices, it is based on stereotypes that are used to justify discrimination, harassment, and violence toward trans people.

Workplace Harassment (OHSA) is 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 is Workplace Sexual Harassment.

Examples of Workplace Harassment may include:

- making repeated remarks, jokes or innuendos that demean, ridicule, intimidate or offend;
- displaying or circulating offensive pictures or materials in print or electronic form;
- singling out an individual for humiliating or demeaning "teasing";
- making repeated offensive or intimidating phone calls or emails;
- gossiping or spreading negative rumours; and/or

HARASSMENT PROCEDURES

Workplace Sexual Harassment.

Workplace Sexual Harassment (OHSA) means:

- 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.

⁶ http://www.ohrc.on.ca/en/policy-preventing-discrimination-because-gender-identity-and-gender-expression

PERSONNEL & EMPLOYEE RELATIONS	7000
DRAFT- February 13, 2024	
HUMAN RIGHTS AND WORKPLACE HARASSMENT PROCEDURES	7030

Examples of Sexual Harassment may include:

- unwanted remarks, jokes, innuendoes, or taunting about a person's gender, gender identity, gender expression, or sexual orientation;
- homophobic or transphobic comments;
- unwanted physical contact of a sexual nature such as touching, kissing, patting, hugging, or pinching;
- leering, whistling, or other sexually suggestive or insulting sounds;
- refusing to use an employee's chosen pronouns;
- posting or displaying (including electronic publication of) offensive materials of a sexual nature;
- unsolicited sexual advances or demands for dates or sexual favours;
- inappropriate jokes of a sexual nature; and/or
- sexual assault (also an offence under the Criminal Code of Canada).

What May Not Be Workplace Harassment:

Workplace Harassment does not include reasonable action taken by LDSB including a principal or manager relating to the management and direction of employees or the workplace, even if there are unpleasant consequences for the employee.

Examples may include:

- changes in work assignments or scheduling;
- performance evaluation;
- workplace inspections; and
- disciplinary action.

Workplace Harassment typically does not include differences of opinion or minor disagreements between employees.

PERSONNEL & EMPLOYEE RELATIONS	7000
DRAFT- February 13, 2024	
HUMAN RIGHTS AND WORKPLACE HARASSMENT PROCEDURES	7030

3.0 Procedures - General

3.1 It is a shared responsibility across LDSB to foster a learning and working environment where every individual is treated with respect. Lakehead District School Board supports the individual's efforts to resolve an incident or a complaint, at the earliest possible stage and at the lowest level through dialogue with peers, principals, or managers, where appropriate.

These procedures are designed to address a report of an incident or a complaint of harassment, discrimination including hate group activities, or a complaint of workplace harassment, that is brought to the attention of LDSB.

Employees with supervisory authority at LDSB (for example, principals) have a duty to respond or take action to resolve incidents or complaints of harassment, discrimination, or workplace harassment. Lakehead District School Board may act if employees with supervisory authority at LDSB become aware of harassment, discrimination, or workplace harassment. To provide a working and learning environment free from harassment, discrimination, or workplace harassment, LDSB may continue to act if a complainant determines they do not want to proceed with a complaint or decides to withdraw the complaint.

Lakehead District School Board will ensure that an investigation, appropriate in the circumstances in accordance with OHSA, will be conducted into incidents or complaints of workplace harassment.

- 3.2 Human Rights and Harassment Complaints may be reported through an online portal (https://forms.office.com/r/wQhDnzW2DT).
 - 3.2.1 This portal is monitored by the Office of the Human Rights and Equity Advisor (OHREA), who will provide intake support and route complaints to the appropriate channels within the Board.

PERSONNEL & EMPLOYEE RELATIONS	7000
DRAFT- February 13, 2024	
HUMAN RIGHTS AND WORKPLACE HARASSMENT PROCEDURES	7030

3.2.2 Reports through the portal are not immediately considered to be formal written complaints, as detailed in Section 5 of this procedure.

Complaints submitted through the portal that have all required information may be classified into two streams:

- 3.2.2.1 Steam A: Questions, concerns, or general inquiries that do not require a resolution process under 7030 policy/procedure; or
- 3.2.2.2 Stream B: Complaints or concerns that require a resolution process under 7030 policy/procedure. Complaints in Stream B may be classified as formal written complaints (per Section 5 of this procedure).
- 3.2.3 Anonymous complaints or complaints without sufficient information submitted through this portal may not be investigated.
- 3.3 In the following cases, individuals will be directed as noted:
 - 3.3.1 Incidents/complaints against a trustee or superintendent (supervisory officer) [excluding complaints against the superintendent of human resources] will be referred to the director of education. If the alleged harasser is a trustee, the director of education may seek legal advice about referring the matter to the Trustee Code of Conduct, Board of Trustees, or an external investigator, as deemed appropriate. If the alleged harasser is a superintendent, the director of education may seek legal advice about engaging an external investigator, as deemed appropriate.
 - 3.3.2 Incidents/complaints against the superintendent of human resources will be referred to the director of education. The director of education, in conjunction with the chair of the Board of Trustees, will bring in outside legal counsel and, if necessary, an external human resources expert to support in the investigation.

PERSONNEL & EMPLOYEE RELATIONS DRAFT- February 13, 2024 HUMAN RIGHTS AND WORKPLACE

HARASSMENT PROCEDURES

- 3.3.3 Incidents/complaints against the director of education will be referred to the chair of the Board of Trustees. The chair of the board will refer the matter to the Superintendent of Human Resources who may seek legal advice about engaging an external investigator, as deemed appropriate. The chair has the responsibility to seek outside legal counsel and an external human resources expert to support the investigation and management of the complaint.
- 3.3.4 Incidents/complaints of harassment or behaviour of a violent nature, including physical assault and sexual assault must be formally reported according to LDSB's policies, such as 7040 Violence in the Workplace policy and related procedures. The individual(s) may refer the matter to the police. Lakehead District School Board may refer the matter to the police.
- 3.4 All human rights and workplace harassment complaints must be filed within one year of the last alleged incident. In the event the complaint is being filed after one year, the complainant must identify, in writing, the reason(s) for the delay in filing the complaint, for consideration by the appropriate superintendent or designate.

 Normally, workplace harassment complaints must be filed within one year of the last alleged incident. In the event the complaint is filed after one year, the complainant must identify, in writing, the reason(s) for the delay in filing the complaint, for consideration by the appropriate superintendent.

It is within the discretion of LDSB to determine whether a complaint can be filed beyond the one-year anniversary of the last alleged incident. Prompt reporting is encouraged as it allows for more thorough and accurate investigations, where needed. Investigations, where needed, will be conducted within a reasonable timeframe, respecting both the need for a prompt resolution and the need for a thorough and complete investigation.

- 3.4.1 In the event the complaint is being filed after one year, the complainant must identify, in writing, the reason(s) for the delay in filing the complaint, for consideration by the appropriate superintendent or designate.
- 3.4.2 It is within the discretion of LDSB to determine whether a complaint can be filed beyond the one-year anniversary of the last alleged incident.
- 3.4.3 Prompt reporting is encouraged as it allows for more thorough and accurate investigations, where needed. Investigations, where needed, will be conducted within a reasonable timeframe, respecting both the need for a prompt resolution and the need for a thorough and complete investigation.

PERSONNEL & EMPLOYEE RELATIONS	7000
DRAFT- February 13, 2024	
HUMAN RIGHTS AND WORKPLACE HARASSMENT PROCEDURES	7030

- 3.5 Reprisal or retaliation against an individual for making a report of harassment, discrimination, or workplace harassment in good faith or against an individual for participating in good faith, in these procedures, is prohibited. An allegation of reprisal can be reported to the superintendent, for appropriate action.
 - 3.5.1 Allegations of reprisal against a trustee or superintendent should be reported to the director of education.
 - 3.5.2 Allegations of reprisal against the director of education should be reported to the chair of the Board of Trustees.
- 3.6 Any person can also pursue their complaint externally including at the Ontario Human Rights Tribunal, contact the Ministry of Labour or law enforcement, at any time, as appropriate.

4.0 <u>Informal Complaint Process</u>

- 4.1 There is nothing in this process that would prevent a complainant from bypassing the informal resolution stage and proceeding directly to request a formal investigation. The informal options, (excepting for complaints involving students), to resolve complaints are the following.
 - 4.1.1 Option One: Where appropriate, complainants can choose to resolve their complaint first by addressing the person(s) involved, stating clearly the behaviour or actions are objectionable and must be stopped. This is a voluntary step. If this encounter does not result in the end of the harassment, discrimination, or workplace harassment or if the complainant is uncomfortable with addressing the individual(s) involved, alternate methods of reporting are available. Complainants are encouraged to keep a record of dates, times, places and witnesses of the harassment, discrimination, or workplace harassment, as well as specific details.

If the complainant is not satisfied with the results of the above process or is uncomfortable addressing the individual(s) involved, the harassment, discrimination or workplace harassment can be reported to those with supervisory authority at LDSB (for example, the principal or vice principal of the school, supervisor, manager, or a union representative, if applicable). Once the harassment, discrimination or workplace harassment has been reported to an employee with supervisory authority at LDSB and a preliminary investigation (at a minimum talking to complainant and respondent) has taken place, if deemed appropriate, an informal resolution can be sought using Option Two or Option Three.

PERSONNEL & EMPLOYEE RELATIONS	7000	
DRAFT- February 13, 2024		
HUMAN RIGHTS AND WORKPLACE HARASSMENT PROCEDURES	7030	

- 4.1.2 Option Two: Attempt an informal resolution with the involvement of the employee with supervisory authority at LDSB (e.g., complainant speaking with respondent or with respondent apologizing to the complainant).
- 4.1.3 Option Three: LDSB may offer a trained mediator to provide mediation mediation or other forms of alternative dispute resolution to the complainant(s) and respondent(s) where it is appropriate and feasible to do so appropriate.
 - 4.1.3.1 If one or more parties identify as Indigenous, LDSB may be able to provide resolution or mediation services that are in line with the parties' Indigenous practices and beliefs on conflict resolution. Parties must agree to proceed with culturally aligned resolution. Lakehead District School Board will endeavor to provide these services if appropriate and feasible.
- 4.2 As part of Option Two and Option Three the complainant will be informed:
 - of the policy and these procedures;
 - about the limits to the confidentiality of the process (see section 5.6.4);
 - about counselling for eligible employees provided by LDSB;
 - they can withdraw the complaint at any time;
 - they can bring a support person (e.g., union representative) to assist them with the process and in accordance with collective agreement provisions. A support person must keep complaint related information confidential and may be required to sign a confidentiality agreement; and
 - they can initiate a formal written complaint.
- 4.3 As part of Option Two and Option Three the respondent will be informed:
 - of the policy and these procedures;
 - about the limits to the confidentiality of the process (see section 5.6.4);
 - about counselling for eligible employees provided by LDSB;
 - they can bring a support person to assist them with the process and in accordance with collective agreement provisions. A support person must keep complaint related information confidential and may be required to sign a confidentiality agreement; and
 - of the nature of the allegation, and who has filed the complaint.
- 4.4 If the complaint cannot be resolved informally, to the satisfaction of the complainant, the complainant can choose to file a formal written complaint.

PERSONNEL & EMPLOYEE RELATIONS DRAFT- February 13, 2024 HUMAN RIGHTS AND WORKPLACE

HARASSMENT PROCEDURES

4.5 Employees, in accordance with these procedures, may also file informal complaints if they witness harassing or discriminatory behaviour, if they are unable to speak to the individual(s) involved, or if speaking with the individual(s) involved was unsuccessful.

5.0 Formal Complaint Process

5.1 Employees

It is preferred that employee complainants report the incident or complaint using the online complaint reporting form available in the staff portal but should keep a written copy that describes the incident, the steps taken to resolve the matter, and the names of witnesses. The complaint will be forwarded to the appropriate supervisory authority at LDSB. If an employee opts to report the matter verbally initially, they can report it to their immediate supervisor or the human resources officer for their area. If the immediate supervisor is the respondent, the complaint will be provided to the person to whom the supervisor reports or the appropriate superintendent. If the respondent is a superintendent, trustee, or the director of education, the complainant should address their complaint to the designated person outlined in Section 3.3.

5.2 Students

Student complainants should provide a written copy of the harassment or discrimination complaint, describing the incident(s), witnesses and any steps already taken to resolve the matter to their principal or vice-principal directly. If assistance is required in reporting the complaint, the student should contact the principal or vice-principal directly, or through their parent/guardian/teacher. If the principal is the respondent, then the complaint letter should be sent directly to the appropriate superintendent. The principal or designate (as determined by the superintendent) will address the complaint according to the policy and procedures and other applicable LDSB policies or procedures. If the respondent is a superintendent, trustee, or the director of education, the complainant should address their complaint to the designated person outlined in Section 3.3.

5.3 Other Users

Other user complainants should send a written copy of the harassment or discrimination complaint, describing the incident(s), witnesses and steps already taken to resolve the matter, to the immediate supervisor of the area/school/Board office where the respondent is working. In cases where the respondent is the supervisor, the complaint should be provided to the appropriate superintendent. If the respondent is a superintendent, trustee, or the director of education, the complainant should address their complaint to the designated person outlined in Section 3.3.

PERSONNEL & EMPLOYEE RELATIONS	7000
DRAFT- February 13, 2024	
HUMAN RIGHTS AND WORKPLACE HARASSMENT PROCEDURES	7030

- 5.4 **The Role of the Superintendent (**Supervisory Officer**)**
 - 5.4.1 The supervisory officer under this procedure is responsible for dealing with complaints (the "Responsible SO or RSO"). The RSO will respond to complaints by having a preliminary assessment of incidents/complaints of harassment/discrimination or workplace harassment conducted, in order to determine if, on the face of the complaint, the allegation(s) meet the definition of harassment/discrimination or workplace harassment and to determine appropriate next steps to deal with an incident/complaint, in a manner deemed appropriate in the circumstances. This may include *consulting with the Office of the Human Rights & Equity Advisor (OHREA) or* re-directing matters to another department of the LDSB as deemed appropriate by the RSO. Actions taken or fact-finding conducted for the purposes of an assessment will be deemed an investigation appropriate in the circumstances for purposes of the OHSA, if the assessment determines that on the face of the complaint no further investigation of the matter is warranted.
 - 5.4.2 If it is determined that on the face of the complaint it rises to the definition of harassment/discrimination or workplace harassment, the RSO will retain carriage of the complaint and assign it to an investigator or investigation team, as appropriate.
 - 5.4.3 If, on the face of the complaint, the allegations do not meet the definition of harassment/discrimination or workplace harassment, the RSO may forward the complaint to another area of the Board to address (e.g., appropriate supervisory/managerial staff, human resources in cases involving alleged culpable behavior, workplace violence), or the RSO may recommend mediation or alternative dispute resolution, as deemed appropriate in the circumstances. In such cases, supervisory staff, in conjunction with the union/association/federation representative and the affected employee(s), should give consideration as to whether a third-party mediator (agreeable to all parties), is appropriate. In some cases, the RSO may determine that no further action is required.
 - 5.4.4 Where it is determined by the RSO that the matter is more appropriately dealt with by another department of the Board LDSB, the complainant will be notified prior to forwarding the complaint. In such cases, the alleged respondent is typically not notified by the RSO.
 - 5.4.5 The RSO may also determine, in consultation with human resources, that the matter complained of has already been dealt with through another forum (i.e., grievance/arbitration, human resources, disciplinary process). In such cases, the complainant will be advised of this by the RSO prior to file closure.

PERSONNEL & EMPLOYEE RELATIONS	7000
DRAFT- February 13, 2024	
HUMAN RIGHTS AND WORKPLACE	

HARASSMENT PROCEDURES

- 5.4.6 The RSO has discretion to limit the allegations in any complaint due to duplication of information or in order to streamline the complaint, without loss of any substantive information.
- 5.4.7 In the event of a complaint against a superintendent or trustee, the director of education, in conjunction with the chair of the Board of Trustees, will bring in outside legal counsel and, if necessary, an external human resources expert to support in the investigation and fulfil the duties of the RSO.
- 5.4.8 In the event of a complaint against the director of education, the chair of the Board of Trustees will bring in outside legal counsel and an external human resources expert to support in the investigation and fulfil the duties of the RSO.

5.5 Investigators

To conduct an investigation most appropriate according to the policy, LDSB can assign an employee(s) with supervisory authority as an internal investigator(s) and/or may appoint an external investigator(s). Lakehead District School Board may assign an external third-party investigator(s), where necessary, for various reasons such as complexity or limited resources. The investigator(s) shall act in accordance with the policy and these procedures and with any small variations if deemed necessary by LDSB. If the respondent is a superintendent, trustee, or the director of education, an investigator will be appointed per the procedures outlined in Section 3.3.

5.6 Investigation Process

- 5.6.1 The investigation of an allegation of harassment, discrimination or workplace harassment must be consistent with current collective agreements in case of employees, applicable Board policy(s) in case of students, and the doctrine of "procedural fairness".
- 5.6.2 Normally, LDSB will aim to complete an investigation within 90 days of the complaint being assigned for investigation. Factors that may affect this timeline include the number of parties, the availability of parties to the complaint, the time of the year the complaint is received (e.g., during summer, school-based employees may not be available), and the complexity of the matter.
- 5.6.3 Any person reporting an incident or complaint of harassment, discrimination or workplace harassment or participating in a process to resolve the matter, are required to keep the complaint related information confidential.

PERSONNEL & EMPLOYEE RELATIONS DRAFT- February 13, 2024 HUMAN RIGHTS AND WORKPLACE

HARASSMENT PROCEDURES

- 5.6.4 Lakehead District School Board keeps the files in accordance with the records retention schedule. Lakehead District School Board maintains confidentiality and will share information, to the extent necessary, to protect students and employees (e.g., to create a safety plan or for the separation of parties) for actions such as investigation, follow-up, corrective action or as otherwise required by law. Lakehead District School Board may be legally required to provide information to an outside authority. As well, LDSB may be legally required to speak to the respondent regarding the harassment, discrimination, or workplace harassment and, where appropriate, take further action. It is for these reasons that absolute confidentiality cannot be provided. Lakehead District School Board cannot be held responsible for the actions of the complainant(s), respondent(s) or others involved and in relation to any outside agency.
- 5.6.5 The investigator(s) will explore, with parties, any concerns of physical safety and will make them known to the appropriate superintendent and, when the matter involves an employee(s), inform the human resources manager.
 - In some circumstances, an interim separation of parties pending final disposition of the complaint may be needed. An interim separation pursuant to these procedures does not constitute "discipline" or a "transfer".
- 5.6.6 Regardless of the outcome of the complaint, no action will be taken against a complainant unless it can be shown that the complaint was made maliciously or in bad faith.
- 5.6.7 All parties (such as, complainants, respondents, and witnesses) shall be provided copies of the policy, these procedures and will also be advised about maintaining confidentiality and not engaging in reprisal or threats of reprisal.
- 5.6.8 Where a report or complaint is filed in good faith, the employee who filed the report shall not be subject to any reprisal by anyone in the employ of LDSB or not in the employ of the LDSB if said individual is a student, parent, guardian, community member or person who works on or is invited to LDSB premises.
- 5.6.9 Should an employee who filed a report or complaint in good faith be the subject of a reprisal, then an investigation into the alleged reprisal shall be initiated following its reporting to the superintendent, as needed.
- 5.6.10 Should the individual who is found to have reprised against an employee who filed a report in good faith, also be an employee of LDSB and the reprisal was proven as a result of an investigation, then said individual may be subject to disciplinary action in accordance with the appropriate collective agreement and LDSB policies governing such matters.

PERSONNEL & EMPLOYEE RELATIONS	7000
DRAFT- February 13, 2024	
HUMAN RIGHTS AND WORKPLACE HARASSMENT PROCEDURES	7030

5.6.11 Should the individual be found to have reprised against an employee who filed a report in good faith be someone other than an employee of LDSB, and the reprisal is proven as a result of an investigation, then said individual may be subject to some form of sanction issued in accordance with LDSB policies and procedures and school/office where the employee who was subject to the proven reprisal works.

5.7 Formal Employee Complaints

- 5.7.1 Participants involved in the formal investigation will normally include the complainant, the respondent, witnesses (if any), an investigator(s) and/or support person(s).
- 5.7.2 Once a formal written complaint alleging harassment, discrimination or workplace harassment is received, the superintendent(s) appoints an investigator(s) with an identified lead investigator, where needed.
- 5.7.3 The investigator(s) meets with the appropriate principal or manager to discuss the issue. Investigator(s) will keep detailed notes pertinent to the investigation and as outlined in "records of investigation" (7.4 8.4).
- 5.7.4 The investigator(s) normally will meet with the complainant first, to obtain the necessary information pertaining to their complaint.
- 5.7.5 The investigator(s) will inform the respondent about the complaint and seek the respondent's response to the allegations. A copy of the formal signed complaint will be submitted to the respondent, indicating the name of the complainant and respondent, the places, times, dates, and nature of the alleged incidents being investigated.
- 5.7.6 The investigator(s) conducts further fact-finding meeting(s) as needed including to interview potential witnesses.
- 5.7.7 Once the investigator(s) has completed the fact-finding, the final report of the investigation *and a final summary report* will be prepared. The final summary report is provided to the complainant, respondent, and the appropriate superintendent(s) *or RSO*. This summary will respect confidentiality to the extent possible.

PERSONNEL & EMPLOYEE RELATIONS	7000
DRAFT- February 13, 2024	
HUMAN RIGHTS AND WORKPLACE	

HARASSMENT PROCEDURES

- 5.7.8 In cases where there is a breach of the policy, appropriate disciplinary or remedial sanctions will be implemented. A record of the remedial or disciplinary action will be placed in the appropriate employee's personnel file. The complainant and respondent will be informed, in writing, about results of the investigation and of any corrective action that has been or will be taken as a result of the investigation. In accordance with confidentiality and/or collective agreements, details of corrective action(s) against employees may not be disclosed.
- 5.7.9 Where a resolution cannot be reached, or if the complainant is not satisfied with the resolution, an outside agency may become involved. Lakehead District School Board will cooperate, as required, with external proceedings (i.e., police, Ontario Human Rights Tribunal) as required by law.
- 5.7.10 Should the complaint be proven to be malicious or in bad faith, the complainant may be subject to the disciplinary action.
- 5.7.11 Where an employee related complaint has been investigated, human resources will maintain the investigation records in accordance with section 7.0 8.0, Records.
- 5.7.12 Under Regulation 18(1) (b) of the Teaching Profession Act, a teacher must "on making an adverse report on another member, furnish that member with a written statement of the report at the earliest possible time and not later than three days after making the report."

5.8 Formal Student Complaints

- 5.8.1 Participants involved in the formal investigation procedure will include the complainant, the respondent, witnesses (if any), and the principal or designated investigator and/or support person.
- 5.8.2 Once a formal written complaint alleging harassment or discrimination from a student is received, the principal or designate(s) shall conduct an investigation. The principal or designate(s) will keep detailed notes pertinent to the investigation and as outlined in "records of investigation" (7.4 8.4).
- 5.8.3 The principal or superintendent will inform the parents/guardians of the involved parties if the student(s) are under the age of 18.
- 5.8.4 The investigator(s) normally will meet with the complainant first, to obtain the necessary information pertaining to their complaint.

PERSONNEL & EMPLOYEE RELATIONS	7000
DRAFT- February 13, 2024	
HUMAN RIGHTS AND WORKPLACE	

HARASSMENT PROCEDURES

- 5.8.5 The investigator(s) will inform the respondent about the complaint and seek the respondent's response to the allegations. A copy of the formal signed complaint will be submitted to the respondent, indicating the name of the complainant and respondent, the places, times, dates, and nature of the alleged incidents being investigated.
- 5.8.6 The principal or designate(s) conducts further fact-finding meeting(s,) as needed, including to interview potential witnesses.
- 5.8.7 Once the principal or designate(s) has completed the fact-finding investigation, the final report of the investigation **and a final summary report** will be prepared. The final summary report is provided to the complainant (parent/guardian where appropriate), respondent and the appropriate superintendent(s) **or RSO**. This summary will respect confidentiality to the extent possible.
- 5.8.8 In cases where there is a finding that a breach of the policy has occurred, appropriate disciplinary/remedial sanctions will be implemented. A record of the remedial or disciplinary action will be kept. The complainant and respondent will be informed, in writing, about results of the investigation and of any corrective action that has been or will be taken as a result of the investigation. In accordance with confidentiality and/or collective agreements, details of corrective action(s) against employees may not be disclosed.
- 5.8.9 Where a resolution cannot be reached, or if the complainant and/or their parents/guardians are not satisfied with the resolution, an outside agency may become involved. Lakehead District School Board will cooperate, as required, with any external proceedings (for example, police, Ontario Human Rights Tribunal).
- 5.8.10 Should the complaint be determined to be malicious or in bad faith, the complainant may be subject to the disciplinary action.

PERSONNEL & EMPLOYEE RELATIONS	7000
DRAFT- February 13, 2024	
HUMAN RIGHTS AND WORKPLACE HARASSMENT PROCEDURES	7030

- 5.9 Formal Other User Complaints
 - 5.9.1 Participants involved in the formal investigation procedure will include the complainant, the respondent, witnesses (if any), and an investigator and/or support person.
 - 5.9.2 Once a formal written complaint alleging harassment or discrimination is received from another user, the appropriate superintendent will appoint an investigator(s).
 - 5.9.3 The investigator(s) will meet with the manager to discuss the issue, as needed. The investigator(s) will keep detailed notes pertinent to the investigation and as outlined in "records of investigation" (7.4 8.4).
 - 5.9.4 The investigator(s) conducts further fact-finding meeting(s), as needed, including to interview potential witnesses.
 - 5.9.5 Once the investigator(s) has completed the fact-finding investigation, the final report of the investigation **and a final summary report** will be prepared. The final summary report is provided to the complainant, respondent, and the appropriate superintendent(s) **or RSO**. This summary will respect confidentiality to the extent possible.
 - 5.9.6 The complainant and respondent will be informed in writing about results of the investigation and of any corrective action that has been or will be taken as a result of the investigation. In accordance with confidentiality and/or collective agreements, details of corrective action(s) against employees may not be disclosed.
 - 5.9.7 Where a resolution cannot be reached, or if the complainant and/or their parents/guardians are not satisfied with the resolution, an outside agency may become involved. Lakehead District School Board will cooperate, as required, with external proceedings (for example, police, Ontario Human Rights Tribunal).
 - 5.9.8 Should the complaint be determined to be malicious or in bad faith, the complainant may be subject to the disciplinary action.

PERSONNEL & EMPLOYEE RELATIONS	7000
DRAFT- February 13, 2024	
HUMAN RIGHTS AND WORKPLACE HARASSMENT PROCEDURES	7030

6.0 <u>Possible Remedial or Disciplinary Action</u>

The type of remedy or discipline should:

- be based on an investigation;
- take all relevant factors into consideration; and
- be in accordance with the principles of progressive discipline and just cause, where applicable.
- 6.1 Employee Respondents

Any remedial or disciplinary action must be taken in consultation with the human resource manager or the superintendent of business. Action taken against an employee respondent may include discipline, up to and including, termination.

Some examples are as follows:

- an oral or written reprimand and/or a letter in file;
- counselling or training with an educational component focused on the impact of discrimination;
- continuing the employee in their assignment with precautionary measures, where appropriate;
- suspending the employee without pay; and
- termination.

Depending on the severity of remedial or disciplinary action taken, LDSB may be obligated to report the matter to the employee's regulatory body.

- 6.2 For student respondents remedial or disciplinary action to address the misconduct could be as follows:
 - an oral or written reprimand and/or a letter;
 - counselling with an educational component focused on discrimination;
 - informing parents, where applicable, according to LDSB policy;
 - suspension;
 - transfer (class or school);
 - expulsion; and
 - other appropriate discipline as outlined in the Education Act, other LDSB policies, or applicable Code(s) of Conduct.

PERSONNEL & EMPLOYEE RELATIONS	7000
DRAFT- February 13, 2024	
HUMAN RIGHTS AND WORKPLACE HARASSMENT PROCEDURES	7030

- 6.3 For other user respondents action taken could be as follows:
 - a letter of disapproval and warning;
 - revoking of permits or contracts;
 - issuing a trespass notice; and
 - other remedies as applicable by law.

7.0 Withdrawn & Abandoned Complaints

- 7.1 A complainant who has submitted a formal or informal complaint under this policy may opt at any time to withdraw their complaint.
 - 7.1.1 Intent to withdraw a complaint must be submitted to the investigator or Responsible SO (RSO) in writing.
 - 7.1.2 Once a complaint is withdrawn, the file will be considered closed and cannot be revived. The complainant can resubmit the complaint to open a new file, subject to the time limits outlined in this procedure.
- 7.2 A complainant can also voluntarily elect to forgo their formal complaint and investigation to instead participate in any options outlined in Section 4 Informal Complaint Process.
- 7.3 The investigator will take all reasonable steps to contact and gather information from the complainant and all parties involved. Should the complainant cease contact with the investigator during the investigation, the complaint file may be deemed abandoned.
 - 7.3.1 The investigator must demonstrate that they attempted to communicate with the complainant without response for a period of at least thirty (30) days in order to deem a complaint abandoned.
 - 7.3.2 The investigator will notify the Responsible SO (or other designated party) that the file is abandoned and closed. These files cannot be reopened.
 - 7.3.3 Complainants may resubmit their complaint to open a new file, subject to the time limits outlined in this procedure.

8.0 Records

8.1 All information will be gathered and dealt with in accordance with the Municipal Freedom of Information and Protection of Individual Privacy Act and be marked "PRIVATE AND CONFIDENTIAL". Records of investigation will be kept securely and according to the record retention schedule at LDSB.

PERSONNEL & EMPLOYEE RELATIONS	7000
DRAFT- February 13, 2024	
HUMAN RIGHTS AND WORKPLACE HARASSMENT PROCEDURES	7030

- 8.2 Records of investigation may include copies of the complaint, details regarding the incident/complaint, investigation notes, summaries, or reports.
- 8.3 Human resources will maintain investigation records pertaining to employees in a confidential file.
- 8.4 Records shall be kept for a period of a minimum of two years and in accordance with LDSB's Records Retention Schedule. If, at the time prescribed in the retention schedule, there is no litigation, investigation, *ongoing concerns*, or further activity under these procedures and the 7030 Human Rights and Workplace Harassment Policy involving a party to the original complaint, all records of the complaint will *may* be destroyed. A record of the type of document destroyed, by whom and when, should be kept in accordance with privacy legislation.
 - 8.4.1 The director of education and superintendent of human resources must approve the destruction of records of the complaints from an employee's confidential file. Approval will not be unreasonably withheld.
 - 8.4.2 For records of complaints against the superintendent of human resources, the director of education and chair of the Board of Trustees should follow the advice of the external legal counsel who managed the complaint.
 - 8.4.3 For records of complaints against the director of education, the chair of the Board of Trustees should follow the advice of the external legal counsel and human resources expert who managed the complaint.

PERSONNEL & EMPLOYEE RELATIONS

7000

DRAFT- February 13, 2024

HUMAN RIGHTS AND WORKPLACE HARASSMENT PROCEDURES

7030

9. Review

These procedures will be reviewed **annually**, in accordance with the Occupational Health and Safety Act, **R.S.O.** 1990, subsection 32.0.1(1). and LDSB policy.

Cross Reference	Date Approved	<u>Legal Reference</u>
7030 Workplace Harassment and Human Rights Procedures	April 19, 1994 <u>Date Revised</u>	Education Act
7040 Violence in the	June 22, 2004 April 22, 2008	Safe Schools Act
Workplace	November 24, 2020	Ontario Human Rights Code
1020 Equity and Inclusive Education - Faith and Creed Accommodation Guideline		Occupational Health and Safety Act
Appendix A		Policy/Program Memorandum 120 – Reporting Violent Incidents
8070 Safe Schools, System Expectations		
8071 Bullying Prevention and Intervention		Policy/Program Memorandum 128 – Provincial Code of Conduct & School Board Codes of Conduct
8072 Sexual Orientation and Gender Identity		
8075 Service Animals in Schools		

G:\POL\7030_harassment_human_rights_proc.doc

LAKEHEAD PUBLIC SCHOOLS

OFFICE OF THE DIRECTOR OF EDUCATION

2023 FEB 13 Report No. 029-24

TO THE CHAIR AND MEMBERS OF THE BOARD ADVISORY COMMITTEE - Public Session

RE: POLICY REVIEW - 7040 VIOLENCE IN THE WORKPLACE POLICY

1. <u>Background</u>

- 1.1 The 7040 Violence in the Workplace Policy was last revised on April 26, 2016.
- 1.2 On December 6, 2023, the policy and procedures were posted on the Board website and distributed to constituent groups for review and comment with input to be received by January 24, 2024.

2. Situation

- 2.1 Input was received and considered from constituent groups.
- 2.2 The revised policy is attached as Appendix A and the procedures as Appendix B.
- 2.3 Upon final approval, the policy will be distributed according to Board procedures.

RECOMMENDATION

The Board Advisory Committee recommends the approval of the following motion:

"That Lakehead District School Board approve the 7040 Violence in the Workplace Policy, Appendix A to Report No. 029-24".

Respectfully submitted,

MICHELLE PROBIZANSKI Superintendent of Education

SHERRI-LYNNE PHARAND Director of Education

PERSONNEL AND EMPLOYEE RELATIONS DRAFT FEBRUARY 13, 2024 7000

VIOLENCE IN THE WORKPLACE POLICY

7040

1. Rationale

Lakehead District School Board (LDSB) believes in the prevention of workplace violence and promotes a violence-free workplace in which all people respect one another and work together to achieve common goals. Any act of workplace violence is unacceptable conduct. Workplace violence in any form erodes the mutual trust and confidence that are essential to the well-being of our staff.

2. <u>Definitions</u>

As defined by the Occupational Health and Safety Act, workplace violence is:

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

3. The Policy

- 3.1 It is the policy of LDSB to adhere to the Occupational Health and Safety Act. Lakehead District School Board believes in the prevention of workplace violence and promotes a violence-free workplace in which all people respect one another and work together to achieve common goals. Any act of workplace violence is unacceptable conduct in any form and erodes the mutual trust and confidence that are essential to the well-being of our staff.
- 3.2 This policy applies to all work activities that occur while on Board premises, or while engaging in workplace activities or workplace social events.
- 3.3 This policy applies to all members of the Board community, including but not limited to, trustees, students, employees, visitors such as parents and community members, volunteers, permit holders, contractors, and employees of other organizations who work on or are invited to participate in Board related functions.
- 3.4 The Board is committed to implementing a process to deal with workplace violence and the requirements of the Occupational Health and Safety Act in accordance with Safe Schools legislation.

PERSONNEL AND EMPLOYEE RELATIONS DRAFT FEBRUARY 13, 2024 VIOLENCE IN THE WORKPLACE POLICY 7040

4. Guiding Principles

- 4.1 Employees, students and other users will strive to foster a respectful workplace through the prevention and prompt resolution of workplace violence incidents. Complaints will be taken seriously and handled professionally.
- 4.2 The Board shall provide a mechanism to lodge an informal complaint.
- 4.3 The Board shall provide a mechanism to lodge a formal complaint.
- 4.4 The Board shall provide a fair and objective formal process for dealing with alleged incidents of workplace violence. *This includes actions such as conducting ongoing risk assessments and creating safety plans.*
- 4.5 Confidentiality will be maintained to every extent possible; however, the nature of the investigation may require additional information beyond the complainant(s) and the respondent(s) to verify factual information.
- 4.6 Violence prevention training shall be offered to managers, supervisors and employees.
- 4.7 Violence is a serious offence. Any individuals found to have perpetrated an act of violence may be subject to disciplinary action up to and including dismissal. In addition, individuals may be subject to action under the Criminal Code of Canada.

PERSONNEL AND EMPLOYEE RELATIONS DRAFT FEBRUARY 13, 2024 | Compare the compare the compare the compare the compare the comparent of the compare the comparent of the comparent

VIOLENCE IN THE WORKPLACE POLICY

7040

5. Review

This policy shall be reviewed **annually** in accordance with Policy Development and Review Policy 2010 the Occupational Health and Safety Act, R.S.O. 1990, Subsection 32.0.1.

Cross Reference	Date Approved	Legal Reference
7030 Harassment and Human Rights Policy	May 25, 2010	Education Act Safe Schools Act
8070 Safe Schools Policy System Expectations	<u>Date Revised</u>	Ontario Human Rights Code Ontario Health and Safety Act
 8020 Access to School- Board Premises 	April 26, 2016	Policy/Program Memorandum 120 – Reporting Violent
• 1020 Equity and Inclusing Education		Incidents Policy/Program Memorandum 128 – The Provincial Code of
8040 Trespass to School8071 Bullying Prevention		Conduct/ School Board
and Intervention8092 Code of Conduct		Codes of Conduct Policy/Program Memorandum
5 0032 Gode of Conduct		144 – Bullying Prevention and Intervention
		Policy/Program Memorandum 145 – Progressive Discipline
		and Promoting Positive Student Behaviour
		Provincial Model for a Local Police/School Board Protocol (2015)

G:\POL\7040_violence_wkplc_pol.doc

PERSONNEL AND EMPLOYEE RELATIONS DRAFT February 13, 2024 DRAFT February 13, 2024

VIOLENCE IN THE WORKPLACE PROCEDURES

7040

1. The Policy

It is the policy of Lakehead District School Board (LDSB) to provide safe learning environments for students, staff and the general public. Lakehead District School Board will respond to any violence or disruptions in its schools or operations.

2. <u>Violence Against Staff</u>

Lakehead District School Board recognizes that violence in the workplace is an occupational health and safety concern, and in keeping with our Health and Safety Policy and Violence in the Workplace Policy, is committed to providing a safe and secure working environment for our employees, agents, and those who have authorized access to LDSB premises. It is an expectation of the Board that all its employees or others on Board business will, at all times, conduct themselves in a courteous, polite manner while dealing with the general public or members of the educational community. Accordingly, LDSB will protect and fully support any employee who is threatened, abused, or put at personal risk in the proper exercise of his/her their duties.

3. Defining Violence in the Workplace

Violence can be defined as an act of aggression which produces damaging or hurtful results.

- 3.1 Three categories of risk are addressed by these procedures:
 - 3.1.1 <u>Student and Public Aggression</u> includes aggressive, hostile, or disruptive behaviour by members of the public (students/parents) either on their premises, in the public domain, at LSDB facilities, on the phone, or any form of written or electronic communications.
 - 3.1.2 <u>Workplace Violence</u> includes physical aggression, threats, intimidation, bullying and temper outbursts. Lakehead District School Board's position is that aggression between employees is unacceptable in any form.
 - 3.1.3 <u>Workplace Protection</u> recognizes that personal tensions can pursue an employee to the workplace. Resentment, rejection, stalking and domestic disputes are among the factors that may compromise workplace security and could lead to an entire work group being put at risk.

PERSONNEL AND EMPLOYEE RELATIONS

7000

DRAFT February 13, 2024

VIOLENCE IN THE WORKPLACE PROCEDURES

7040

3.2 To deal with the low frequency, but high priority that threats of violence have in the learning environment, Human Resources *the Board* will monitor the internal risk environment of the Board and respond to events that could jeopardize LDSB staff. Human Resources will develop tools to assist principals, managers and supervisors to resolve confirmed threats or acts of violence by: monitoring policy, conducting risk assessments, developing contingency plans, organizing resources, investigating serious incidents and ensuring that there is general awareness of Board practices and procedures to respond to workplace threats.

4. <u>General Procedures</u>

- 4.1 An employee who is seriously threatened or put at personal risk, in any of the three situations described above, is authorized to suspend work if the individual is not a student, terminate contact with the offending party, and to immediately report the circumstances to their supervisor. An employee who is seriously threatened or put at personal risk by a student will ensure the Duty of Care¹ of the student(s) in their charge. The employee will report the circumstances to their supervisor. Supervisors will assess the situation to determine whether:
 - 4.1.1 an assault or a serious threat has taken place;
 - 4.1.2 the victim is in need of medical, emotional or other assistance;
 - 4.1.3 when and in what circumstances the original work should be resumed; and
 - 4.1.4 the employee should be reassigned.

¹ - The Education Act, Part x, Sec. 264 (e)

PERSONNEL AND EMPLOYEE RELATIONS

7000

DRAFT February 13, 2024

VIOLENCE IN THE WORKPLACE PROCEDURES

7040

- 4.2 <u>Violent Incident Report Form</u> must be submitted to <u>Human Resources</u> *the health and safety officer* by the employee and/or supervisor for all violent encounters, and in all serious cases of aggression. The report must contain:
 - 4.2.1 date, time and location of the occurrence;
 - 4.2.2 name(s) of the employee(s)/victim(s);
 - 4.2.3 name(s) and address(s) of the alleged assailant(s);
 - 4.2.4 specific language of the threat;
 - 4.2.5 actions that followed the threat;
 - 4.2.6 prior events or encounters that are relevant to the incident;
 - 4.2.7 the reason for contact between the victim(s) and the aggressor(s);
 - 4.2.8 a summary of events, including the outcome of the encounter;
 - 4.2.9 names and addresses of witnesses and of anyone else who was directly involved in the incident, including the police; and
 - 4.2.10 the supervisor's assessment of the encounter, including his/her their recommendation for further action and the disposition of the case.
 - 4.2.1 In reports about the conduct of a trustee or superintendent (excluding the superintendent of human resources), the director of education will serve as the supervisor and oversee the complaint.
 - 4.2.2 In reports about the conduct of the superintendent of human resources, the director of education and chair of the Board of Trustees will engage outside legal counsel and an external human resources expert to manage the complaint and incident reporting.
 - 4.2.3 In reports about the conduct of the director of education, the chair of the Board of Trustees will engage outside legal counsel and an external human resources expert to manage the complaint and incident reporting.

4.3 Minor Incidents

Minor incidents may be resolved by the supervisor, the employee and the third party, providing the employee consents to having the issue summarily dealt with. Events in the minor category may, for example, include outbursts of intemperate language or signs of temper, where there was no serious intent to cause harm. In such cases a supervisor's intervention could serve to neutralize tension, to draw an apology from the offender and to show the employee that he or she is being supported. Minor incidents are to be reported to human resources within one working day. The supervisor will review and forward the completed Violent Incident Report to human resources and the health and safety officer.

PERSONNEL AND EMPLOYEE RELATIONS DRAFT February 13, 2024 DRAFT February 13, 2024

VIOLENCE IN THE WORKPLACE PROCEDURES

7040

4.4 Serious Incidents

Serious Incidents include assault, confinement, believable threats of assault, abuse or harm, or sabotage. As well, behaviour that disturbs or threatens employees, students and others may be seen as serious. Serious incidents are to be reported to the principal or building manager immediately, who will without delay notify the superintendent of education. The supervisor will review and fax the completed Violent Incident Report to the superintendent the same day. Human resources will be advised of all serious incidents.

5. Workplace Violence

- 5.1 Hostile exchanges between employees, or in the context of working relationships, are subject to the same rules of law that apply in the greater community. Criminal and Civil actions may result from aggressive or abusive behaviour between workers, in addition to Board sanctions that could include termination. The supervisor will review and forward the completed Violent Incident Report to human resources and the health and safety officer.
- A potentially more damaging outcome of workplace violence, however, is the impact it has on teamwork and the corporate family. All cases of workplace violence at LDSB will be investigated by the principal, manager or supervisor. The investigation will specifically look for serious behaviour problems, the need to prompt an EAP referral, and the greater need to ensure a threat-free working environment for all employees.

6. Workplace Protection

Workplace Protection, in terms of these procedures, refers to the steps taken by management to deal with deviant personalities who may seek to bring violence or disruptive behaviour to Board work locations. Disoriented and alienated persons (not necessarily current employees or students) may find a target for their resentment in the Board. Domestic, economic and personal pressures could precipitate a workplace crisis, as could a random violent act.

7. Human Resources Department

7.1 The human resources department has been organized to respond to all <u>serious</u> incidents of student or public aggression, workplace violence, and workplace protection. In addition, human resources can be supported by external consultants in security, psychology, crisis management and other disciplines (Employee Assistance Program).

PERSONNEL AND EMPLOYEE RELATIONS

7000

DRAFT February 13, 2024

VIOLENCE IN THE WORKPLACE PROCEDURES

7040

- 7.2 The superintendent of education will update these procedures as required by its evaluations of serious incidents. Human resources will also coordinate awareness and educational programs designed to keep all employees and agents of the company aware of the measures taken to support employee protection.
- 7.3 The department will observe the strictest protocols of confidentiality so that employees will be encouraged to report potential and developing situations of violence.

8. <u>Investigation</u>

- 8.1 Investigation serves to protect Board employees from unfounded charges and counter charges. The process quickly documents the record of events, identifies witnesses and their evidence, corroborates facts and collects supporting detail. In most cases, investigation will give direction to, or reinforce, a police investigation.
- 8.2 The police and/or an independent investigator will be called on to look into all serious incidents. The investigator will begin his/her *their* inquiries immediately. If possible the investigator will interview the victim and the alleged offender the same day, and provide a summary report to the human resources department within 24 hours. All witness statements will preferably be taken the day of the occurrence. Where that is not practical, the statements will be taken at the earliest opportunity.
- 8.3 Copies of all statements will be attached to the confidential investigative report submitted to human resources. Copies will also be provided to the police if they are conducting a related investigation, in which case a summary of the police investigation and its conclusions should also be forwarded to the superintendent of education.
- 8.4 Investigations into the conduct of the superintendent of human resources will be forwarded to the director of education, the chair of the Board of Trustees, and their external legal advisors (per Section 4.2.2 of this procedure).
- 8.5 Investigations into the conduct of the director of education will be forwarded to the chair of the Board of Trustees and their external legal advisors (per Section 4.2.3 of this procedure).
- 8.46 If investigation determines the allegations are unfounded, all references will be removed from the individual's file as per statute of limitations.

9. Employee Support

9.1 Any employee who feels that a violent situation has not been effectively dealt with at the supervisory level, may directly contact the superintendent of education to review the circumstances and advise the employee.

PERSONNEL AND EMPLOYEE RELATIONS

7000

DRAFT February 13, 2024

VIOLENCE IN THE WORKPLACE PROCEDURES

7040

- 9.2 Lakehead District School Board will support any employee who has been subject to aggression in the line of work, or in circumstances that lead to charges being laid. The Board will allow the employee paid time off to assist the inquiry and to appear in court. It may also encourage other witnesses to support the administration of justice by indemnifying them from wage loss.
- 9.3 If criminal prosecution for an unprovoked attack on an employee is not entered by the police or if it does not succeed, the Board may elect to support the victim by underwriting the cost of civil litigation for damages. This exceptional option will be decided on by senior management based on the merits of the case.
- 9.4 As a minimum, the Board will ensure that the offender is formally warned or that a "Trespass Notice" is issued. The offender will be advised that such behaviour is illegal and unacceptable, and warned that any repeat act of aggression toward Board employees will result in criminal charges being laid.
- 9.5 In some situations the police will issue this warning to the offender, and will officially record the warning. Where the police are unable or unwilling to cooperate, the warning will be given by the superintendent of education, who will then formally notify the police of the warning for record purposes.
- 9.6 Incidents involving students will be addressed according to the relevant legislation, policy and procedure applicable to the situation.
 - Violent incidences will be flagged so that personnel can be alerted to potential volatile behaviours and appropriate training be provided to deal with potential incidences.
- 9.7 Students receiving special education services, whose behaviour(s) or activity(ies) pose a threat to staff or other students, will be dealt with according to the practices/procedures developed to deal with the situation.

10. Student-Led Incidents

- 10.1 Incidents of violence in the workplace caused by student behaviour or activities should be reported through 8070 Safe Schools System Expectations Procedures.
- 10.2 When determining a response to student-led incidents in the workplace, the principal and/or superintendent must consider the following factors:
 - 10.2.1 The ability of the student to control their behaviour.

PERSONNEL AND EMPLOYEE RELATIONS DRAFT February 13, 2024 7000

VIOLENCE IN THE WORKPLACE PROCEDURES

- 10.2.2 The ability of the student to understand the foreseeable consequences of their behaviour.
- 10.2.3 The level of risk the student's continuing presence may pose to the safety of any person.
- 10. 3 Per Appendix C of 8070 Safe Schools System Expectations Procedure: If an incident is caused by a student receiving special education services or who has ability-related needs, the principal and/or superintendent must also consider:
 - 10.3.1 If the behaviour causing the incident was a manifestation of the student's ability.
 - 10.3.2 If appropriate individualized accommodation has been provided to the point of undue hardship.
 - 10.3.3 If the response to an incident would likely result in an aggravating or worsening of the student's behaviour or conduct.
- 10.4 If an incident meets both the definition of Violence in the Workplace (Section 3 of this procedure) and a Critical Student Incident (Section 4.2 of 8070 Safe Schools System Expectations Procedures), it must be reported under both policies.

PERSONNEL AND EMPLOYEE RELATIONS

7000

DRAFT February 13, 2024

VIOLENCE IN THE WORKPLACE PROCEDURES

7040

1110. Review

These procedures shall be reviewed **annually in** accordance with Policy Development and Review Policy 2010 the Occupational Health and Safety Act, R.S.O. 1990, Subsection 32.0.1.

Cross Reference	Date Approved	Legal Reference
 7030 Harassment and Human Rights Policy 	May 25, 2010	Education Act Safe Schools Act
 8070 Safe Schools Policy – System Expectations 	Date Revised	Ontario Human Rights Code Ontario Health and Safety Act
 8020 Access to School- Board Premises 1020 Equity and Inclusive 	April 26, 2016	Policy/Program Memorandum 120 – Reporting Violent Incidents
Education • 8040 Trespass to Schools		Policy/Program Memorandum 128 – The Provincial Code of
 8071 Bullying Prevention and Intervention 		Conduct/ School Board Codes of Conduct Policy/Program Memorandum
8092 Code of Conduct		144 – Bullying Prevention and Intervention
		Policy/Program Memorandum 145 – Progressive Discipline and Promoting Positive Student Behaviour
		Provincial Model for a Local Police/School Board Protocol (2015)

G:\POL\7040_violence_wkplc_proc.doc

LAKEHEAD PUBLIC SCHOOLS

OFFICE OF THE DIRECTOR OF EDUCATION

2023 FEB 13 Report No. 028-24

TO THE CHAIR AND MEMBERS OF THE BOARD ADVISORY COMMITTEE - Public Session

RE: POLICY REVIEW - 3040 TRANSPORTATION POLICY

1. <u>Background</u>

- 1.1 The 3040 Transportation Policy was last revised on November 23, 2021.
- 1.2 At the January 23, 2024, Regular Board Meeting, the 3040 Transportation Policy was approved for review during the 2023-2024 school year in order to update to align with ministry of education funding parameters.

2. Situation

- 2.1 The revised policy is attached as Appendix A and the procedures as Appendix B.
- 2.2 Upon final approval, the policy will be distributed according to board procedures.

RECOMMENDATION

The Board Advisory Committee recommends the approval of the following motion:

"That Lakehead District School Board approve the 3040 Transportation Policy, Appendix A to Report No. 028-24".

Respectfully submitted,

KIRSTI ALAKSA Superintendent of Business

SHERRI-LYNNE PHARAND Director of Education

BUSINESS AND BOARD ADMINISTRATION DRAFT- February 13, 2024 TRANSPORTATION POLICY 3040

1. Rationale

The Education Act allows a board to provide transportation for students under certain conditions. Lakehead District School Board (LDSB) supports an active and healthy lifestyle, and encourages active transportation; however, due to the diversity of the urban and rural area and the diversity of programs offered from Junior Kindergarten to Grade 12, a comprehensive transportation policy and set of procedures is necessary.

2. The Policy

It is the policy of LDSB that students may be transported for education reasons at the Board's expense between home and zoned school, and on other occasions, according to the guidelines in Section 4.

3. <u>Definitions</u>

- 3.1 Eligible Student will be a resident in the district of LDSB who is registered in, and attending a school operated by, or under, the jurisdiction of LDSB.
- 3.2 Consortium will mean Student Transportation Services of Thunder Bay, an administrative consortium to deliver efficiency and cost-effective student transportation service for the Board.

4. Guidelines

- 4.1 Pursuant to the Education Act, R.S.O. 1990, LDSB may provide transportation to its students.
- 4.2 Lakehead District School Board will provide transportation, without charge, to students whenever such transportation is warranted, in accordance with the guidelines outlined in this policy and related procedures.
- 4.3 Lakehead District School Board considers transportation a privilege and not a right.

 Conduct detrimental to the safe operation of the bus or to other students riding on the bus will not be allowed.
- 4.4 Transportation will be organized and delivered by the Student Transportation Services of Thunder Bay Consortium on behalf of its three-member school boards: Lakehead District School Board, Thunder Bay Catholic District School Board, and Conseil scolaire de district catholique des Aurores boréales.
- 4.5 All routes and designated stops will be established by the consortium on the basis of safety, time, efficiency, loading, and economy.

BUSINESS AND BOARD ADMINISTRATION	3000
DRAFT- February 13, 2024	
TRANSPORTATION POLICY	3040

- 4.6 Transportation may be provided for students residing in our area to and from provincial schools operated by the Ministry of Education, any Ontario hospital, or a Mental Health Centre established under the Child and Family Services Act, R.S.O. 1990.

 Transportation will be provided in accordance with regulations of the Ministry of Education.
- 4.7 Where a student qualifies for board, lodging, and transportation under the Education Act, R.S.O. 1990, the Board may, in lieu of daily transportation, reimburse the parent/guardian an amount established under the guidelines of the Board.
- 4.8 Video cameras may be installed on school bus routes. Use of video cameras on buses to monitor student behavior will be with the approval of administration.
- 4.9 Public transit system will be utilized, where economical and time efficient. Public transit will be a consideration for students at the secondary and/or senior elementary school levels for home to school transportation.
- 4.10 Transportation Contracts
 - 4.10.1 School bus operators are licensed under the Public Vehicles' Act R.S.O. 1990 and the Ontario Highway Traffic Act. The regulations made under these Acts impose certain duties and responsibilities on the operator or a driver employed by the operator regarding control and safety in the operation of school buses.
 - 4.10.2 The Board shall contract with transportation companies for the transportation of students, following tendering or negotiations.
 - 4.10.3 Contracts will be presented to the Board for ratification.

BUSINESS AND BOARD ADMINISTRATION	3000
DRAFT- February 13, 2024	
TRANSPORTATION POLICY	3040

- 4.11 Employee and Private Individual Use of Private Cars
 - 4.11.1 Employees and private individuals are permitted to use their vehicles or rented vehicles with the appropriate license, provided principals or the employee's supervisor, authorize in writing, authorized use of the vehicles for:
 - the transportation of small groups of students for curricular or co-curricular activities; or
 - b) the performance of the conditions of employment.

Any such vehicles used must have adequate public liability insurance coverage. It is the responsibility of the employee and private individual to notify the Board, in writing, of any change in their public liability insurance coverage. Refer to Section 9 in the procedures for details.

Employees using their personal vehicle on Board business must adhere to 3070 Personal Use of Vehicles Policy and Procedures.

4.11.2 Students owning or operating vehicles are permitted to transport small groups of students for curricular or co-curricular activities as authorized, in writing, by the principal. The driver must file proof of having adequate liability insurance coverage and meet other requirements as set out in the procedures.

5. Minimum Walking Distances

5.1 Transportation will be provided for students who live beyond the distance from their zoned school as shown in the following:

<u>Grade</u>	<u>Distance</u>	
JK/SK	0.4 0.8 km	
1 – 3	0.8 1.6 km	
4 – 8	1.6 km	
9 – 12	1.6 3.2 km	

- 5.2 Students will be required to walk to and from regular school bus stops.
- 5.3 Secondary school students attending Board programs outside their zone school areas and who, during the school year, change to a program available in their zone school, will no longer be eligible for transport to the out of zone school.

3000

DRAFT- February 13, 2024

TRANSPORTATION POLICY

3040

6. Review

This policy will be reviewed according to 2010 Policy Development and Review Policy.

Cross Reference	Date Approved	<u>Legal Reference</u>
Transportation Services Overview	March 19, 1991 November 23, 2021	Education Act Reg. 262 Section 24(5)
Student Transportation Services of Thunder Bay (STSTB) STS-GEN- 023 Transportation Policy		Child and Family Services Act R.S.O. 1990
Student Transportation Services of Thunder Bay STS-GEN-024 Transportation Procedure		Ontario Public Vehicles' Act R.S.O. 1990
Student Transportation Services of Thunder Bay STS-SPE-001 Specialized Transportation Manual		Ontario Highway Traffic Act R.S.O. 1990
6010 Emergency Evacuation and School Closure Policy/Procedures		
3070 Personal Use of Vehicles Policy/Procedures	Date Revised April 28, 2009 October 22, 2013	
3100 Accessibility Policy/Procedures	November 23, 2021	
7030 Human Rights & Workplace Harassment Policy/Procedures		

BUSINESS AND BOARD ADMINISTRATION DRAFT- February 13, 2024 TRANSPORTATION PROCEDURES 3040

1. Policy

It is the policy of Lakehead District School Board (LDSB) that students may be transported for education reasons at the Board's expense between home and zoned school, and on other occasions, according to the guidelines in Section 4 of the policy.

2. Definitions

- 2.1 The procedures will define the action required to implement policy statements.
- 2.2 References to 'STSTB' shall mean Student Transportation Services of Thunder Bay, an administrative consortium to deliver efficiency and cost-effective student transportation service for the Board.
- 2.3 References to "Bus Operator" shall mean owner of the bus company.
- 2.4 References to "Driver" shall mean the driver of the school bus.
- 2.5 Eligibility defined in policy under Definitions, item 3.1.

3. <u>Services – Daily Home to School</u>

- 3.1 Accessibility is considered in contracting transportation services in accordance with 3100 Accessibility Procedures, Section 7.
- 3.2 Student Transportation Services of Thunder Bay shall design routes to accommodate the majority of students in a given area, taking into consideration road conditions, proper turnarounds, timing and efficiency of routes, safety of students involved, and economy.
- 3.3 Bus stop locations, including transfer points and any changes to routes, must be authorized by STSTB.
- 3.4 Student pick up address may be different from their drop off transportation address and either or both may be different than their home address provided that:
 - a) the locations are within the school zone boundaries;
 - b) the schedule is static; and
 - c) request is received by LDSB from the parent(s)/guardian(s) and if approved by the consortium.

BUSINESS AND BOARD ADMINISTRATION	3000
DRAFT- February 13, 2024	
TRANSPORTATION PROCEDURES	3040

- 3.5 Under specific circumstances, as approved by the director of education or designate, out of zone transportation to and from alternate home address may be provided, within existing scheduled routes, to and from the student's designated zone school.
- 3.6 Distances will be calculated as the distance by public pathway and public road from home to the closest school entrance of the school using the shortest route.
- 3.7 Seating accommodation and maximum loading factors for each bus servicing a school will be determined by:
 - dividing the total inches of seating by 13 inches allowing three students per bench for Junior Kindergarten to Grade 6;
 - dividing the total inches of seating by 15 inches allowing two students per bench for Grades 7 to 12; and
 - immediate arrangements shall be made to eliminate overcrowding or standees on school buses.
- 3.8 Where practical and feasible, vehicles will be utilized to their fullest extent by servicing more than one route, and more than one district school board.
- 3.9 Student Transportation Services of Thunder Bay shall follow the summary of procedures, rules and regulations relating to school bus transportation as described in STSTB STS-GEN-023 Transportation Policy/STS-GEN-023fr Politique en maitiere de transport, prepared by consortium members.
- 3.10 No student will be discharged from a bus at a transfer point other than a designated transfer point. Students will only be discharged at a transfer point if there is Board supervision such as on school property or, otherwise, remain on their original bus until the transfer bus arrives. If, for any reason, the transfer bus does not arrive within a reasonable time, students must remain on the original bus until alternative arrangements can be made.
- 3.11 Whenever possible, no student will ride more than two buses while travelling to and from school. Routes will be designed, where possible, to limit the time riding on a bus to one hour each way. For students who reside in rural areas or attend programs at schools outside their home school catchment area (i.e., French Immersion, IB), ride times may exceed one hour.

BUSINESS AND BOARD ADMINISTRATION DRAFT- February 13, 2024 TRANSPORTATION PROCEDURES 3040

3.12 Routes will be designed to make every effort to arrive at schools as near to school opening times as possible, no earlier than 15 minutes before the bell at elementary schools, and to arrive at the bus stop nearest home as soon after school closing time as possible.

4. <u>Special Consideration</u>

4.1 <u>Courtesy Transportation</u>

As a courtesy, transportation may be provided to students who are ineligible for transportation where there is room on a bus, the student is zoned for the school, and the student is expected to be able to get to and from an existing stop safely. Students may be transported, although they normally would not be eligible for transportation, provided that, when eligible students require transportation, those ineligible students living closest to the school will be the first to relinquish their occupancy.

4.2 Out of Zone Transportation

Students who choose to attend a school outside of their school area must assume responsibility for their transportation to the chosen school.

4.3 Hazards

The Board will provide transportation to students whose transportation address falls below the eligibility distance when the consortium identifies hazards that warrant overcoming traffic or other forms of hazards.

4.4 Special Transportation

The Board may provide transportation for students who cannot access regular modes of transportation. Transportation will be provided, at the discretion of the director of education or designate, for injuries/medical conditions where the lack of access to school transportation presents a hardship for the parent/guardian.

4.5 Students with Special Needs

4.5.1 Students enrolled in self-contained programs, or identified as exceptional students, will be transported to designated schools in accordance with policy concerning distance between home and school. When possible, these students will be transported on regular routes.

BUSINESS AND BOARD ADMINISTRATION	3000
DRAFT- February 13, 2024	
TRANSPORTATION PROCEDURES	3040

- 4.5.2 If circumstances, which in the opinion of the principal and/or other agencies, indicate that a student's interests would best be served by a transfer to another school (and this is approved by the director of education or designate), the student's transportation to the new school will be provided at the expense of the Board.
- 4.5.3 Student Transportation Services of Thunder Bay shall follow the summary of procedures relating to special needs students as described in STSTB STS-SPE-001 Specialized Transportation Manual prepared by consortium members.

4.6 Other Considerations

On an as needed basis, as approved by the director of education or designate, transportation may be provided to students where the lack of access to school transportation presents an undue hardship for the parent/guardian.

5. Use of Video Cameras on School Buses

The use of video cameras on buses will be as per STSTB STS-GEN-024 Transportation Procedures 4.0.

6. Discipline on School Buses

- 6.1 Breaches of conduct detrimental to the safe operation of the school bus to other students riding the bus will not be tolerated.
- 6.2 Every student is responsible to the principal of the school that s/he attends for her/his conduct on the school board premises or while travelling on a school bus that is under contract to that board.
- 6.3 Reference of Conduct and Discipline on Buses is in the STSTB Consortium 'Transportation Services Overview' booklet.

7. Transportation Contracts

- 7.1 Transportation contracts with independent bus operators will be on the basis of tendered submissions.
- 7.2 Student Transportation Services of Thunder Bay is mandated to administer member Boards' transportation contracts.

BUSINESS AND BOARD ADMINISTRATION	3000
DRAFT- February 13, 2024	
TRANSPORTATION PROCEDURES	3040

7.3 Bus operator shall ensure that each driver has required safety training as described in contract documents. Such training shall include, but not limited to, current Emergency First Aid, Adult and Child CPR, and Epinephrine autoinjector training.

8. Route Reviews

- 8.1 The consortia shall conduct reviews of routes to ensure the maintenance of an efficient, safe, and cost-effective transportation system.
- 8.2 Routes may be designed as to facilitate the use of central pick up and drop off locations to encourage efficiency and economies in the system.
- 8.3 Routes shall be established to minimize the amount of travelling time on the school bus. Pick ups before 7:00 a.m. and drop offs after 5:00 p.m. will be kept to a minimum, depending on the length of the route.
- 8.4 Routes will be designed to accommodate the concepts of double and triple routing and route sharing with all member boards of the consortia, where feasible and cost efficient.

9. Employee and Private Individual Use of Private Cars:

- 9.1 Policy Item 4.11, Employee and Private Individual Use of Private Cars shall have adequate public liability insurance coverage (minimum coverage shall be \$2,000,000).
- 9.2 Policy Item 4.11.2, Requirements for student use of cars:
 - ensure that the student has adequate public liability insurance (minimum coverage should be \$2,000,000);
 - be satisfied that the driver is a reliable, responsible person;
 - advise students that they are under the jurisdiction of the school and that rules and regulations of the school apply while on school event trips;
 - advise students that they are to go directly to the event and return within a given time authorized by the principal, or their designate;
 - obtain written approval from the owner that the driver has permission to transport other students in the vehicle:
 - give written authorization to the student granting permission to drive the vehicle for a school event; and
 - be satisfied that the number of students transported shall not exceed the loading capacity of the vehicle and that all passengers are properly seat belted.

BUSINESS AND BOARD ADMINISTRATION	3000
DRAFT- February 13, 2024	
TRANSPORTATION PROCEDURES	3040

10. <u>Disposal of School Bus Business</u>

10.1 An operator may dispose of their school bus business or change the ownership of the firm in whole or in part as per conditions contained in the signed contract.

10.2 <u>Notification of Relationship</u>

Upon request of the superintendent of business, and, in any event annually, all bus operators shall file a declaration as to their relationship, if any, to the controlling common share ownership of any other bus operator or a statement that they are unrelated to any other bus operator verified by affidavit or statutory declaration.

11. <u>Board and Lodging</u>

- 11.1 Eligibility for board and lodging assistance will be for students who reside more than 64 kilometers (40 miles) from home to school and are not resident students of another board.
 - 11.1.1 When a student travelling on a regular daily route provides proof that the long distance of the regular route is detrimental to their progress in school.
 - 11.1.2 When a student travelling on a regular daily route wishes to participate in a regular recognized extra-curricular program.
 - 11.1.3 When a non-resident student attends LDSB and resides in a district where there is no other board jurisdiction.
 - 11.1.4 Board and lodging applications shall be submitted to the school but are subject to the approval of Board administration.
 - 11.1.5 Assistance payments shall not exceed the maximum amount approved by the senior administration.

12. <u>Instructions</u>

- 12.1 The Student Transportation Services of Thunder Bay Consortium booklet 'Transportation Services Guide' will be provided as a reference guide.
- 12.2 Emergency procedures for transportation and school closures are referred to in 6010 Emergency Evacuation and School Closure Policy and Procedures.

BUSINESS AND BOARD ADMINISTRATION	3000
DRAFT- February 13, 2024	
TRANSPORTATION PROCEDURES	3040

13. <u>Communications and or Complaints</u>

- 13.1 Responsibility for providing information pertaining to this policy and its regulations to operators and/or bus drivers shall rest with the consortia office.
- 13.2 Responsibility for providing information pertaining to this policy and its regulations to parents/guardians and students shall rest with principals.
- 13.3 Parent/guardian and/or student inquiries should be directed to the principal for response.
- 13.4 If the principal requires assistance, their inquiries should be directed to the consortia office, except in the case of disciplinary matters.
- 13.5 Board trustees shall direct inquiries or complaints to the director of education or designate.
- 13.6 The transportation manager of the Board shall have the authority to make decisions consistent with Board policy.
- 13.7 Any individual may appeal decisions made under this policy after pursuing the matter through the appropriate administrative personnel. All appeals must be presented, in writing, for consideration by the consortium manager and further to the director of education or designate, should the appellant wish to challenge the decision of the consortium manager.

3000

DRAFT- February 13, 2024

TRANSPORTATION PROCEDURES

3040

14. Review

These procedures shall be reviewed in accordance with the 2010 Policy Development and Review Policy.

Cross Reference	Date Approved	Legal Reference
Transportation Services Overview	March 19, 1991	Education Act. Reg. 262 Section 24(5)
Student Transportation Services of Thunder Bay (STSTB) STS-GEN-023 Transportation Policy		Child and Family Services Act R.S.O. 1990
Student Transportation Services of Thunder Bay STS-GEN-024 Transportation Procedure		Ontario Public Vehicles' Act R.S.O. 1990
Student Transportation Services of Thunder Bay STS-SPE-001 Specialized Transportation Manual		Ontario Highway Traffic Act R.S.O. 1990
6010 Emergency Evacuation and School Closure Policy/Procedures		
3070 Personal Use of Vehicles Policy/Procedures	<u>Date Revised</u> April 28, 2009 October 22, 2013	
3100 Accessibility Policy/Procedures	November 26, 2013 November 23, 2021	
7030 Human Rights & Workplace Harassment Policy/Procedures		

LAKEHEAD PUBLIC SCHOOLS

OFFICE OF THE DIRECTOR OF EDUCATION

2024 FEB 13 Report No. 026-24

TO THE CHAIR AND MEMBERS OF THE BOARD ADVISORY COMMITTEE - Public Session

RE: POLICY REVIEW – 3020 LEGAL REPRESENTATION POLICY

1. <u>Background</u>

The 3020 Legal Representation Policy was last revised on May 23, 2017.

2. <u>Situation</u>

- 2.1 The policy has been reviewed and reflects recommendations from the review committee.
- 2.2 The policy is attached as Appendix A and the procedures as Appendix B.
- 2.3 Upon final approval, the policy and procedures will be distributed according to Board procedures.

RECOMMENDATION

The Board Advisory Committee recommends the adoption of the following motion:

"That Lakehead District School Board approve 3020 Legal Representation Policy, Appendix A to Report No. 026-24.

Respectfully submitted,

SHERRI-LYNNE PHARAND Director of Education

Draft February 13, 2024

3000

Appendix A to Report No. 026-24

LEGAL REPRESENTATION POLICY

3020

1. Rationale

There are occasions when legal advice is necessary to assist in resolving very complex and technical problems.

2. The Policy

It is the policy of Lakehead District School Board that all matters requiring professional legal assistance must be approved by the director of education or designate before referral is sought. In the instance that the legal matter is regarding the director of education, legal and human resources counsel may be sought through a motion of the Board.

3. <u>Guidelines</u>

- 3.1 That any solicitor or firm of solicitors so engaged will be recompensed on a fee-for-service basis.
- 3.2 For specific details concerning this policy, refer to 3020 Legal Representation Procedures. Any questions related thereto may be directed to the superintendent responsible.

4. Review

This policy shall be reviewed in accordance with 2010 Policy Development and Review Policy.

Cross Reference	Date Approved	<u>Legal Reference</u>
	February, 1979	
	Date Revised	
	June 22, 2010 May 23, 2017	

G:\POL\3020_legal_rep_pol.doc

Draft February 13, 2024

3000

Appendix B to Report No. 026-24

LEGAL REPRESENTATION PROCEDURES

3020

1. The Policy

It is the policy of Lakehead District School Board that all matters requiring professional legal assistance must be approved by the director of education or designate before referral is sought.

2. Implementation Procedures

- 2.1 If legal representation is deemed necessary, by an employee, they should contact their superintendent or, if their superintendent is not available, the director or any other superintendent.
- 2.2 Briefly outline the matter to the superintendent.
- 2.3 The superintendent will decide if the matter requires legal representation. If the matter does not require legal representation, the superintendent will provide the necessary information to allow the matter to be resolved.
- 2.4 If the matter is deemed to require legal representation, the superintendent, in consultation with the director, will engage a solicitor to contact the employee directly and continue until the matter is resolved. All engagements must be confirmed in writing (this does not preclude a verbal engagement, but any verbal engagement must be followed by a written confirmation).
- 2.5 A copy of each referral will be forwarded to the director, who will keep a record of each legal engagement. Such a record will include: the date of engagement, authorizing official, brief description of the matter, the date of completion, and the cost.
- 2.6 The director files a report annually on the year's activities with respect to use of legal firms.
- 2.7 If the matter is regarding the director of education, the chair will call a Special Board Meeting or bring to the next Regular Board Meeting a motion to seek legal and/or human resources assistance for the Board of Trustees as an employer.

Draft February 13, 2024

3000

Appendix B to Report No. 026-24

LEGAL REPRESENTATION PROCEDURES

3020

3. Review

These procedures shall be reviewed in accordance with 2010 Policy Development and Review Policy.

Cross Reference	Date Approved	<u>Legal Reference</u>
	February, 1979	
	Date Revised	
	June 22, 2010 May 23, 2017	

G:\POL\3020_legal_rep_proc.doc

LAKEHEAD PUBLIC SCHOOLS

OFFICE OF THE DIRECTOR OF EDUCATION

2024 FEB 13 Report No. 024-24

TO THE CHAIR AND MEMBERS OF THE BOARD ADVISORY COMMITTEE – Public Session

RE: APPOINTMENTS TO THE 2023-2024 PARENT INVOLVEMENT COMMITTEE

1. <u>Background</u>

Vacant positions continue to be advertised for the 2023-2024 Parent Involvement Committee.

2. Situation

- 2.1 Through the Board website, PIC has continued to seek representation for vacant positions.
- 2.2 Two applications have been received for alternate parent members.

RECOMMENDATION

The Board Advisory Committee recommends the adoption of the following motion:

"That Lakehead District School Board approve the appointments of Adora-Lee Nawagesic and Carla Mulholland as alternate parent members to the Parent Involvement Committee effective February 27, 2024, to November 14, 2024 as outlined in Report No. 024-24.

Respectfully submitted,

SHERRI-LYNNE PHARAND Director of Education